



Regular Meeting of Council

Minutes

Date: February 16, 2021
Time: 1:00 pm
Location: Council Chambers - members participating remotely

Members Present: Mayor Marianne Meed Ward, Kelvin Galbraith, Lisa Kearns, Rory Nisan, Shawna Stolte, Paul Sharman, Angelo Bentivegna

Staff Present: Tim Commisso, David Thompson (Audio/Video Specialist), Debbie Hordyk, Kevin Arjoon (Clerk)

Note: Due to COVID-19 and public health concerns public attendance was not permitted at this meeting. The Mayor was present in Council Chambers while Councillors participated remotely.

1. Call to Order:

2. National Anthem:

3. Regrets:

4. Proclamations:

4.1 I Read Canadian Day: February 17, 2021

4.2 Rare Disease Awareness Day: February 28, 2021

4.3 World Down Syndrome Day: March 21, 2021

5. Motion to Approve Council Minutes:

Moved by: Councillor Bentivegna

Seconded by: Councillor Sharman

Confirm the minutes of the following meeting of Council:

CARRIED

5.1 Regular Council meeting of January 19, 2021

5.2 Special Council meeting of February 3, 2021

6. Recognitions and Achievements:

None.

7. Presentations:

None.

8. Declarations of Interest:

None.

9. Delegations:

None.

10. Petitions:

None.

11. Recommendations from Standing Committees:

11.1 Council Workshop meeting of January 18, 2021

11.2 Corporate Services, Strategy, Risk and Accountability meeting of January 21, 2021

a. 2021 operating budget overview (F-04-21) (SD-05-21)

Receive the proposed 2021 operating budget book; and

Direct staff to present the recommendations in Appendix A to the Corporate Services, Strategy, Risk and Accountability Committee meetings of February 23 and 25, 2021 for review and approval, taking into consideration committee amendments; and

Direct the Chief Financial Officer to provide a list of 2021 operating budget reduction items for Council's consideration that could decrease the overall proposed tax impact (city, region, education) from 2.88% to 2.43% (representing a city tax increase of 3.99%) with the list being provided to members of Council by February 1, 2021 and included for public reporting as part of the February 23, 2021 Corporate Services, Strategy, Risk & Accountability Committee - Operating Budget Review and Approval. (SD-05-21)

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

11.3 Community Planning, Regulation and Mobility meeting of February 2, 2021

All items were voted upon by way of one consent vote.

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

- a. Response to Staff Direction SD-32-19 – Meridian Brick Aldershot Quarry (PL-04-21)

Receive and file community planning report PL-04-21 providing a response to staff direction SD-32-19 regarding the Meridian Brick Aldershot Quarry.

CARRIED

- b. Meridian Brick Aldershot Quarry (MO-02-21)

Approve the Terms of Reference for the creation of the Aldershot Quarry Community Liaison Committee detailed in Appendix C to Mayor's office report MO-02-21; and

Receive and file Appendices A and B to Mayor's office report MO-02-21.

CARRIED

- c. Confidential legal advice regarding Meridian Brick Aldershot Quarry (L-01-21)

Receive and file legal services department report L-01-21 providing confidential legal advice on Meridian Brick Aldershot Quarry.

CARRIED

11.4 Corporate Services, Strategy, Risk and Accountability meeting of February 3, 2021

Items a, b, c, d, e and g were voted upon by way of one consent vote.

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

a. Hydro business plan (F-01-21)

Receive and file finance department report F-01-21 regarding the Hydro 2021 business plan.

CARRIED

b. 2021 budget engagement process (F-05-21)

Receive and file finance department report F-05-21 providing details about the 2021 budget engagement process.

