



Regular Meeting of Council

Minutes

Date: April 19, 2022
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), Richard Bellemare (Audio/Video Specialist), Debbie Hordyk, Kevin Arjoon (Clerk)

Note: This City Council meeting was conducted using a hybrid model, allowing members of Council, city staff and delegations the option of participating remotely or in-person.

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
None.
5. **Proclamations:**
 - 5.1 BeADonor Month: April 2022
 - 5.2 Dig Safe Month: April 2022
 - 5.3 Sikh Heritage Month: April 2022
 - 5.4 Food For Good Week: April 22- 30, 2022
 - 5.5 National Volunteer Week: April 24-30, 2022
 - 5.6 Chamber of Commerce Day: April 27, 2022

- 5.7 Jewish Heritage Month: May, 2022
- 5.8 GBS CIDP Awareness Month: May, 2022
- 5.9 Canada Netherlands Friendship Day: May 5, 2022
- 5.10 Falun Dafa Day: May 13, 2022
- 5.11 World Migratory Bird Day: May 14, 2022

6. Recognitions and Achievements:

None.

7. Motion to approve Council Minutes:

Confirm the minutes of the following meetings of Council:

- 7.1 Regular meeting of Council March 22, 2022
- 7.2 Special meeting of Council 11:00 a.m. April 12, 2022
- 7.3 Special meeting of Council 1:00 p.m. April 12, 2022

8. Presentations:

None.

9. Declarations of Interest:

- 9.1 Councillor Stolte - Recommendation Report from the Integrity Commissioner - Code of Conduct Complaint Against Councillor Stolte (CL-16-22)

Councillor Stolte declared a conflict on this item, as the member is the subject of the report. Councillor Stolte participated in the matter, as per Municipal Conflict of Interest Act, section 5, subsection (2.1).

10. Delegations:

- 10.1 Laurie Hepburn representing Halton's Woman's Place delegated regarding Bill C-233, "Keira's Law"
- 10.2 Kirk and Sonja Robinson delegated regarding Bill C-233, "Keira's Law"
- 10.3 Jennifer Kagan delegated regarding Bill C-233, "Keira's Law"
- 10.4 Ben Freeman, representing Canadian Food Truck Festivals delegated regarding Future direction on events in Burlington (RCC-06-22)

10.5 Mary Alice St. James delegated regarding Report from the Integrity Commissioner - Code of Conduct Complaint Against Councillor Stolte (CL-16-22)

11. Petitions:

None.

12. Recommendations from Standing Committees:

12.1 Council Workshop of March 21, 2022

There were no recommendations from this meeting.

12.2 Community Planning, Regulation and Mobility meeting of April 5, 2022

Items a, b, c and d were voted on 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. Official Plan and Zoning By-law amendments for 1860-1900 Appleby Line (PL-26-22)

Direct staff to continue to process the submitted Official Plan and Zoning By-law amendments for 1860-1900 Appleby Line, including evaluating and incorporating any/all comments received by the committee and public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

CARRIED

b. Committee of Adjustment activity report (PL-38-22)

Receive and file community planning department report PL-38-22 providing a Committee of Adjustment activity report.

CARRIED

c. 2021 annual building permit revenues and expenses (BB-04-22)

Receive and file building and by-law department report BB-04-22 providing related information for the 2021 annual building permit revenues and expenses.

CARRIED

- d. Minor variance consideration within two years of Zoning By-law amendment for 1157-1171 North Shore Boulevard (PL-40-22)

Declare by resolution that in accordance with subsection 45(1.4) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, the owners of 1157-1171 North Shore Boulevard be permitted to apply to the Committee of Adjustment for variances from the provisions of Zoning By-law 2020.433, before the second anniversary of the day on which the by-law was approved by the Local Planning Appeal Tribunal.

CARRIED

12.3 Corporate Services, Strategy, Risk and Accountability meeting of April 6, 2022

Items a, b, c, d, e, g, h, i and j were voted on 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. 2022 municipal election – administrative approvals (CL-13-22)

Approve By-law 37-2022 attached as appendix A to office of the city clerk report CL-13-22, being a by-law to authorize the use of optical scan vote tabulators and internet voting as an alternative voting method for the 2022 municipal election, and repeal By-law 57-2016.

