



Regular Meeting of Council

Minutes

Date: May 18, 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 measures, public attendance was not permitted at this meeting. The Mayor, Councillors, staff and delegations participated remotely.

1. Call to Order:

2. National Anthem:

3. Land Acknowledgement:

4. Regrets:

None.

5. Proclamations:

5.1 Day of Action Against Anti-Asian Racism: May 10, 2021

5.2 Apraxia Awareness Day: May 14, 2021

5.3 National Public Works Week: May 16 - 22, 202

5.4 National AccessAbility Week: May 30 – June 5, 2021

5.5 World Sickle Cell Day: June 19, 2021

5.6 Senior Volunteer Appreciation Week: June 1-8, 2021

- 5.7 Hidradenitis Suppurative (HS) Awareness Week: June 7 - 13, 2021
- 5.8 Month of Play: June 2021
- 5.9 National Indigenous History Month: June 2021
- 5.10 National Deafblind Awareness Month: June 2021
- 5.11 Pride Month: June 2021

6. Recognitions and Achievements:

None.

7. Motion to Approve Council Minutes:

Moved by: Councillor Galbraith

Seconded by: Councillor Kearns

Confirm the minutes of the following meetings of Council:

CARRIED

7.1 Regular meeting of Council April 20, 2021

7.2 Special meeting of Council May 5, 2021

8. Presentations:

9. Declarations of Interest:

None.

10. COVID-19 Emergency Response Update:

11. Delegations:

11.1 Jim Young, representing Burlington Inclusivity Advisory Committee spoke regarding Pride Month: June 2021.

12. Petitions:

None.

13. Recommendations from Standing Committees:

13.1 Community Planning, Regulation and Mobility meeting of May 4, 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. Speed Limit Area and Speed Limit Policy update (TS-06-21)

Direct the Director of Transportation Services to prepare for the approval of Council, the necessary by-laws amending Traffic By-law 86-2007 to include provisions for Designated Speed Limit Areas; and

Approve a 40km/h speed limit for all streets within the area bordered by Lakeshore Road, Brant Street, Baldwin Street and Maple Avenue; and

Approve the Speed Limit Policy included in Appendix A to transportation services report TS-06-21.

CARRIED

- b. Amendments to Heritage Property Tax Rebate Program to include eligible commercial heritage properties (PL-26-21)

Approve the amendments to the Heritage Property Tax Rebate Program, as set out in community planning report PL-26-21; and

Approve By-law 37-2021 (Appendix A) being a by-law to amend By-law 61-2016 to add eligibility for designated commercial heritage properties; and

Direct the Director of Community Planning to notify and inform all owners of a designated commercial heritage property about the changes to the Heritage Property Tax Rebate Program and provide an application for the 2021 tax year.

CARRIED

- c. Regional Official Plan Amendment 48: City of Burlington comments (PL-20-21)

Direct the Director of Community Planning to submit community planning department report PL-20-21 and its appendices as the

City of Burlington submission on the Region of Halton's Regional Official Plan Amendment Number 48; and

Direct the Director of Community Planning to provide any further comments to the Region, if any, upon Council's decision on May 18, 2021.

CARRIED

- d. Options to increase the ability for physical distancing in the downtown (CPRM-03-21, SD-10-21)

Direct the Executive Director of Community Planning, Regulation and Mobility and the Director of Transportation Services to explore options to increase the ability for physical distancing and safe passage in response to COVID-19 for the area of Brant Street (Caroline Street to Lakeshore Road) for Saturdays and Sundays, from July 3 - September 5, 2021 with a recommendation and report back to the June 8, 2021 Community Planning, Regulation and Mobility Committee meeting. (SD-10-21)

CARRIED

13.2 Corporate Services, Strategy, Risk and Accountability meeting of May 5, 2021

Items a, b, c, e, f, h, i, j, k, l and m 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. Appointment of Deputy City Clerk and Deputy Clerk Pro Tem (CL-14-21)

Enact the proposed By-law 40-2021 to appoint a Deputy City Clerk and Deputy Clerk Pro Tem, included as appendix A to office of the city clerk report CL-14-21.