CARRIED

c. Investing in Canada Infrastructure (ICIP) - transit stream funding agreement (CS-01-21)

Authorize the Mayor and City Clerk to execute the transfer payment agreement or any required amendment to the agreement between the City of Burlington and the Province of Ontario regarding the Investing in Canada Infrastructure Program (ICIP) - transit stream, along with the attached by-law and any other related documents to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

CARRIED

d. 2021 Halton Court Services business plan and budget (L-03-21)

Approve the 2021 Halton Court Services (HCS) budget as presented; and

Approve a cost-recovery collections fee of \$30.00 to be added to all defaulted fines effective January 1, 2021, and the collections fee to be reviewed every three years thereafter; and

Contribute \$50,000 from net revenues to the capital reserve fund during 2021 to ensure that requirements of the capital reserve fund policy are met; and

Approve \$40,000 for additional A/V equipment to deliver virtual court and remote interpretation solutions as per provincial requirements due to the pandemic funded through the capital reserve fund; and

Amend the memorandum of understanding and local side agreement to reflect the transfer of part three *Provincial Offences Act* (POA) prosecutions from the Ministry of Attorney General (MAG) to the municipal partnership; and

Approve the hiring of one Prosecutor to manage the download of responsibility from the province for the prosecution of part three offences; and

Approve the conversion of one part-time Case Administrator to one full-time position to manage the download of responsibility from the province for the case administration of part three offences; and

That recommendations 5, 6, and 7 above be subject to the terms of the transfer of responsibility for part three prosecutions being determined/clarified by the Province and its municipal partners, and HCS staff reporting back to the joint management board (JMB) on the following:

- i. amending the memorandum of understanding and local side agreement to reflect the transfer of part three POA prosecutions from MAG to the municipal partnership, and
- ii. the staffing implications required to manage the download of responsibility from the province for the prosecution of part three offences, and
- iii. the financial implications of the transfer of the prosecution of part three offences including mitigation opportunities; and

Direct HCS staff to report back to the JMB following the first quarter of 2021 on the status of the budget.

CARRIED

- e. Implementation of Burlington lands partnership (CM-01-21)

Approve the Terms of Reference dated January 2021 for the BLP attached as Appendix A to city manager's office report CM-01-21; and

Approve funding of the BLP in the amount of \$250,000 from the Strategic Plan Reserve Fund to support the year one operations; and

Direct the City Manager to report back on the following:

- In Q2 2021, following consultation with the BLP Steering Committee, with the proposed Burlington lands partnership operating model and the 2021/22 business plan objectives; and
- In Q3 2022, with a status update report on the Burlington lands partnership including overall 2021/22 performance/accomplishments, detailed financial report, both operating and capital budget related and recommendations for future strategic land management; and

Refer the council representation of the Burlington Lands Partnership Steering Committee back to the City Manager and report back at the March 3, 2021 Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

- g. Confidential verbal update on a real estate matter (CSSRA-03-21)

Instruct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with suggested approach outlined in confidential legal department presentation CSSRA-03-21.

CARRIED

- f. Confidential update on a litigation matter (L-02-21)

Moved by: Councillor Kearns

Seconded by: Councillor Galbraith

Instruct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instruction sought in confidential legal department report L-02-21; and

That Council waive privilege to Appendix B of Report L-02-21, the planning rationale for the application at 2082, 2086 & 2090 James Street, and that solicitor client privilege continue to apply for all purposes for the balance of the report L-02-21.

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

Moved by: Councillor Kearns
Seconded by: Councillor Galbraith

Amend Confidential legal update on a litigation matter (L-02-21) by adding the following paragraph:

That Council waive privilege to Appendix B of Report L-02-21, the planning rationale for the application at 2082, 2086 & 2090 James Street, and that solicitor client privilege continue to apply for all purposes for the balance of the report L-02-21.

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

11.5 Environment, Infrastructure and Community Services meeting of February 4, 2021

Items a, b and c were voted upon by way of one consent vote.

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

a. Public Tree Removal Report – 338 Johnston Drive (RPF-02-21)

Approve the request by the applicant to remove six (6) City trees in order to proceed with the proposed grading activities as part of a requirement of Conservation Halton to satisfy conditions identified in the applicants land severance application through Committee of Adjustment File No. B-014/18; and

Instruct the applicant, Tony Millington & Associates on behalf of Gurmit Kahlon, to provide compensation for tree removals by providing cash-in-lieu of replacement totaling \$2,600.00. The funds will provide for new tree plantings elsewhere in the City which includes care and maintenance for the first two years; and

Direct that a tree permit be obtained for the removals and the associated development related permit fee of \$680.00 plus HST; and

Direct that all associated costs with respect to the removal of the 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.