CARRIED

- b. 2021 Treasurer's statement for reserve funds (F-14-22)

Receive and file finance department report F-14-22, 2021 Treasurer's statement for development charges reserve fund, park dedication reserve fund and the public benefits reserve fund.

CARRIED

- c. 2022 work plans and budgets for advisory committees (CL-10-22)

Approve the 2022 advisory committee work plans and budget requests attached as appendix A to office of the city clerk report CL-10-22; and

Receive and file the 2021 advisory committee annual reports attached as appendix B to office of the city clerk report CL-10-22.

CARRIED

- d. Health, safety and wellness presentation (HR-04-22)

Receive and file human resources department presentation HR-04-22 providing an update on health, safety and wellness.

CARRIED

- e. Civic recognition update (CL-02-22) (SD-11-22)

Direct the City Clerk to report back in Q3 2022 on potential (draft) criteria, a formal process for nominating community members to be recognized and a plan for a recognition event to take place in 2023; and

Direct the City Clerk to work with the Manager of Engagement and Volunteers to plan and implement an engagement campaign regarding civic recognition in Q2 2022; and

Direct the City Clerk to implement the working group model, as utilized for the council compensation process, in conjunction with other models of citizen engagement by the end of Q3 2022 to ensure robust community input in regard to the important re-establishment of a Burlington civic recognition program for 2023. (SD-11-22)

CARRIED

- g. Multi-year community investment plan 2023-2030 (CM-03-22)
- Receive and file city manager's office report CM-03-22 providing a preliminary overview of the city's multi-year community investment plan (2023 – 2030) - interim report; and

Direct the City Manager and Chief Financial Officer to report back in Q2 of 2023 with an updated multi-year community investment plan, subject to the completion and approval of relevant master plans, and strategies by Council, as identified in the report.

CARRIED

- h. COVID-19 emergency response verbal update (CSSRA-03-22)

Receive and file the April 6, 2022 staff presentation providing the COVID-19 emergency response verbal update.

CARRIED

- i. Confidential update on a real estate matter - Robert Bateman High School (L-17-22)

Proceed with next steps as outlined in confidential legal department report L-17-22; and

Authorize the Mayor and City Clerk to execute documents in connection with this matter, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel and with content satisfactory to the City Manager.

CARRIED

- j. Confidential construction mobility management plan (L-12-22)

Receive and file confidential legal department report L-12-22 regarding construction mobility management plan.

CARRIED

- f. Campaign contribution rebate program for the 2022 municipal election (CL-12-22)

Note: See item 14.3 for this item.

12.4 Environment, Infrastructure and Community Services meeting of April 7, 2022

Items a, b, c, d, e, f and h 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. Plumbing Permit Fee Grant Program (ES-07-22)

Approve \$80,000 from the tax rate stabilization reserve fund be provided for the continuation of the Plumbing Permit Fee Grant Program in 2022 and 2023.

CARRIED

b. Bird Friendly City resolution (EICS-C-04-22) (SD-12-22)

Support Burlington being certified a Bird Friendly City by Nature Canada as nominated by the Bird Friendly Hamilton Burlington group; and

Direct the City Manager or designate to report back on the additional actions identified by the Bird Friendly Hamilton Burlington group to support the Bird Friendly City certification. (SD-12-22)

CARRIED

c. Update to the City's Private Tree Bylaw (RPF-08-22)

Approve By-Law 40-2022, substantially in the form attached as appendix A to roads, parks forestry department report RPF-08-22 and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel and repeal By-Law 02-2020; and

Amend the Rates and Fees By-law 61-2021 with respect to the City of Burlington Private Tree By-law as described in roads, parks and forestry department report RPF-08-22, and detailed in appendix B.

CARRIED

- d. Fire Community Risk Assessment (CRA) 2021 (BFD-02-22)
- Receive and file Burlington fire department report BDF-02-22 regarding the 2021 Community Risk Assessment (CRA) attached as appendix A.

