



Regular Meeting of Council
Agenda

Date: November 23, 2020
Time: 1:00 pm
Location: Council Chambers Level 2, City Hall

Due to COVID-19 this meeting will be conducted as a virtual meeting, with no public attendance. Only the Mayor, along with a clerk and audio/visual technician, will be in council chambers, with all other staff and members of council participating in the meeting by calling in remotely. The meeting will be live web streamed, as usual, and archived on the city website.

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1. World Vegan Day: November 1, 2020
 - 4.2. Fresh Start with Art Day: November 12, 2020
 - 4.3. Day of Awareness for Survivors of Financial Abuse and Economic Injustice: November 26, 2020
 - 4.4. Zero Tolerance for Woman Abuse Month: November 2020
 - 4.5. Crohn's and Colitis Awareness Month: November 2020
 - 4.6. Giving Tuesday: December 1, 2020
 - 4.7. Chamber of Commerce Day: December 2, 2020
 - 4.8. International Day of Person's with Disabilities: December 3, 2020
5. **Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

- 5.1. Regular meeting of Council October 19, 2020
- 5.2. Special meeting of Council November 2, 2020
- 5.3. Special meeting of Council November 12, 2020

6. Recognitions and Achievements:

7. Presentations:

8. Declarations of Interest:

9. Delegations:

Requests to delegate to this virtual meeting can be made by completing the online delegation registration form at www.burlington.ca/delegation, or by submitting a written request by email to the Clerks Department at cityclerks@burlington.ca by 9:00 am on the day the meeting is to be held. All requests to delegate must contain a copy of the delegate's intended remarks which will be circulated to all members of Council in advance as a backup should any technology issues occur. If you do not wish to delegate, but would like to submit feedback, please email your comments to cityclerks@burlington.ca Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

10. Recommendations from Standing Committees:

10.1. Environment, Infrastructure and Community Services meeting of November 9, 2020

a. Significant weather event declaration (RPF-34-20)

Delegate authority to the Director of Roads, Parks and Forestry or designate, to declare the beginning and end of a significant weather event for the purposes of the Municipal Act, 2001, O. Reg.239/02 – Minimum Maintenance Standards for Municipal Highways, on such terms as the Director of Roads, Parks and Forestry or designate considers appropriate; and

Authorize the Executive Director of Legal Services & Corporation Counsel to prepare for Council approval, all necessary by-laws to implement delegated authority as outlined in roads, parks and forestry department report RPF-34-20

b. Revival and extension of the Burlington-Hamilton Boundary Road Maintenance Agreement (RPF-32-20)

Authorize and direct staff to negotiate, and the Mayor and Clerk be

authorized and directed to enter into, on behalf of the City of Burlington, a revival and extension agreement of the Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton dated June 3, 2008 and any necessary ancillary documents for a term of one (1) year, in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Parks and Roads and Forestry; and

Authorize and direct staff to negotiate and the Mayor and Clerk be authorized and directed to enter into, on behalf of the City of Burlington, a new Boundary and Connecting Highway Maintenance and Repair Agreement between the City of Burlington and the City of Hamilton, and any necessary ancillary documents which sets out the roles, responsibilities, and obligations of the parties with respect to shared road segments along the municipal boundary line in a form satisfactory to the City Solicitor and with content satisfactory to the Director of Roads, Parks and Forestry.

c. Public tree removal report – 2477 Queensway Drive (RPF-33-20)

Approve the request by the applicant to remove eight (8) city trees in order to proceed with the submitted site plan application 535-019/18; and

Instruct the applicant, Siva Kumar, to provide compensation for tree removal by providing cash in lieu of replacement totaling \$15,800.00. The funds will provide for new tree plantings elsewhere in the City and includes care and maintenance for the first two years; and

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

d. Parking capacity measures at Beachway and Lowville Park (RS-09-20)

Refer recreation services department report RS-09-20 regarding parking capacity measures at Beachway and Lowville Parks to staff to report back to the Environment, Infrastructure and Community Services Committee in Q1 of 2021 outlining options with regards to parking at Beachway and Lowville parks including but not limited to communication, beautification, infrastructure, and costing options.

e. Gypsy Moth Budget Request (RPF 35-20)