CARRIED

- b. 2020 Treasurer’s statement for development charges reserve funds, park dedication reserve fund and the public benefits reserve fund (F-12-21)

Receive and file finance department report F-12-21 providing the 2020 Treasurer’s statement for development charges reserve funds, park dedication reserve fund and the public benefits reserve fund.

CARRIED

- c. Financial status report as at March 31, 2021 (F-18-21)

Receive and file finance department report F-18-21 providing the financial status as at March 31, 2021.

CARRIED

- e. Verbal update on customer experience implementation plan (CSSRA-08-21)

Receive and file the May 5, 2021 staff presentation providing the customer experience implementation plan.

CARRIED

- f. Corporate project status updates – Q1/2021 (CM-10-21)

Receive and file city manager’s office report CM-10-21 providing status reports for designated corporate projects for Q1 2021 as detailed in appendix A.

CARRIED

- h. Staff Direction regarding planning and budgeting at the City of Burlington (CSSRA-11-21) (SD-13-21)

Direct the Chief Financial Officer to report back in July 2021 as part of the budget framework report on process changes reflecting a coordinated corporate integrated business planning, measurement, budget and performance management process. (SD-13-21)

CARRIED

- i. Confidential advice regarding appeals to the city's new Official Plan (L-12-21)

Receive and file confidential legal department report L-12-21 providing advice regarding appeals to the city's new Official Plan.

CARRIED

- j. Confidential advice on a Committee of Adjustment appeal (L-13-21)

Instruct the Executive Director of Legal Services or their designate to proceed in accordance with the instructions sought in confidential legal department report L-13-21.

CARRIED

- k. Confidential litigation update - January 1 to April 30, 2021 (L-16-21)

Direct the Executive Director of Legal Services or their designate to proceed in accordance with the instructions sought in matters 14, 24 and 26 and that the balance of confidential legal department report L-16-21 be received and filed.

CARRIED

- l. Contingency report as at March 31, 2021 (F-20-21)

Receive and file confidential finance department report F-20-21 providing the status of the reserve for contingencies as at March 31, 2021.

CARRIED

- m. Confidential verbal update from EcDev on strategic lands opportunity (CSSRA-09-21)

Refer confidential verbal update from EcDev on strategic lands opportunity (CSSRA-09-21) to the May 6, 2021 Environment, Infrastructure & Community Services Committee meeting.

CARRIED

- d. Lobbyist registry (CL-15-21) (SD-11-21)

Direct the City Clerk to proceed with option 1 regarding implementing a lobbyist registry as outlined in office of the city clerk report CL-15-21; and

Direct the City Clerk to report back after public consultation in Q1 2023 with options. (SD-11-21); and

That the Business meeting registry be implemented in September 2021.

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 Stolte

Seconded by: Councillor Kearns

Amend Lobbyist registry (CL-15-21) (SD-11-21) by adding the following sentence to the end of the motion:

That the Business meeting registry be implemented in September 2021.

CARRIED

- g. Burlington's 25-year Strategic Plan refreshed (CS-08-21) (SD-12-21)

Approve the draft of Vision 2040: Burlington's Strategic Plan 2015-2040 (updated April 2021) as attached in appendix A of corporate strategy report CS-08-21; and

Direct the Executive Director of Strategy, Risk and Accountability to hold a workshop by the end of 2023 on the role of SDGs in municipalities in Canada. (SD-12-21); and

Amend Vision 2040: Burlington's Strategic Plan 2015-2040, page 4 to include an asterisk after the words "Development Goals" and the following footnote:

" * For more information on Vision 2040 and the UN SDGs, please visit burlington.ca/strategicplan"

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 Nisan
Seconded by: Councillor Sharman

Amend Vision 2040: Burlington’s Strategic Plan 2015-2040, page 4 to include an asterisk after the words “Development Goals” and the following footnote:

“ * For more information on Vision 2040 and the UN SDGs, please visit burlington.ca/strategicplan”

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

CARRIED (7 to 0)