CARRIED

- e. Halton Digital Access Strategy status update (CM-01-22)
- Receive and file city manager's office report CM-01-22 providing an update regarding the Halton Digital Access Strategy review; and
- Direct the City Manager to report back in June 2022 on the implementation of the Halton Digital Access Strategy, inclusive of a municipal infrastructure deployment model to support the multi-year 5G network installation by telecom service providers (based on options outlined in report CM-01-22), along with an associated financial forecast and a summary of formal agreements in support of the recommended deployment model.

CARRIED

- f. Skyway Community Centre– financial approval for construction (EICS-03-22)
- Direct the Executive Director of Environment, Infrastructure and Community Services to proceed with the request for prequalification for general constructor and tendering for the construction of the new community centre at Skyway; and
- Approve the revised total budget for the Skyway Community Centre at \$32.3 million, with revised financing proposal as recommended in environment, infrastructure and community services report EICS-03-22; and
- Direct the Manager of Government Relations to seek confirmation on the existing Green and Inclusive Building program grant application and continue to seek future opportunities for Federal and Provincial grant funding, and report back on the existing application and future grant opportunities including any impact to the City's financing proposal as outlined in environment, infrastructure and community services report EICS-03-22.

CARRIED

- h. Burlington Holiday Market follow-up (RCC-03-22) (SD-14-22)
- Receive and file recreation, community and culture department report RCC-03-22 providing follow-up information on a new event launched in December 2021 called Burlington Holiday Market; and
- Direct the Director of Recreation, Community and Culture to report back in February 2023 on the economic impact of local business, cultural impact, and parking/active transportation impact of the Burlington Holiday Market. (SD-14-22)

CARRIED

- g. Leash Free site preference Ward 2 (RCC-04-22) (SD-13-22)
- Receive and file recreation, community and culture department report RCC-04-22; and
- Optimize the area of the Central Park leash free park with additional funding with a maximum of \$20,000 from the capital purpose reserve fund with an approved total budget of \$120,000.
- IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

- i. Future direction on events in Burlington (RCC-06-22)
- Receive and file recreation, community and culture department report RCC-06-22 regarding event delivery on city lands.
- IN FAVOUR: (7): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (7 to 0)

12.5 Council Workshop meeting of April 11, 2022

There were no recommendations from this meeting.

- 12.6 Community Planning, Regulation and Mobility Public meeting of April 12, 2022

The recommendations from this meeting were ratified at the Special Council meeting of April 12, 2022

- 12.7 Audit Committee meeting of April 13, 2022

- a. Risk to Strategy - Vision 2040 (CS-05-22)

Endorse the Five Lines of Accountability as presented in corporate strategy report CS-05-22 providing Risk to Strategy - Vision 2040.

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

CARRIED (7 to 0)

13. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Stolte

Seconded by: Councillor Nisan

Approve the following minutes:

CARRIED

- 13.1 Council Workshop meeting of March 21, 2022

- 13.2 Community Planning, Regulation and Mobility meeting minutes of April 5, 2022

- 13.3 Corporate Services, Strategy, Risk and Accountability meeting minutes of April 6, 2022

Moved by: Councillor Nisan

Seconded by: Councillor Kearns

Motion to amend the Corporate Services, Strategy, Risk and Accountability meeting minutes of April 6, 2022:

Change the word contribution to rebate after the words "maximum \$100" so it reads as follows:

Approve option 2 to establish the contribution rebate program formula for the City of Burlington with a minimum \$50 contribution and maximum \$100

rebate and excluding candidates contributing to other candidates from the program;

Approve the Community Services, Strategy, Risk and Accountability committee minutes of April 6, 2022 as amended.

CARRIED

13.4 Environment, Infrastructure and Community Services meeting minutes of April 7, 2022

13.5 Council Workshop meeting minutes of April 11, 2022

13.6 Community Planning, Regulation and Mobility Public meeting minutes of April 12, 2022

13.7 Audit Committee meeting minutes of April 13, 2022

14. Urgent Business:

14.1 Bill 109 “More Homes for Everyone Act” – Staff Comments for ERO

Moved by: Councillor Kearns

Seconded by: Councillor Galbraith

Receive and file Community Planning department Report PL-47-22 regarding the City of Burlington Submission on Bill 109, the “More Homes for Everyone Act”, 2022; and

Direct the Director of Community Planning to submit Report PL-47-22 as the City of Burlington Submission on Bill 109, the “More Homes for Everyone Act”, 2022 by the comment submission deadline of April 29, 2022; and

Direct the Director of Community Planning to provide any additional comments to the Province, if any, upon Council approval on April 19, 2022.