Approve the aerial application of Foray 48B with active ingredient *Bacillus thuringiensis* 'Kurstaki' ("Btk") to 108 hectares of City and Conservation Halton land as detailed in roads, parks and forestry department report RPF-35-20 at a cost of \$140,150 funded from the Tax Rate Stabilization Reserve

Fund; and

Approve the single source procurement for the aerial application of the biological pesticide *Bacillus thuringiensis* 'Kurstaki' ("Btk") to Zimmer Air Services Ltd, based on the technical nature of the work and specialized equipment required.

f. Fireworks By-law (BFD-03-20)

Enact new City of Burlington Fireworks By-law XX-2020, attached as Appendix "C" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Enact amended City of Burlington Licensing By-law No. 42-2008, attached as Appendix "D" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Enact amended City of Burlington Nuisance and Noise Control By-law No. 49-2008, attached as Appendix "E" to Report BFD-03-20, satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Amend Fireworks By-Law 84-2020 section 4.1 to read 'No person shall discharge or cause or permit the discharge of any Consumer Fireworks except between dusk and 11:00 p.m. on Canada Day and Victoria Day only.'

g. Confidential City of Burlington License/Lease Agreements through the pandemic (RS-07-20)

Pursuant to section 239(2)(k) of the Municipal Act, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Instruct staff to proceed in accordance with the instructions sought in confidential recreation services department report RS-07-20; and

Authorize the Mayor and City Clerk to execute any documents in connection with this matter; and

Direct the Mayor to write to the local Members of Parliament to request that tenants in municipally owned facilities be eligible for direct rent relief, and notify the Halton Mayors, the Regional Chair, TEAM Burlington, Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

h. Confidential leasing matter (EICS-26-20)

Pursuant to section 239(2)(k) of the Municipal Act, a position, plan,

procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Instruct staff to proceed as outlined in confidential environment, infrastructure and community services report EICS-26-20; and

Authorize the Mayor and City Clerk to execute any documents in connection with this matter.

10.2. Community Planning, Regulation and Mobility meeting of November 10, 2020

a. Plan of Subdivision for 600 Maplehill Drive (PL-58-20)

Direct staff to continue to work with the applicant (T. Johns Consulting Group) on behalf of 2531820 Ontario Inc. in regards to the submitted residential Plan of Subdivision for 600 Maplehill Drive (formerly 607 Dynes Road).

b. Amendments to Property Standards By-law 28-2009 (BB-07-20)

Approve the amendments to By-law 28-2009, otherwise known as the “Property Standards By-law”, to change the date in which heat is required in rental buildings, to require building owners to provide alternative refuse disposal options in writing, and to clarify the location of applicable fees, as outlined in Appendix A to building and by-law department report BB-07-20, in a form satisfactory to the City Solicitor.

c. Procedure By-law amendments (CL-18-20)

Enact amendments to the Procedure By-law, as amended, outlined in clerks department report CL-18-20 with respect to the following; special meetings, addendum issuance timelines, correspondence, petitions and various housekeeping matters; and

Add the following: 42.2 f) must be within the jurisdiction of the City.

d. 2021 calendar of meetings (CL-19-20)

Approve the 2021 calendar of meetings for Burlington City Council and its standing committees, as amended, outlined in Appendix A of clerks department report CL-19-20; and

Enact an amendment to Procedure By-law 04-2020, as amended, substantively in the form, and as attached as Appendix C to allow for the following changes to the Council schedule as indicated in report CL-19-20:

- Environment, Infrastructure and Community Services Committee (EICS) change meeting date to Thursdays;

- Corporate Services, Strategy, Risk and Accountability Committee (CSSRA) change meeting date to Wednesdays;
- Council Workshop change meeting date to Mondays; and
- Council meetings change meeting date to Tuesdays and amend the start time to 1:00 p.m. with a potential evening session held at 6:30 p.m.; and

Move all Council Workshops forward to the preceding Monday of committee week, with the exception of February which would move to February 8, 2021; and

Move the January 2021 and 2022 committee meeting dates from the first week of the month to the second and third weeks of the month.

10.3. Corporate Services, Strategy, Risk and Accountability meeting of November 12, 2020

- a. Financial status report as at September 30, 2020 (F-37-20)

Receive and file finance department report F-37-20 providing the financial status as at September 30, 2020.

