



Regular Meeting of Council  
Agenda

**Date:** May 25, 2020  
**Time:** 5:00 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 Tourism Week in Canada - May 24 -31, 2020
- 4.2 Grandparent Alienation Awareness Day - June 14, 2020
- 4.3 Men's Mental Health Awareness Day - June 16, 2020
- 4.4 Men's Health Week - June 15 - 21, 2020
- 4.5 Join the J Month - June 2020
- 4.6 National Deafblind Awareness Month - June 2020
- 4.7 Pride month in the City of Burlington - June 2020

**5. Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

- 5.1 Regular meeting of Council April 20, 2020

5.2 Special meeting of Council May 12, 2020

5.3 Special meeting of Council May 14, 2020

**6. Recognitions and Achievements:**

**7. Presentations:**

**8. Declarations of Interest:**

**9. Delegations:**

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Requests to delegate to this virtual meeting can be made by completing the online delegation registration form at [www.burlington.ca/delegate](http://www.burlington.ca/delegate) or by submitting a written request by email to the Clerks Department at [clerks@burlington.ca](mailto:clerks@burlington.ca) by noon 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 [clerks@burlington.ca](mailto:clerks@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 & Community Services meeting of May 12, 2020

a. Sustainable Development Committee Annual Report (EICS-02-20)

Receive and file Environment, Infrastructure and Community Services report EICS-02-20 regarding the Sustainable Development Committee annual report for 2019.

b. Elgin Promenade phase 4 design (CW-02-20)

Receive and file capital works department report CW-02-20 regarding the Elgin Promenade phase 4 design.

c. Public Tree Removal Report - 556 Woodview Road (RPF-07-20)

Approve the request by the applicant to remove the three city trees to accommodate the proposed driveway for a new property; and

Instruct the applicant, Yousif Kazandji, to provide compensation for the tree removal by providing cash in lieu of replacement totaling \$7020.00. The funds are equivalent to 14 replacement trees (\$500 each) for vacant area of city road allowance. A portion of the funds will provide for new tree plantings in front of the proposed houses and provide 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; and

Enlarge the tree protection zone for the preserved Red Oak during construction to the maximum allowable space to minimize damage and ensure its survival post construction. No utility installations shall be within the trees tree protection zone unless installed using trenchless technologies with daylighting pits located outside the protection zone. Resurfacing the existing driveway on the South side of the oak shall be done with a Certified Arborist on site using hand tools where possible.

d. Public Tree Removal - 374 Pomona Avenue (RPF-14-20)

Approve the request by the homeowner to remove the city owned 17cm (diameter at breast height) Ivory Silk Lilac to accommodate a new driveway; and

Instruct the homeowner, Mary Mitar, to provide compensation for the tree removal by providing cash in lieu of replacement totaling \$1200. The funds are equivalent to 2 replacement trees (\$500 each) for vacant area of city road allowance. A portion of the funds will provide for a new tree to be planted in front of the house and provide 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 homeowner, and the contractor hired to remove the tree will require approval by the Manager of Urban Forestry or designate; and

Direct that the recommendations laid out in the Arborist Report dated March 25, 2020 be followed; removal of existing driveway as well as any root excavation for the new foundation to be done by hand, air spade, or hydro vac with a Certified Arborist on site to conduct root pruning as necessary. Further, some compaction mitigation shall occur under the existing driveway.

- a. Amendment to Nuisance and Noise By-Law No.19-2003 (BB-01-20)

Approve the amendment of the Nuisance and Noise By-law 19-2003 by amending definition “(4) “*Chief Noise Control Officer*” means the Director of Building and By-law and/or their designate who is appointed by council for administration and enforcement of this by-law;” as noted in Appendix A to building and by-law department report BB-01-20.

- b. Amendment to Physical Distancing By-law 17-2020 (BB-04-20)

Note: This item has been withdrawn from the agenda, see receive and file items - memo from Nick Anastasopoulos, P.Eng., Chief Building Official.

- c. Red Tape Red Carpet (RTRC) implementation update - Q1 2020 (BEDC-02-20)

Receive and file Burlington Economic Development Corporation report BEDC-02-20 regarding Red Tape Red Carpet (RTRC) implementation update for Q1 2020.