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

CARRIED (7 to 0)

14.2 Regional Official Plan Amendment 48 – Approach to Achieve Conformity (PL-41-22)

Moved by: Councillor Bentivegna
Seconded by: Councillor Sharman

Receive and file community planning department report PL-41-22 regarding Regional Official Plan Amendment 48 – Approach to Achieve Conformity.

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

CARRIED (7 to 0)

14.3 By-law to authorize the Campaign Contribution Rebate Program for the 2022 Municipal Election (CL-15-22)

Moved by: Councillor Kearns
Seconded by: Councillor Bentivegna

The following motion was voted on by way of a 2/3 vote.

Waive the rules of procedure (s.49.2) to allow a Councillor to ask more than two questions in a row.

IN FAVOUR: (5): Councillor Galbraith, Councillor Kearns, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (2): Mayor Meed Ward, and Councillor Nisan

CARRIED (5 to 2)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Enact a by-law to authorize the Campaign Contribution Program for the 2022 Municipal Election, attached as Appendix A to the Office of the City Clerk report CL-15-22.

IN FAVOUR: (3): Mayor Meed Ward, Councillor Nisan, and Councillor Stolte

OPPOSED: (4): Councillor Galbraith, Councillor Kearns, Councillor Sharman, and Councillor Bentivegna

LOST (3 to 4)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Receive and file supplemental report CL-15-22 having explored additional measures for increasing candidate participation in the election.

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

CARRIED (7 to 0)

14.4 Recommendation Report from the Integrity Commissioner - Code of Conduct Complaint Against Councillor Stolte (CL-16-22)

Councillor Stolte declared a conflict on this item. (Councillor Stolte declared a conflict on this item, as the member is the subject of the report. Councillor Stolte participated in the matter, as per Municipal Conflict of Interest Act, section 5, subsection (2.1).)

Moved by: Councillor Nisan
Seconded by: Councillor Galbraith

Approve the recommendation as outlined in Appendix B to report CL-16-22 from the Integrity Commissioner:
That having been found to have breached the City of Burlington's Council Code of Conduct, Councillor Stolte's pay be suspended for a period of 5 days.

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

CARRIED (6 to 0)

a. Motion to waive the rules of procedure

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Waive the rules of procedure (s.49.12) to allow members the option of an additional five minutes to speak.

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

CARRIED (7 to 0)

15. Motions of Members:

15.1 Motion to Endorse Mayor Meed Ward for AMO Large Urban Caucus Board of Directors (ADM-05-22)

Moved by: Councillor Nisan

Seconded by: Councillor Galbraith

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 Mayor Meed Ward has been serving on the AMO Board of Directors Large Urban Caucus through the current term of August 2020 – August 2022; and

Whereas AMO has issued a call for nominations to their Board of Directors for the upcoming term of August 2022 – August 2024; and

Whereas there is an opportunity to continue to strengthen the relationship between Ontario Big City 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; and

Therefore, be it resolved that City Council endorse the nomination of Mayor Marianne Meed Ward to the Association of Municipalities of Ontario (AMO) Board of Directors, Large Urban Caucus for another two-year term beginning August 2022 and ending August 2024; 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 by May 31st, 2022 in order 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 2024.

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 Motion regarding Bill C-233, “Keira’s Law” (ADM-06-22)

Moved by: Councillor Stolte

Seconded by: Councillor Kearns

Whereas violence against women is a Canadian public health crisis that demands urgent action; and

Whereas one in four women experience domestic violence in their lifetime. One woman or girl is killed every other day, on average, somewhere in our country; and

Whereas the most dangerous time for a victim of abuse is when she separates from her partner. According to research from the US Centre for Disease Control and Prevention, when there is a history of coercive control, violence and a recent separation, a woman’s risk of domestic homicide goes up 900 times; and

Whereas, the current Canadian court system is not equipped to protect women. According to the National Judicial Institute, there is no mandatory education for Judges on domestic violence. Judges need education on what constitutes domestic violence or coercive control. A formal education program would ensure another line of defense for victims, as well as preventing violence and abuse before it happens; and