- b. Bill 197, Covid-19 Economic Recovery Act, 2020 (F-47-20)

Receive and file finance department report F-47-20 regarding Bill 197, Covid-19 Economic Recovery Act, 2020.

- c. 2021 rates and fees (F-41-20) (SD-26-20)

Approve the 2021 rates and fees outlined in finance department report F-41-20, effective January 1, 2021 unless otherwise indicated; and

Approve By-Law X-2020, attached as Appendix A to finance department report F-41-20 and repeal By-Law 52-2019, effective January 1, 2021; and

Enact the amending by-law to the City of Burlington Site Alternation By-law No. 64-2014, attached as Appendix B to finance department report F-41-20, in a form satisfactory to the Executive Director of Legal Services & Corporation Counsel; and

Direct the Director of Recreation Services to summarize options for a fee reduction program and provide recommendations, if any, for consideration by City Council on November 23, 2020 on:

- continuation of the 25% fee reduction for all city rental users, including both for-profit and not-for-profit organizations, from January to June 2021;

- phased fee reduction for all city rental users, including both for-profit and not-for-profit organizations, of 20% for Q1, 15% for Q2, 10% for Q3 and no reduction for Q4 of 2021;
 - 25% fee reduction for indoor city rental users only; and
 - implementation of a grant application program to direct funding where most needed. (SD-26-20)
- d. Future of LaSalle Park (L-32-20)
- Direct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed with the instructions given during the in-camera session regarding the future of LaSalle Park.
- e. Confidential legal advice respecting a planning matter (L-25-20)
- Pursuant to Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- Authorize the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions given in confidential legal department report L-25-20.
- f. Confidential litigation update, June 1 to Sept. 30, 2020 (L-29-20)
- Pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- Direct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions sought in matters 14, 19, 26 and 37 and the balance of confidential legal department report L-29-20 be received and filed.
- g. Confidential contingency report (F-38-20)
- Pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- Receive and file finance department report F-38-20 providing the status of the reserve for contingencies as at September 30, 2020.

10.4. Council Workshop meeting of November 16, 2020

There were no recommendations from this meeting.

11. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 11.1. Environment, Infrastructure and Community Services meeting Minutes of November 9, 2020
- 11.2. Community Planning, Regulation and Mobility meeting Minutes of November 10, 2020
- 11.3. Corporate Services, Strategy, Risk and Accountability meeting Minutes of November 12, 2020
- 11.4. Council Workshop meeting Minutes of November 16, 2020

12. Reports of Municipal Officers:

- 12.1. Ranked choice voting consultation (CL-20-20)

Approve the public engagement strategy for ranked choice voting consultation attached as Appendix A to clerks department report CL-20-20; and

Approve the withdrawal of \$30,000 from the election reserve to fund the ranked choice voting consultation and engagement.

- 12.2. Regional smoking and vaping in public places by-law (CL-23-20)

Whereas on July 15, 2020 Halton Regional Council approved Report MO 15-20 – Smoking and Vaping in Public Places and enacted Halton Region By-law 40-20, to Prohibit Smoking and Vaping in Public Places within the Regional Municipality of Halton; and

Whereas pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 115, (5) when a smoking in public places by-law from an upper tier municipality is passed, a majority of councils of all its lower municipalities must pass a resolution giving their consent, representing a majority of all electors in the upper tier municipality;

Therefore, be it resolved that the Council for the Corporation of the City of Burlington consents to the passage and implementation of Halton Region By-law 40-20, to Prohibit Smoking and Vaping in Public Places within the Regional Municipality of Halton; and

That a copy of this resolution be sent to the municipal clerks of Halton Region, Town of Oakville, Town of Milton and the Town of Halton Hills to provide notice of giving consent to Halton Region By-law 40-20.

12.3. Appointment of Fire Chief (HR-05-20)

Confidential Appendix A to be distributed under separate cover.
Pursuant to Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

Approve recommendations contained within Confidential Appendix A as attached to report HR-05-20.

12.4. Financial support for Recreation facility user groups due to impacts of COVID (RS-11-20)

Direct the Director of Recreation Services to implement Option 2 of a rate reduction strategy, to take effective January 1, 2021, to provide support for recreation facility user groups impacted by COVID, as outlined in Report RS-11-20.