- d. Amendments to Heritage Designation By-law for 2411 Lakeshore Road (PL-27-20)

State an intention to amend By-law 8-1995 pursuant to Part IV of the *Ontario Heritage Act*, section 30.1, as shown in the draft amending by-law attached as Appendix D of this report; and

Direct staff to provide notice of Council’s intention to amend By-law 8-1995, in accordance with section 30.1 of the *Ontario Heritage Act*, and

Authorize the City Clerk to present the amending by-law to Council, provided there is no objection to the statement of intention to amend designation By-law 8-1995; and

Authorize the City Clerk to take the necessary actions in the event of any objection to the statement of intention to amend By-law 8-1995 pursuant to Part IV of the *Ontario Heritage Act*, section 29(7).

### 10.3 Corporate Services, Strategy, Risk & Accountability meeting of May 14, 2020

- a. 2019 Treasurer’s statement for reserve funds (F-05-20)

Receive and file finance department report F-05-20 providing the annual financial statements for the development charges, park dedication and public benefits reserve funds.

- b. 2020 capital budget variance and project closure (F-14-20)

Direct the Chief Financial Officer to proceed with the closure of 55 capital projects identified as being ready for closure in finance department report F-14-20.

c. Municipal property tax software (F-23-20)

Endorse the city's participation in the Early Adopters Program for a property tax billing and collections software system with the Tempest product of CentralSquare Canada Software Inc.; and

Authorize the Chief Financial Officer to enter into a non-disclosure agreement with CentralSquare Canada Software Inc. in a form satisfactory to the Executive Director of Legal Services; and

Direct the Chief Financial Officer to report back in Q3 2021 on the progress of the program and software with options to proceed with respect to the procurement of a property tax billing and collections software system.

d. Annual report from the Burlington Ombudsman (CL-07-20)

Receive and file the annual report from ADR Chambers, Ombudsman for the City of Burlington.

e. Staff directions from 2020 budget (F-46-19-2)

Direct the Acting Director of Community Planning to report back on the feasibility of completing Low-Rise Design Guidelines that address issues of low-rise compatibility and results in low-rise developments that positively contribute to our urban areas.

f. Business intelligence and Vision to Focus integrated reporting (CM-02-20)

Receive and file city manager's office report CM-02-20 providing the introduction of the Vision to Focus (V2F) integrated reporting tool as depicted in sample screens shots contained in Appendix A.

g. Strategies to address financial impacts of COVID-19 (F-27-20)

Approve the financial strategy to address the impacts of COVID-19 as outlined in finance department report F-27-20; and

Direct the Chief Financial Officer to implement the recommendations outlined in finance department report F-27-20 related to the 2020 approved business cases and in Appendix A related to the proposed list of delayed capital projects.

h. Financial impacts of COVID-19 on local boards (F-26-20)

Receive and file finance department report F-26-20 providing information on the financial impacts to local boards due to COVID-19.

- i. Financial status report as at March 31, 2020 (F-22-20)

Receive and file finance department report F-22-20 providing a financial status report as at March 31, 2020.

- j. Confidential leasing matters (L-17-20)

Authorize the Executive Director of Legal Services and Corporation Counsel and other staff to proceed in accordance with the instructions given in confidential legal department report L-17-20.

**11. Motion to Approve Standing Committee Minutes:**

Approve the following minutes:

- 11.1 Environment, Infrastructure & Community Services meeting minutes of May 12, 2020
- 11.2 Community Planning, Regulation & Mobility meeting minutes of May 12, 2020
- 11.3 Corporate Services, Strategy, Risk & Accountability meeting minutes of May 14, 2020

**12. Reports of Municipal Officers:**

- 12.1 Tax levy by-law (F-16-20)

Approve the 2020 Final Tax Levy By-law (31-2020) for the levying of tax rates.

- 12.2 August meeting cycle and public participation at statutory public meetings (CL-10-20)

Approve the addition of an August 2020 meeting cycle, as described in clerks department report CL-10-20.

- 12.3 Service re-design interim modifications and resumptions (CM-14-20)

To be distributed under separate cover

- 12.4 Confidential verbal update regarding a human resources matter.