Whereas, the COVID-19 pandemic has only exacerbated the domestic violence crisis. Women’s shelters and crisis centres have reported a marked increase in requests for services this year. The concerns for children are significant. According to recent research from The Children’s Hospital of Eastern Ontario, doctors have seen more than double the number of babies with serious injuries as this time last year. These include head injuries, broken bones or in some cases death. Institutions across the country are reporting a similar trend; and

Whereas, Halton Regional Police Service (HPRS) is raising the alarm bells about domestic assaults after a jump in intimate partner violence-

related charges by more than 140 percent last month compared to a year ago. HRPS estimates officers responded to more than 4,000 intimate partner violence calls in 2021, and average 10 calls per day; and

Whereas, Halton Women's Place shelters were frequently at or above capacity. Abuse is the attempt by one person to control another using fear, violence or intimidation. Abuse is not just physical but emotional, sexual, financial and psychological; and

Whereas, according to Article 19 of the UN Convention on the Rights of the Child, children must be protected from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child." Our current family justice system often fails our children in this regard; and

Whereas, in worst case scenarios, children are killed by a violent parent. As reported by the Canadian Domestic Homicide Prevention Initiative, recent separation and domestic violence are the two biggest risk factors for domestic violence related child homicides; and

Whereas, custody disputes are an additional risk factor. Each year in Canada, about 30 children are killed by a parent. Mothers are responsible about 40 per cent of the time, often due to postpartum depression or mental illness. In the 60 per cent of cases where fathers are the murderers, anger, jealousy or post-separation retaliatory revenge are the usual motivations; and

Whereas, Keira's Law is named after four-year-old Keira Kagan, who was killed while in the custody of her father, in 2020; and

Whereas many cases of domestic violence are inappropriately labelled as "high conflict" in the family court system. According to research by Rachel Birnbaum, a Social Work Professor at the University of Western Ontario who specializes in child custody, approximately one third of cases called "high conflict" by the court had substantiated evidence of valid concerns about domestic violence. These cases must be recognized and treated differently by judges; and

Whereas, voting in favour of "Keira's Law", contained in Private Member's Bill C-233, will not only protect victims of violence and children, it will save lives by amending the Judges Act to establish seminars for judges on intimate partner violence and coercive control; and

Whereas, citizens from across Canada, including Burlington, have signed a petition calling upon the House of Commons to support Bill C-233; and

Now therefore be it resolved that, Burlington City Council calls upon the House of Commons to support Member of Parliament Anju Dhillon's Private Member's Bill C-233, that will raise the level of education on domestic violence and coercive control for federally appointed Judges; and

Further that a copy of this resolution be sent to:

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Karina Gould, MP, Minister of Families, Children and Social Development
- The Honourable Candice Bergen, Interim Leader of the Conservative Party of Canada
- Yves-Francois Blanchet, MP, Leader of the Bloc Quebecois
- Jagmeet Singh, MP, Leader of the New Democratic Party
- MP Pam Damoff
- MP Adam van Koeverdan

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 regarding GTA West Corridor (Highway 413) (ADM-07-22)

Moved by: Councillor Nisan

Seconded by: Councillor Bentivegna

Whereas the Province of Ontario initiated an Environment Assessment process in 2007 for the planning and construction of the proposed Highway 413; and

Whereas the final recommendation of the Stage 1 Provincial Environmental Assessment (2012) was to first put in place the transportation system management components, rapid transit, freight rail improvements and expansion of existing highways prior to construction of a new expressway; and

Whereas the Stage 2 Environmental Assessment (new expressway) undertaken by the previous provincial government was shelved because of strong objections by an Expert Panel in the fields of rural development, renewable cities, agriculture, environment, and efficient transportation who sounded alarms over predicted irreversible ecological harm caused by the uncontrolled, low density urban sprawl enabled by the Corridor; and

Whereas the current Provincial Government revived the \$6+ billion Highway 413 proposal in 2018, saying it could relieve congestion issues in the fast-growing Toronto suburbs and boost Ontario's economy; and