13.3 Environment, Infrastructure and Community Services meeting of May 6, 2021

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

- a. Tender Award Report, Walkers Line Bridge Replacement 1.7km north of Britannia Road (ES-23-21)
- b. Public tree removal report – 4029 Spruce Avenue (RPF-11-21)
- c. Public tree removal report – 800 Laurentian Drive – (Site plan 535-014-20) (RPF-13-21)
- d. COVID-19 emergency response verbal update (CSSRA-10-21)
- e. City Private Tree By-law 02-2020 implementation update (RPF-07-21)
- h. Confidential verbal update from EcDev on strategic lands opportunity (CSSRA-09-21)

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

CARRIED (7 to 0)

- a. Tender Award Report, Walkers Line Bridge Replacement 1.7km north of Britannia Road (ES-23-21)

Award the tender for contract ES-21-19, Walkers Line Bridge Replacement, 1.7 km north of Britannia Road to KAPP Infrastructure Inc. for \$890,912.00 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 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 \$1,241,000 (Net HST) to be charged to Capital Order BG0027 and funded as outlined in the Financial Matters section of engineering services department report ES-23-21.

CARRIED

- b. Public tree removal report – 4029 Spruce Avenue (RPF-11-21)

Approve the request by the applicant to remove one (1) city-owned tree as outlined in roads, parks & forestry department report RPF-11-21; and

Instruct the applicant, Salman Cheema, to provide compensation for the city-owned tree removal by providing cash-in-lieu of replacement totaling \$3,000.00. The funds will provide for new tree plantings elsewhere in the city which includes care and maintenance for the first two (2) years; and

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

CARRIED

- c. Public tree removal report – 800 Laurentian Drive – (Site plan 535-014-20) (RPF-13-21)

Approve the request by the applicant to remove one (1) city-owned tree as outlined in roads, parks & forestry department report RPF-

13-21; and

Instruct the applicant, Allen Schiedel on behalf of ABS Machining, 2596879 Ontario Inc. to provide compensation for the city-owned tree removal by providing cash-in-lieu of replacement totaling \$3,500.00. The funds will provide for new tree plantings elsewhere in the city which includes care and maintenance for the first two (2) years; and

Direct that a tree permit be obtained for the removal and payment of 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

- d. COVID-19 emergency response verbal update (CSSRA-10-21)

Authorize the Director of Recreation, Community and Culture, where necessary to further discount rental rates in 2021 for non-profit community organizations based upon financial analysis, program offerings and community need and report the financial implications through the Chief Financial Officer as part of the ongoing financial COVID-19 impacts.

CARRIED

- e. City Private Tree By-law 02-2020 implementation update (RPF-07-21)

Defer roads, parks and forestry report RPF-07-21 City Private Tree By-law 02-2020 implementation update to the Environment, Infrastructure and Community Services Committee meeting to be held June 10, 2021.

CARRIED

- h. Confidential verbal update from EcDev on strategic lands opportunity (CSSRA-09-21)
- Receive and file the closed session information update regarding strategic lands opportunity and have the City Manager report back for any further Council direction, as required.

CARRIED

- f. Tyandaga – Public Park and Golf Course follow up report (RCC-01-21)

Direct the Director of Recreation, Community and Culture to permanently phased-in over 2022 – 2026, a change to the Tyandaga operating model, shifting from the current net zero model to a tax-supported model funded by both user fees and the general tax-base, as outlined in recreation, community and culture department report RCC-01-21.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, and Councillor Sharman

OPPOSED: (1): Councillor Bentivegna

CARRIED (6 to 1)

- g. Beachway Park parking update (TS-07-21)

Direct the Director of Roads, Parks and Forestry to install landscape stone and flower planters in the proximity of the Trans Northern Pipeline as outlined in transportation services department report TS-07-21.

IN FAVOUR: (4): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, and Councillor Sharman

OPPOSED: (3): Councillor Kearns, Councillor Stolte, and Councillor Bentivegna

CARRIED (4 to 3)

14. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Nisan
Seconded by: Councillor Stolte

Approve the following minutes:

CARRIED

- 14.1 Community Planning, Regulation and Mobility meeting minutes of May 4, 2021
- 14.2 Corporate Services, Strategy, Risk and Accountability meeting minutes of May 5, 2021
- 14.3 Environment, Infrastructure and Community Services meeting minutes of May 6, 2021

15. Urgent Business:

- 15.1 Resolutions of the Sole Shareholder of Burlington Enterprises Corporation – Annual General Meeting (ADM-02-21)