**13. Notices of Motion:**

**14. Motions:**

14.1 Current value assessment and taxation for Burlington Downtown Business improvement area (ADM-03-20)

Whereas, the Burlington Chamber of Commerce and the Sault Ste. Marie Chamber of Commerce have drafted a policy resolution that is supported by numerous other Chambers and Boards of Trade across the province; and

Whereas, the resolution has been submitted to the Ontario Chamber of Commerce (OCC) to form part of the OCC's ongoing advocacy agenda for 2020; and

Whereas, the Burlington Downtown Business Association has over several years raised concerns about higher than average property tax valuations of their members, which are negatively impacting their business community of 277 properties; and

Whereas, Burlington officials have raised this issue with the Municipal Property Assessment Corporation representatives at the August 2019 AMO conference; and

Whereas, Burlington City Council has received a report on Current Value Assessment and Taxation for Burlington Downtown Business Improvement Area (F-01-20) which identified property assessment valuation (Current Value Assessment, or CVA) changes in the downtown from valuation date 2012 to 2016 of 36.6% which is considerably higher when compared to the overall city-wide average commercial increase of 20.8%; and

Whereas, the report has identified that the existing tax tools available to municipalities do not provide targeted relief to specific areas/types of properties to assist in mitigating localized tax impact resulting from significant reassessment valuations;

Therefore, be it resolved that, Burlington City Council endorses the policy resolution submitted to the Ontario Chamber of Commerce which urges the Government of Ontario to:

Honour its 2019 Budget Commitment to ensure a modern and competitive property tax system and to develop an action plan to respect Ontario's property taxpayers based on meaningful and thoughtful consultation and collaboration with affected stakeholders including: residents, business, industry, municipalities, and subject matter experts; and

Consider providing new revenue and/or property tax mitigation tools and flexibility to municipalities in order to manage property tax burdens in a fair and equitable manner, address new economic paradigms, and to target relief to business property owners/tenants in response to local tax policy priorities and objectives; and

Address the significant disparity between residential and non-residential property tax rates for education tax purposes; and

That a copy of this resolution be sent to the Minister of Finance, Rod Phillips,

Minister of Municipal Affairs and Housing Steve Clark, Association of Municipalities of Ontario, the Federation of Canadian Municipalities, the Members of Provincial Parliament for Burlington, Oakville-North Burlington and Milton, and the towns of Oakville, Milton, Halton Hills and Region of Halton.

14.2 Declaration to urge the Government of Canada to provide urgent funding to assure the viability of public transit during the COVID-19 pandemic and to aid Transit operators in rebuilding ridership (ADM-04-20)

Whereas, the situation of an unprecedented drop in public transit ridership provoked by the COVID-19 outbreak accompanied by massive revenue losses is affecting public transit agencies right across Canada putting in jeopardy their financial viability and future ability to operate; and

Whereas, the Canadian Urban Transit Association (CUTA) Canada's largest public transport lobby, the membership of which includes most Canadian transit agencies including Oakville Transit, has called for urgent emergency funding to address the immediate liquidity issues of transit operators while providing financial stability while ridership rebuilds; and

Whereas, CUTA estimates as many as 40 per cent of systems may require bridge funding over the coming months requiring some \$1.2 billion to help them keep the buses and trains running; and

Whereas, CUTA is seeking \$400 million a month to keep services running as fare box and other revenue drop by up to 100 per cent; WHEREAS CUTA notes that it will likely take some time for transit operators to rebuild ridership to February 2020 levels during a gradually return to more normal economic activity; and

Whereas, Burlington Transit was experiencing a 14.2% increase in ridership from September 2019 to February 2020, due to the introduction of new service, schedules and a grid network, prior to the impact COVID-19 pandemic; and

Whereas, Burlington Transit is losing an average of \$475 000 in farebox revenue every month as a direct result of the pandemic; and

Whereas, without a quick infusion of funds by the Government of Canada it is impossible to assure that the gains made over the past decade in growing the modal share of all rides taken via collective transit will not be lost;

Therefore, be it resolved, that Burlington City Council endorses CUTA's request to the Government of Canada for emergency funding to provide immediate liquidity to transit operators and on-going funding to alleviate revenue loss as ridership rebuilds; and

That a copy of this motion be sent to the Prime Minister of Canada, the Minister of Transport of Canada and the Minister of Finance of Canada.