Whereas a significant number of reputable organizations have demanded cancellation of the Highway 413 project, including: Environmental Defense, the David Suzuki Foundation, the Federation of Urban Neighborhoods, Gravel Watch, Halton Environmental Network, National Farmers' Union-Ontario, Rescue Lake Simcoe Coalition, Transport Action Ontario, Greenbelt Council; as well as formal opposition of Councils from the municipalities of Halton Hills, Caledon, Orangeville, Vaughan, Brampton, Mississauga, King and the City of Toronto; and

Whereas the Federal Government has decided to conduct an Impact Assessment study for the proposed Highway 413; and

Whereas Ontario farming and food processing together employ one million persons and generate over \$35 billion economic benefits annually; and

Whereas the Greater Golden Horseshoe is the third largest agricultural producer in North America after California and Chicago; and

Whereas the Province of Ontario is proposing to develop the Highway 413 by razing 809 hectares of pristine farmlands, some of which are Class A and Class B farmlands and many of which will immediately cease to be farmed and other lands which over time will be developed for non-agricultural uses; and

Whereas the Minister of Agriculture, Food and Rural Affairs has not completed an Agricultural Impact Assessment for the proposed Highway 413; and

Whereas the proposed Highway 413 will cut across 85 waterways, and destroy protected Greenbelt lands including 7 entire woodlots, 220 important wetlands and valley land features, 10 different species-at-risk and hundreds of acres of vulnerable wildlife habitat; and

Whereas the Greenbelt Plan's permission for new infrastructure which negatively impacts key natural heritage features, key hydrologic features

or key hydrologic areas requires determination that there is “no reasonable alternative” and that this has not been established through a planning process; and,

Whereas the Toronto and Region Conservation Authority (TRCA), which is the regulatory authority for developments in flood plains, wetlands, and valley lands, has also raised concerns about the potential impact of the proposed Highway 413 as well as the streamlined Environmental Assessment process; and,

Whereas the City of Burlington has declared a climate emergency and approved a Climate Action Plan with a target to be a net carbon neutral community by 2050; and

Whereas responding to the climate emergency requires immediate re-evaluation of all transportation plans as the transportation sector is the highest single source of emissions; and

Whereas the Province must take immediate measures to decrease GHGs through alternatives such as increasing public transit, including the necessary local public transit networks, to enable broad access to the higher order transit including high-speed electric trains; and,

Whereas the Highway 407 was created as a truck by-pass in order to relieve congestion on Highway 401, but the Highway 407 was tolled, thereby limiting the amount of relief provided by the Highway 407; and

Whereas it is well known that, as new road capacity (lane-km) is constructed, traffic demand grows to fill this capacity by the phenomenon known as “induced demand”, resulting in roads that are as congested as they were prior to the expansion of the road; and

Whereas several reasonable highway network management alternatives to the proposed Highway 413 exist and were recommended by the Expert Panel, including possible subsidies or congestion pricing that would shift truck traffic to the under-utilized Highway 407; and

Whereas the proposed Highway 413 will allocate limited Provincial funds to the movement of vehicular traffic instead of much needed transit investments for complete transit-oriented communities; and

Whereas transit investments and good land use planning decisions are vital to creating complete transit-oriented communities which are economically vibrant, where people and goods are moved seamlessly, and where multiple modes of transportation support the community including a focus on active transportation; and

Whereas the proposed Highway 413 will lead to greater demand for development with more than 13,350 hectares of Whitebelt lands in the Greater Golden Horseshoe (Caledon and Vaughan) being impacted, leading to greater urban sprawl and development that is not supportive of transit investment; and

Whereas analysis has shown (<https://ontario.transportation.ca>) that investment in various unfunded rapid transit projects, including GO Transit, 407 Transitway and LRT/BRT projects which can move 4-10 times the number of people as the proposed Highway 413, for the same invested dollars; and

Whereas the 407 Transitway has been planned for decades but has no approved funding for its construction; and

Whereas the City of Burlington has consistently supported development of the transit-oriented communities,' to support long term inter-regional transportation solutions and to enhance integration of our existing communities and supported rail integrated communities along both the GO Transit rail lines and the 407 rail transitway; and