Moved by: Councillor Nisan
Seconded by: Councillor Stolte

Be it resolved that:

1. The 2020 Annual Report containing the consolidated financial statements of the Corporation for the year ended December 31, 2020 and the report of the Auditors on the financial statements be hereby approved.
2. The firm of KPMG LLP be hereby appointed to serve as the Corporation's auditors until a replacement is selected and appointed by the Shareholder at remuneration to be determined by the directors.
3. The following persons are hereby confirmed as elected directors of the Corporation, having been appointed to hold office for a term of two (2) year term to December 31, 2021 or until their successors are duly elected, subject to the provisions of the by-laws of the Corporation, the shareholder direction applicable to the Corporation and the provisions of the Business Corporations Act (Ontario):

John Maheu
Archie Bennett
4. The following persons be and they are hereby confirmed as directors of the Corporation by virtue of the offices they hold, to hold the office of director for so long as they hold the offices specified below or until their

successors to said offices below are duly elected or appointed, as the case may be, subject to the provisions of the by-laws of the Corporation and the provisions of the Business Corporations Act (Ontario):

Gerry Smallegange, by virtue of holding the office of President of the Corporation,

Marianne Meed Ward, by virtue of holding the office of Mayor of the City of Burlington,

Tim Commisso, by virtue of holding the office of City Manager of the City of Burlington.

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

That the City Clerk be directed to provide a copy of this resolution with the executed resolutions of the Sole Shareholder to the Burlington Enterprises Corporation.

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

CARRIED (7 to 0)

15.2 Confidential report regarding an employment related matter (HR-02-21)

Moved by: Councillor Bentivegna

Seconded by: Councillor Galbraith

Approve the recommendation as outlined in confidential report HR-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)

15.3 Motion to move into closed session:

Moved by: Councillor Galbraith

Seconded by: Councillor Bentivegna

Burlington City Council moved into closed session at 2:37 pm in accordance with the following provisions under the Municipal Act:

Pursuant to sections 239 (2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees. - An Employment Related Matter

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

CARRIED (7 to 0)

15.4 Motion to move into public session:

Moved by: Councillor Bentivegna

Seconded by: Councillor Galbraith

Burlington City Council moved into public session at 3:06 pm.

CARRIED

16. Motions of Members:

None.

17. Council Information Packages:

Note: No items were brought forward to the next committee cycle.

17.1 Council Information Package April 23, 2021

17.2 Council Information Package April 30, 2021

17.3 Council Information Package May 7, 2021

17.4 Council Information Package May 14, 2021

18. Motion to Receive and File Information Items:

Moved by: Councillor Kearns

Seconded by: Councillor Nisan

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

CARRIED

18.1 Delegation notes from Jim Young representing Burlington Inclusivity Advisory Committee regarding Pride Month 2021.

19. Motion to Consider Confidential Items:

None.

20. Notices of Motion:

None.

21. Motion to Approve By-Laws:

Moved by: Councillor Galbraith

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)

- 21.1 37-2021: A by-law to amend By-law 61-2016, being a by-law to provide tax reductions or refunds in respect of eligible heritage property, to add eligibility for commercial properties designated under Part IV or Part V of the Ontario Heritage Act.
- 21.2 38-2021: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Rexway Drive Area Minor Reconstruction.
- 21.3 39-2021: A by-law to amend Traffic By-law 86-2007 to include provisions for Designated Speed Limit Areas.
- 21.4 40-2021: A by-law to appoint a Deputy City Clerk and Deputy Clerk Pro Tem for the City of Burlington.
- 21.5 41-2021: A by-law to exempt a portion of 1328 and 1340 Brant Street for property taxes for municipal and school purposes.

22. Confirmatory By-law:

Moved by: Councillor Kearns

Seconded by: Councillor Galbraith

Enact and pass By-law Number 42-2021, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, May 18, 2021, being read a first, second and third time.

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

CARRIED (7 to 0)

23. Statements by Members:

24. Motion to Adjourn:

Moved by: Councillor Nisan

Seconded by: Councillor Sharman

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

3:30 pm

CARRIED

Kevin Arjoon

City Clerk

Marianne Meed Ward

Mayor