CARRIED

b. Open Air Burning 2020 Pilot North Aldershot Extension (BFD-02-21)

Approve an extension to the open air burning pilot in the North Aldershot area, from March 1, 2021 to December 31, 2022 as outlined in Burlington fire department report BFD-02-21; and

Direct the Fire Chief to report back in 2023 to advise council on their final recommendations to revise or uphold the allowed burning areas defined in By-law 65-2019, Appendix A to Burlington fire department report BFD-02-21.

CARRIED

c. Electric Vehicle Charging Update and Analysis (EICS-01-21)

Receive and file environment, infrastructure and community services report EICS-01-21 providing electric vehicle charging update and analysis; and

Direct the Executive Director of Environment, Infrastructure and Community Services to develop a policy to guide the expansion, upper level government or external funding, operation and maintenance of electric vehicle charging infrastructure on city property.

CARRIED

- d. Update to By-Law 76-2020 – Emergency and Continuity Management Program (BFD-01-21)

Approve the amendments to By-Law 76-2020, Emergency and Continuity Management Program and associated appendices, attached as Appendix 1 to Burlington fire department report BFD-01-21, including:

- Appointment of new members to the Municipal Emergency Control Group (MECG);
- Appointment of new members to the Emergency Management Program Committee (EMPC); and
- Transition of the physical alternate Emergency Operations Center to the new Virtual Emergency Operations Center Platform; and Amend the Emergency and Continuity Management Program By-Law 76-2020 section 2.1.4 to read 'The Head of Council of the City of Burlington may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area' and amend section 2.2.2 under subheading Head of Council to read 'The Head of Council (or the Council) of the City of Burlington may at any time declare that an emergency has terminated'

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

12. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Stolte

Seconded by: Councillor Nisan

Approve the following minutes:

CARRIED

12.1 Council Workshop meeting minutes of January 18, 2021

12.2 Corporate Services, Strategy, Risk and Accountability meeting minutes of January 21, 2021

12.3 Community Planning, Regulation and Mobility meeting minutes of February 2, 2021

12.4 Corporate Services, Strategy, Risk and Accountability meeting minutes of February 3, 2021

12.5 Environment, Infrastructure and Community Services meeting minutes of February 4, 2021

12.6 Council Workshop meeting minutes of February 8, 2021

13. Reports of Municipal Officers:

13.1 Feasibility of a city-wide health protection by-law (SD-06-21)

Memorandum regarding this item is attached as item 17.2.

Moved by: Councillor Stolte

Seconded by: Councillor Bentivegna

Direct the Executive Director of Legal Services to undertake a detailed review of the feasibility of a city-wide health protection by-law to be funded from the contingency reserve fund and report back by Q2 2021.

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

13.2 Burlington Advisory Committees and Burlington Downtown Business Association Board Appointments (CL-03-21)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Approve appointments to the City of Burlington's advisory committees and the Burlington Downtown Business Association Board of Directors, as outlined in confidential Appendix A of office of the city clerk's report CL-03-21 and following approval from Council make the recommended names for appointments public.

Approve the following appointments to the Burlington Agricultural and Rural Affairs Advisory Committee for a term to expire on December 31, 2023:

- Larry Campbell
- Vincent Sowa
- Michiel Barnard
- Simon O'Keefe (alternate)
- Peter Starcevic (alternate)

Approve the following appointments to the Burlington Cycling Advisory Committee for a term to expire on December 31, 2022:

- Jonathan Millman
- Patricia Binnie
- Laura Fowlie
- Vicki Trottier
- Mohamed Abdel-Aziz

Approve the following appointments to the Burlington Cycling Advisory Committee for a term to expire on December 31, 2023:

- Christopher Scotland
- Claudia Segatore
- Katherine Dobson
- Brett Moore
- Tracey Almeida
- Robert Todd