12.5. Winter holiday opportunities 2020/2021 (RS-12-20)

Direct the Director of Recreation Services to implement Option C for the 2020/2021 winter holiday season as outlined in report RS-12-20; and

Direct the Director of Recreation Services to implement a household rental program in arenas, pools and gyms to encourage people to stay active with members from their households.

12.6. Public tree removal report – 2447 Orchard Rd (RPF-36-20)

Approve the request by the applicant to remove one (1) city tree in order to proceed with the submitted development application 20-469806; and

Instruct the applicant, Stephen Albanese, IBI Group, to provide compensation for tree removal by providing cash in lieu of replacement totaling \$1,200.00. The funds will provide for new tree plantings elsewhere in the City and includes care and maintenance for the first two years; and

Direct that a development related permit fee of \$680.00 plus HST is to be obtained as a condition of a tree permit; and

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

12.7. Parking fees waived for 90 min in downtown Burlington (ADM-12-20)

Amend Parking Bylaw 39-2016 to accommodate for 90 minutes of waived parking fees within the Burlington Downtown Business Area boundary; and

Direct City Staff to review the potential use of the Parking District Reserve Fund to offset the impact of the associated loss of revenue; and

That the amendment take effect as soon as operationally possible with the understanding that the BDPA and DPC will continue to monitor and review the changing needs of small local business during the declared emergency.

12.8. Veteran Square: naming of the area around Burlington Cenotaph (ADM-13-20)

Name the area around the Burlington Cenotaph as “Veteran Square”; and

Direct staff to erect signage in accordance with this naming; and

That all residents have access to an area of significance to honour our veterans, peace keepers, and their families every day of the year.

13. Notices of Motion:

14. Motions:

14.1. Final City of Burlington resolution calling for gas-fired electricity generation phase-out (ADM-10-20)

Whereas the Government of Ontario is planning to increase electricity generation and greenhouse gas pollution from Ontario’s gas-fired power plants by more than 300% by 2025 and by more than 400% by 2040, reversing more than a third of the greenhouse gas pollution reductions achieved by phasing out our coal-fired power plants; and

Whereas greenhouse gas pollution is causing temperatures in Canada to rise at more than double the rate of the rest of the world, causing impacts to municipal operations and affecting residents of the City of Burlington; and

Whereas the City of Burlington has declared a climate emergency and is taking measures to mitigate and adapt to the climate impacts caused by increasing greenhouse gas pollution; and

Whereas there are feasible, cost-effective alternatives to increasing gas-fired electricity generation without increasing greenhouse gas pollution at costs well below the current price for Ontario’s nuclear energy (9.5 cents/kWh), including:

- energy efficiency investments;
- low-cost, distributed, renewable energy, providing employment in Ontario communities and restoring our leadership in this industry;
- the purchase of low-cost power offered by the Province of Quebec from its existing hydroelectric generating stations; and
- using Quebec’s system of reservoirs like a giant battery to back-up made-in-

Ontario renewable power, eliminating the need to use gas-fired power plants for this purpose;

Therefore be it resolved that the City of Burlington requests the Government of Ontario to place an interim cap of 2.5 megatonnes per year on greenhouse gas pollution from Ontario's gas-fired power plants and develop and implement a plan to address future energy needs through investing in renewable energy and purchasing low-cost hydro-electric power from the Province of Quebec, making gas-fired electricity generation no longer necessary and supporting its phase-out by 2030 to help Ontario and the City of Burlington meet their climate targets; and

That this resolution be sent to the Premier of Ontario, the Minister of Energy, Northern Development and Mines, the Minister of the Environment, Conservation and Parks, all local MPPs, the Association of Municipalities of Ontario and copied to the Region of Halton and local municipalities of Oakville, Milton and Halton Hills.