Whereas uncontrolled urban growth threatens these resources and is widely seen to embed unsustainable infrastructure maintenance costs, deepen traffic congestion problems, increase transportation-related emissions of greenhouse gases and smog precursors, and reinforce social divisions; and

Whereas planning and infrastructure decisions affect the shape of communities for decades, even centuries to come; and

Whereas Transit Oriented Communities (TOC) positively contribute toward more environmentally friendly and economically sustainable communities, reduce the reliance on car-dependent trips for all members of the community, therefore reducing Vehicle Kilometers Travelled (VKT) and reducing the high costs of auto ownership thus contributing to achieving affordable housing outcomes; and

Whereas strategic land-use planning requires public policy that communicates TOCs as integral to a community's long-term vision with supportive official plan and zoning provisions that facilitate density and mixed land use; and

Now therefore, be it resolved that Burlington City Council does not support the proposed Highway 413 at this time; and

Further That Burlington City Council continues to support an integrated GTHA rail transit network which includes high speed rapid rail transit running beside the Highway 407 (407 Transitway); and

That Burlington City Council supports a complete Federal Environmental Impact Study pursuant to s.9(1) of the Impact Assessment Act (I.A.A.), prior to any advancement of the proposed Highway 413 project; and, That Burlington City Council requests that the Province undertake an economic evaluation and time travel analysis of Highway 407 versus the proposed Highway 413 including the potential for congestion and non-peak hour pricing or other highway management alternatives; and

That Burlington City Council requests the Province of Ontario work with 407 International Inc. to devise strategies to increase 407 ETR usage and enforce penalties provided to encourage efforts at congestion relief on the 401 Hwy and all surrounding roads; and

That the capital cost for the proposed 413 Hwy be re-designated to the expansion of long term, environmentally sustainable rapid transit throughout the GTA; and

That Burlington City Council recommends that the Province undertake a comprehensive economic benefits analysis of the potential for TOCs along the 407 Transitway, GO Rail Transit Network and new LRT/BRT lines versus the cost of urban sprawl triggered by the proposed Highway 413; and

That the Province undertake an integrated review of the Provincial Growth Plan for the Greater Golden Horseshoe and the Metrolinx Regional Transportation Plan to develop a sustainable communities strategy to provide consistent and comprehensive policies for achieving affordable housing near TOC stations. This should include policies to support intensification within the Built-Up Area, particularly within MTSA's and along high frequency (15 minutes or less, peak hour) bus transit; and

That the Province must also update its affordable housing program to recognize the relationship between housing affordability and transit including the positive role of having housing near rail transit TOC stations to improve the operational efficiency of the Provincial investment in mass rail transit; and

That Ontarians need serious, transparent, and accountable infrastructure planning processes, based on clear and consistent rules designed to advance the environmental, social, and economic sustainability of their communities; and

That a copy of this resolution be provided to the Regions of York, Peel and Halton, the Cities of Richmond Hill, Vaughan, Brampton, Mississauga, Toronto and the Towns of Milton, Caledon, and Halton Hills; and further, That this resolution be forwarded to: Doug Ford, Premier of Ontario; Peter Bethlenfalvy, Minister of Finance; Caroline Mulroney, Minister of Transportation; Kinga Surman, Minister of Infrastructure and Transit-Oriented Communities; David Piccini, Minister of Environment and Climate Change; Stan Cho, Associate Minister of Transportation (GTA); Steve Clark, Minister of Municipal Affairs and Housing; Lisa Thompson, Minister of the Agriculture, Food and Rural Affairs; Victor Fedeli, Minister of Economic Development, Job Creation and Trade; Andrea Horwath, Leader of the Official Opposition & Ontario NDP Party; Steven Del Duca, Leader of the Ontario Liberal Party; All Members of Federal Parliament in Halton Region; All Members of Provincial Parliament in Halton; All Members of Halton Regional Council; All Town Clerks in Halton Region; Justin Trudeau, Prime Minister of Canada; Chrystia Freeland, Federal Minister of Finance; Omar Alghabra, Federal Minister of Transport; Marie Claude Bibeau, Minister of Agriculture and Agri-Food; Melanie Joly, Federal Minister of Economic Development; Dominic Leblanc, Federal Minister of Infrastructure and Communities; Jonathan Wilkinson, Federal Minister of Natural Resources; Steven Guilbeault, Federal Minister of Environment and Climate Change; Wayne Emmerson, Chairman and CEO, York Region; John Mackenzie, CEO, Toronto And Region Conservation Authority; Phil Verster, President and CEO, Metrolinx.