- Greg Pace
- Mohamed Sayed (alternate)
- Nancy Gray (alternate)
- James Dekens (alternate)

Approve the following appointments to the Burlington Downtown Parking Advisory Committee for a term to expire on December 31, 2024:

- Susan Morrissey
- Andrew Pawlowski
- Jennifer Conforzi
- Natalie Pierre
- Joe Gaetan (alternate)

Approve the following appointments to the Burlington Inclusivity Advisory Committee for a term to expire at December 31, 2022:

- Amreen Rahman
- Rameen Sabet
- Hiba Zinbarakji
- Hanadi Al-Masri
- Michael Brooks
- Kumkum Bhandari
- Salma Emam (alternate)

Approve the following appointments to the Burlington Integrated Transportation Advisory Committee for a term to expire at December 31, 2022:

- Beth Revelle
- Donald Richardson
- Briana Petersen

Approve the following appointments to the Burlington Integrated Transportation Advisory Committee for a term to expire at December 31, 2023:

- Carm Piro
- Jason Manayathu
- Nick Morrison
- Alexander Andrenkov (alternate)

Approve the following appointments to the Burlington Mundialization Committee for a term to expire at December 31, 2023:

- Allison Tan
- Joanna Sparrow
- Allan Dykstra
- Chris VanDooren
- Aysha Rizwan
- Alex Maveal (alternate)
- Brett Huttman (alternate)

Approve the following appointments to the Burlington Seniors' Advisory Committee for a term to expire at December 31, 2022:

- John Kalbfleisch
- Nancy Gilbert
- David Page (alternate)
- Jacqueline de Paula (alternate)

Approve the following appointments to the Burlington Sustainable Development Advisory Committee for a term to expire at December 31, 2023:

- Tim Park
- Susan Mattine
- Mathew McAuley
- Rafiq Dhanji
- Anne Hammill
- Guy Sheppard

- Fahim Hoque
- Chris Ariens
- Paul Fletcher
- James (Jim) Adams
- Nikki Walton
- Tom Krumins
- Adria Cehovin
- Laura DiPaolo (alternate)
- Jose Henao (alternate)

Approve the following appointments to the Board of Directors for the Burlington Downtown Business Association for a term to expire at December 31, 2024:

- Barry Glazier
- Liza Bouchard-Bain
- Stefanie Peachey
- Ali Ucar (effective March 1, 2021)

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

14. Notices of Motion:

None.

15. Motions:

None.

16. Motion to Receive and File Council Information Packages:

Moved by: Councillor Galbraith
 Seconded by: Councillor Kearns

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

CARRIED

16.1 Council Information Package January 21, 2021

16.2 Council Information Package January 29, 2021

16.3 Council Information Package February 5, 2021

16.4 Council Information Package February 12, 2021

17. Motion to Receive and File Information Items:

Moved by: Councillor Bentivegna

Seconded by: Councillor Nisan

Receive and file information items, having been considered by Council:

CARRIED

17.1 Memorandum from Karen Roche, Fire Chief regarding amendments to By-law 76-2020 - Emergency and Continuity Management Program (BFD-01-21)

17.2 Memorandum from Tim Commisso, City Manager, regarding feasibility of a city-wide health protection by-law (SD-06-21)

18. Motion to Approve By-Laws:

Moved by: Councillor Kearns

Seconded by: Councillor Stolte

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

IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

18.1 04-2021: A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic.

18.2 10-2021: A by-law to amend Emergency and Continuity Management Program By-law 76-2020.

18.3 11-2021: A by-law to authorize the transfer payment agreement between the City of Burlington and the Province of Ontario regarding the Investing in Canada Infrastructure Program (ICIP) - transit stream.

19. Motion to Confirm Proceedings of the Council Meeting:

Moved by: Councillor Kearns

Seconded by: Councillor Galbraith

Enact and pass By-law Number 12-2021, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, February 16, 2021, being read a first, second and third time.

CARRIED

20. Statements by Members:

21. Motion to Adjourn:

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

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

1:39 p.m.

CARRIED

Kevin Arjoon

City Clerk

Marianne Meed Ward

Mayor