14.2. Protecting Conservation Authorities resolution (ADM-11-20)

Whereas the City of Burlington has been well served by both Conservation Halton and Credit Valley Conservation; and

Whereas we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development under the Conservation Authorities Act, ensuring compliance with the Regulations and engaging in reviews of applications submitted under the Planning Act; and

Whereas new legislation introduces changes and new sections that could remove and/or significantly hinder conservation authorities' participation in and support of local planning appeal processes and their ability to protect development from natural hazards; and

Whereas the changes allow the Minister to make decisions without consideration of local conditions, the Conservation Authority Board approved policies, watershed data and technical expertise; and

Whereas the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs; and

Whereas municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs; and

Whereas municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected; and

Whereas the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed; and

Whereas conservation authorities have already aligned approaches through Memorandums of Understanding with local watershed municipalities to reduce delays, avoid duplication and improve service delivery for all clients; and

Whereas changes to the legislation will create more red tape and costs for the conservation authorities, their municipal partners, and cause delays in the development approval process; and

Whereas municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities' work to ensure safe drinking water;

Therefore be it resolved;

That the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the Conservation Authorities Act and the Planning Act set out in Bill 229; and

That the Province of Ontario delay enactment of clauses affecting municipal concerns; and

That the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority municipal budget processes; and

That the Province respect the current conservation authority/municipal relationships; and

That the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role; and

That a copy of this resolution be forwarded to Premier Ford, Minister of the Environment, Conservation and Parks, our local MPPs, our local MPs, Prime Minister Justin Trudeau, Minister of Environment and Climate Change, the Leaders of all opposition parties, Halton Region, the City of Burlington, the Town of Milton, the Town of Halton Hills, the town of Oakville, Conservation Halton, Credit Valley Conservation, the Association of Municipalities of Ontario, and be made publicly available.

15. Motion to Receive and File Council Information Packages:

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

- 15.1. Council Information Package October 22, 2020
- 15.2. Council Information Package October 29, 2020
- 15.3. Council Information Package November 5, 2020
- 15.4. Council Information Package November 12, 2020
- 15.5. Council Information Package November 19, 2020

16. Motion to Receive and File Information Items:

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

- 16.1. Memorandum from Councillor Nisan and Councillor Sharman regarding final City of Burlington resolution calling for gas-fired electricity generation phase-out (ADM-10-20)
- 16.2. Memorandum from Councillor Nisan regarding protecting Conservation Authorities (ADM-11-20)
- 16.3. Memorandum from Kevin Arjoon, City Clerk regarding revised 2021 Schedule with direction from the CPRM Committee (CL-19-20)

17. Motion to Consider Confidential Items:

18. Motion to Approve By-Laws:

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

- 18.1. 84-2020: A By-law to Regulate the Discharge of Fireworks and to Repeal and Replace By-law 125-1992.
- 18.2. 85-2020: A By-law to amend By-law 42-2008, as amended, to provide for the licensing, regulating and governing businesses in the City of Burlington.
- 18.3. 86-2020: A By-law to amend Nuisance and Noise Control By-law 19-2003, being a by-law to prohibit and regulate certain public nuisances and noises in the City of Burlington.

- 18.4. 87-2020: A By-law to appoint Municipal Law Enforcement Officers for the City of Burlington.
- 18.5. 88-2020: A By-law to amend By-law Number 28-2009, being a by-law to prescribe standards for the maintenance and occupancy of properties in the City of Burlington.
- 18.6. 89-2020: A By-law to amend By-law 04-2020 to provide for the rules of order of Council and its Committees to allow for changes to the Special Meetings, Correspondence, Petitions, and housekeeping matters.
- 18.7. 90-2020: A By-law to amend By-law 04-2020 to provide for the rules of order of Council and its Committees to allow for changes to the Council Schedule.
- 18.8. 91-2020: A By-law to assume parcels of land in the City of Burlington as Public Highway.
- 18.9. 92-2020: A By-law to establish and impose certain 2021 rates and fees for services, activities or the use of property.
- 18.10. 93-2020: A By-law to amend Site Alteration By-law 64-2014, being a by-law to prohibit and regulate the placing, dumping, cutting or removal of fill or the altering of grades or drainage on any lands.
- 18.11. 94-2020: A By-law to amend By-law 39-2016 being a by-law to regulate parking and idling in the City of Burlington.

19. Motion to Confirm Proceedings of the Council Meeting:

Enact and pass By-law Number 95-2020, being a by-law to confirm the proceedings of Council at its meeting held Monday, November 23, 2020, being read a first, second and third time.

20. Statements by Members:

21. Motion to Adjourn:

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