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, and Councillor Bentivegna

OPPOSED: (1): Councillor Sharman

Absent (1): Councillor Kearns

CARRIED (5 to 1)

16. Council Information Package:

16.1 Council Information Package March 25, 2022

16.2 Council Information Package April 1, 2022

16.3 Council Information Package April 8, 2022

16.4 Council Information Package April 14, 2022

17. Motion to Receive and File Information Items:

Receive and file the information items, having been considered by Council.

CARRIED

- 17.1 Additional information from staff regarding Ward 2 Leash Free Area Central Park (RCC-04-22)
- 17.2 Additional Information from Alison Enns, Manager of Policy and Community regarding Regional Official Plan Amendment 48 - Approach to Achieve Conformity (PL-41-22)
- 17.3 Correspondence from Mark McGuire regarding Burlington Holiday Market follow-up (RCC-03-22)
- 17.4 Correspondence from Ben Freeman representing Canadian Food Truck Festivals regarding Future direction on events in Burlington (RCC-06-22)
- 17.5 Correspondence from Residential and Civil Construction Alliance of Ontario regarding GTA West Corridor (Highway 413) (ADM-07-22)
- 17.6 Correspondence regarding from Marion Brunton regarding Leash Free site preference Ward 2 (RCC-04-22) (SD-13-22)
- 17.7 Correspondence from Mike Morris regarding Update to the City's Private Tree Bylaw (RPF-08-22)
- 17.8 Correspondence from Peter Rusin regarding Recommendation Report from the Integrity Commissioner - Code of Conduct Complaint Against Councillor Stolte (CL-16-22) and Motion regarding GTA West Corridor (Highway 413) (ADM-07-22)
- 17.9 Correspondence from Leslie Barbetta regarding Report from the Integrity Commissioner - Code of Conduct Complaint Against Councillor Stolte (CL-16-22)
- 17.10 Correspondence from Christina Wilson regarding Ward 2 Leash Free Area Central Park (RCC-04-22)
- 17.11 Correspondence from Victoria Roberts regarding Ward 2 Leash Free Area Central Park (RCC-04-22)
- 17.12 Correspondence from Ace Tennis regarding Leash Free site preference Ward 2 (RCC-04-22)
- 17.13 Correspondence from Mary Alice St. James regarding report from the Integrity Commissioner-Code of Conduct Complaint Against Councillor Stolte(CL-16-22)

18. Motion to Consider Confidential Items:

None.

19. Notice of Motion:

None.

20. Motion to Approve By-Laws:

By-laws 35-2022, 36-2022, 37-2022, 38-2022, 40-2022 and 41-2022 were voted on by way of one consent vote.

By-law 39-2022 was removed from the vote.

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)

- 20.1 35-2022: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington.
- 20.2 36-2022: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for Wicklow Rd & Belfast Ave Minor Reconstruction.
- 20.3 37-2022: A by-law to authorize a request for the issuing of debentures by the Region of Halton for Central Arena maintenance and storage roof replacement and repair.
- 20.4 38-2022: A by-law to establish alternative voting.
- 20.5 40-2022: A by-law to repeal 02-2020 and approve a new Private Tree By-law.
- 20.6 41-2022: A by-law to amend By-law 61-2021, being a by-law to impose rates and fees, specifically as it relates to the Private Tree By-Law service.
- 20.7 39-2022: A by-law to establish campaign contribution rebate program.

Recommendation to pass By-law 39-2022 to establish campaign contribution rebate program did not pass. See item 12.3 f.

21. Confirmatory By-law:

Moved by: Councillor Galbraith
Seconded by: Councillor Nisan

Enact and pass By-law Number 42-2022, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, April 19, 2022, 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)

22. Statements by Members:

23. Motion to Adjourn:

Moved by: Councillor Kearns
Seconded by: Councillor Sharman

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

9:51 p.m.

CARRIED

Kevin Arjoon
City Clerk

Marianne Meed Ward
Mayor