14.3 Resolution to participate in the Ontario-Canada Emergency Commercial Rent Assistance program (ADM-05-20)

Whereas, businesses throughout Halton Region are suffering catastrophic losses of revenue during the COVID19 public health emergency as a result of reduced demand for products and services or by being closed by order of the Province of Ontario during the pandemic resulting in losses of countless jobs and the inability of business operators to continue to pay expenses during the emergency including rent for their business premises; and

Whereas, Restaurants Canada, the trade organization for the food service industry, reports that 10% of Canadian restaurants permanently closed by the end of March and as many as 50% of those remaining are at risk of failure, in no small measure, due to the lack of ability to pay rent or secure affordable accommodation from their landlords; and

Whereas, the loss of many small and medium businesses will hurt and delay Canada's full economic recovery following the COVID-19 pandemic; and

Whereas, Halton Region is encouraged by the cooperation between the Federal and Provincial government to develop the Ontario-Canada Emergency Commercial Rent Assistance program; and

Whereas, both the Ontario Chamber of Commerce and the Canadian Federation of Independent Business have called for a moratorium on commercial evictions; and

Whereas, in accordance to provisions contained within section 18(i) of the Commercial Tenancies Act, provides that a commercial landlord may repossess leased premises 15 days after the tenant fails to both (i) pay rent and (ii) remedy the failure in the interim and many businesses are either being evicted or are at risk of imminent eviction causing uncertainty for operators and their employees; and

Whereas, the supports that have been provided to businesses to date and predominately focused on keeping staff employed are not sufficient in most cases to keep expenses paid, especially rent, which is often the most significant single operating expense of a business; and

Whereas, the Canada Emergency Commercial Rent Assistance (CECRA) program that was announced by the Federal government on April 24, 2020, has not, to this date, been implemented and that the proposed conditions for participation in the CECRA create unreasonable barriers to participation including: requiring that commercial landlords have mortgages and the proceeds of the funding be sent directly to such mortgage holder and not the landlord; that the landlord must both agree to participate and apply for the CECRA, that the landlord must apply for each commercial unit where they own many, and that only leases with gross rents of under \$50,000 per month can qualify; and

Whereas, not all landlords choose to apply and there should be flexibility for tenants to qualify for rent subsidy in the case;

Therefore be it resolved, that Burlington City Council calls upon the Province of Ontario to freeze commercial evictions within the Province of Ontario for a period up to and including thirty days following the conclusion of the order declaring an emergency under s 7.0.1 (1) the Emergency Management and Civil Protection Act; and

That City of Burlington Council calls upon the Federal and Provincial governments to resolve barriers to participate in the Ontario-Canada Emergency Commercial Rent Assistance (OCECRA) and launch the program immediately; and

That a copy of this resolution be forwarded to the Premier of Ontario, the Ministers of Municipal Affairs and Housing, Minister of Finance, the Prime Minister of Canada, the Minister of Small Business, Export Promotion and International Trade and the Minister of Families, Children and Social Development and Minister Responsible for Canada Mortgage and Housing Corporation (CMHC), Halton area Members of Provincial Parliament and Members of Parliament as well as all Halton local municipalities, AMO and FCM, the local Chambers of Commerce and the Canadian Federation of Independent Businesses.

14.4 Resolution to Endorse Mayor Meed Ward for AMO Large Urban Caucus Board of Directors (ADM-06-20)

Whereas, the Association of Municipalities of Ontario (AMO) works to make municipal governments stronger and more effective while promoting the value of the municipal level of government as a vital and essential component of Ontario and Canada's political system; and

Whereas, the AMO Board of Directors is comprised of elected municipal officials from various member municipalities; and

Whereas, AMO has issued a call for nominations to their Board of Directors for the upcoming term of August 2020-August 2022; and

Whereas, there is an opportunity to forge a closer relationship between LUMCO, the GTHA Mayors, and AMO through the Mayor's participation on the Large Urban Caucus; and

Whereas, our municipalities are stronger in achieving shared goals when speaking with a unified voice;

Therefore, be it resolved, that Burlington City Council endorses the nomination of Mayor Marianne Meed Ward to the Association of Municipalities of Ontario (AMO) Board of Directors, Large Urban Caucus for a two-year term beginning August 2020

and ending August 2022; and

That the City of Burlington's Government Relations fund will assume any costs associated with Mayor Meed Ward attending AMO's Board of Directors, Large Urban Caucus meetings; and

That the City Clerk forward the resolution indicating City Council's support to AMO before noon on June 22nd, 2020 to qualify Mayor Meed Ward as a nominee for a position on the AMO Board of Directors, Large Urban Caucus for a two-year term ending August 2022.

14.5 Resolution to Postpone, not cancel, the Halton Consolidated Courthouse Project (ADM-07-20)

Whereas, the Halton Consolidated Courthouse Project was shovel-ready for a state-of-the-art facility and would have brought much needed economic stimulus along with 600 jobs for Halton Region and the Province of Ontario; and

Whereas, the project had the full support of Halton Region, its four municipalities and stakeholders across the Province; and

Whereas, the Honourable Geoffrey B. Morawetz Chief Justice of the Superior Court of Justice has acknowledged that the cancellation of the Halton Consolidated Courthouse Project is an access to justice issue and underscores the overall lack of functional courtrooms in the Central West Region; and

Whereas, in a press conference, Regional Senior Justice Peter Daley stated that Milton's courthouse is so dilapidated the province is spending \$2.6-million to rid it of mould; and

Whereas, the Toronto Star reported that as a result of the lack of resources and courtrooms at the Milton courthouse, criminal cases that are taking too long to get to trial are being thrown out due to delay; and

Whereas, in a letter to Premier Ford, Halton Police Chief Stephen Tanner wrote the main court facility for Halton Region has been completely inadequate and in fact dangerous, and is beyond repair and beyond renovation; and

Whereas, there are ongoing security issues in the holding areas in the Milton courthouse and with respect to the movement of prisoners throughout the building that pose risks to visitors, staff, and other people in custody; and

Whereas, the Halton Consolidated Courthouse Project was selected as one of five Community Benefits Agreement pilot projects by the Province, these agreements provide workforce development, the purchasing of goods and services from local businesses and supplementary community benefits; and

Whereas, cancelling the project will result in costly fees which will further reduce the government's ability to promote economic stimulus and recovery;

Therefore, be it resolved, that Burlington City Council calls upon the Province of Ontario to postpone rather than cancel the Halton Consolidated Courthouse project, so it will be ready to go as a federal-provincial infrastructure stimulus project as we continue to reopen and reinvigorate our economy; and

That the Province of Ontario use the Halton Consolidated Courthouse project to aid economic recovery and further job creation; and

That a copy of this resolution be forwarded to Premier Ford, Minister Doug Downey, Minister Laurie Scott, Minister Sylvia Jones, MPPs Effie Triantafilopoulos, Stephen Crawford, Jane McKenna, Parm Gill, Ted Arnott, AMO, FCM, and be made publicly available.

14.6 Motion to move into closed session.

Move into closed session in accordance with the following provisions under the Municipal Act, sections 239 (b) personal matters about an identifiable individual, including municipal or local board employees:

Human Resources Update (verbal)

14.7 Motion to move into public session.

Move into Public Session.

**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 April 23, 2020

15.2 Council information package April 30, 2020

15.3 Council information package May 7, 2020

15.4 Council information package May 14, 2020

**16. Motion to Receive and File Information Items:**

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

16.1 Memo from Nick Anastasopoulos, P.Eng., Chief Building Official, regarding building

and by-law department report physical distancing by-law amendment (BB-04-20)

**17. Motion to Approve By-Laws:**

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

17.1 31-2020: A by-law to levy taxes for the year 2020.

17.2 32-2020: A by-law to amend Nuisance and Noise Control By-law 19-2003, as amended, being a by-law to prohibit and regulate certain public nuisances and noises in the City of Burlington.

17.3 33-2020: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for Tender Award – Canterbury Drive Area and Green Meadow Drive Minor Reconstruction.

17.4 34-2020: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington.

**18. Motion to Confirm Proceedings of the Council Meeting:**

Enact and pass By-law Number 35-2020, being a by-law to confirm the proceedings of Council at its meeting held Monday, May 25, 2020, being read a first, second and third time.

**19. Verbal update on COVID-19 from City Manager Tim Commisso and Mayor Marianne Meed Ward.**

**20. Statements by Members:**

**21. Motion to Adjourn:**

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