



Regular Meeting of Council
Agenda

Date: February 14, 2023
Time: 9:30 am
Location: Council Chambers Level 2, City Hall

City Council meetings are now being conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. The meeting will be live web streamed, as usual, and archived on the city website.

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
5. **Proclamations:**
 - 5.1 Nonprofit sector appreciation week: February 13 - 19, 2023
 - 5.2 Neuromyelitis Optica Spectrum Disorder (NMOSD) Month: March 2023
6. **Recognitions and Achievements:**
7. **Motion to approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

 - 7.1 Regular meeting of Council January 24, 2023
8. **Presentations:**
9. **Declarations of Interest:**
10. **Delegations:**

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at

www.burlington.ca/delegation or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca by noon the day before the meeting. 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.

11. Petitions:

12. Recommendations from Standing Committees:

12.1 Committee of the Whole meeting of February 1, 2023

- a. Vision to Focus (V2F) integrated reporting update as of December 31, 2022 (CS-06-23)

Receive and file Vision to Focus (V2F) integrated reporting update as of December 31, 2022, as contained in appendix A of corporate strategy report CS-06-23.
- b. Privacy and Protection of Personal Information Policy (CL-01-23)

Repeal the Protection of Privacy and Confidentiality of Information Policy attached as appendix A to Office of the City Clerk report CL-01-23; and

Approve the Privacy and Protection of Personal Information Policy attached as appendix B to Office of the City Clerk report CL-01-23;
- c. Hydro Business Plan (F-04-23)

Receive and file finance department report F-04-23 regarding the Hydro 2023 business plan.
- d. Burlington Holiday Market (RCC-02-23)

Direct the Director of Recreation, Community and Culture to approve the continuation of the Burlington Holiday Market contingent on the alignment with the annual Santa Claus Parade and address concerns expressed around the areas that are prone to high winds creating a wind tunnel within the event footprint.

Direct the Deputy Mayor of Engagement and Partnerships to work in collaboration with the City Manager or delegate to explore and report back on partnership opportunities for the Burlington Holiday Market.
- e. Staff direction to expedite file for Better Life Retirement Residence – 4103

Palladium Way (COW-02-23)(SD-02-23)

Direct the Director of Community Planning, Regulations & Mobility and all applicable development review staff to prioritize the Better Life Retirement Residence – 4103 Palladium Way file in order to meet provincial funding deadlines and ensure viability of the project. (SD-02-23)

- f. Staff direction to consult Heritage Burlington Advisory Committee and evaluate eligibility of 496 Walker's Line for Heritage Designation (COW-01-23) (SD-03-23)

Direct the Director of Community Planning, Regulations & Mobility to:

Review the current condition of 496 Walker's Line, assess its continued eligibility for designation under Part IV, Section 29 of the Ontario Heritage Act and update the statement of significance for the property to reflect current property conditions and legislative requirements; and

Consult the Heritage Burlington Advisory Committee to obtain their recommendations concerning the eligibility of 496 Walker's Line for inclusion on the Heritage Register under Part IV, Section 27(3) of the Ontario Heritage Act and for heritage designation under Part IV, Section 29 of the Ontario Heritage Act; and

Report back to City Council in Q2 2023 with the Heritage Burlington Advisory Committee recommendations and the updated statement of significance for the property. (SD-03-23)

- g. Confidential legal department update on a litigation matter regarding appeals of the Parkland Dedication By-law 62-2022 (L-03-23)

Receive and file confidential legal services department report L-03-23 regarding appeals of the Parkland Dedication By-law 62-2002.

- h. Confidential legal department update on a litigation matter regarding Nelson Aggregates (L-07-23)

Receive and file confidential legal services department report L-07-23 providing an update on a litigation matter regarding Nelson Aggregates.

- i. Confidential legal department update on a litigation matter regarding 3503 New Street (L-08-23)

- j. Confidential legal department update on a litigation matter regarding 374-380 Martha Street (L-09-23)

- k. Confidential legal department update on a litigation matter regarding 3500

Ketelbey Court (L-11-23)

12.2 Corporate Services, Strategy, Risk and Accountability Budget meeting of February 6, 2023

a. 2023 budget review and approval (F-01-23-1)

Approve the 2023 Operating Budget including any budget amendments approved by the Corporate Services, Strategy, Risk and Accountability Committee to be applied against the proposed net tax levy amount of \$219,206,545; and

Approve the 2023 Capital Budget for the City of Burlington, with a gross amount of \$72,572,264 with a debenture requirement of \$5,500,000, and the 2024-2032 capital forecast with a gross amount of \$805,460,537 with a debenture requirement of \$35,725,000 as outlined in report F-01-23-1 and as amended by the Corporate Services, Strategy, Risk & Accountability Committee; and

Approve that if the actual net assessment growth is different than the estimated 0.60%, any increase in tax dollars generated from the City portion of assessment growth from the previous year be transferred to the Tax Rate Stabilization Reserve Fund or any decrease in tax dollars generated from the City portion of assessment growth from the previous year be funded from the Tax Rate Stabilization Reserve Fund; and

Administer the debenture in the amount of \$5,500,000 in 2023 as tax supported debt; and

Declare that, in accordance with sis. 5(1)5 of the *Development Charges Act, 1997* and s. 5 of Ontario Regulation 82/98, it is Council's clear intention that the excess capacity provided by the above-referenced works will be paid for by future development charges.

b. Confidential legal services department memo regarding contingency reserve fund projections (L-13-23)

Receive and file confidential legal services department memo regarding contingency reserve fund projections (L-13-23)

13. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

13.1 Committee of the Whole meeting minutes of February 1, 2023

13.2 Corporate Services, Strategy, Risk and Accountability Budget Committee meeting

14. Urgent Business:

- 14.1 Motion memorandum regarding development application files located at Brant Street and Ghent Avenue (COW-03-23)

Note: Item 19.2 provides supplemental information regarding this item.

Direct the Director of Community Planning to report back on the status of Files 505-06/21 & 520-07/21, pending the completion of the Phase 2 Flood Hazard and Scoped Stormwater Management Assessment, by the end of Q2 2023; and

Direct the Director of Community Planning and the Director of Engineering to assign priority and appropriately resource the on-going reviews of Files 505-06/21 & 520-07/21 in an effort to finalize the reviews and make a final staff recommendation to Council once the Phase 2 Flood Hazard and Scoped Stormwater Management Assessment is completed, released and incorporated into proposed development (if required); and

Direct the Director of Community Planning to report back, following completion of the Phase 2 Flood Hazard and Scoped Stormwater Management Assessment, with a list of any other active development applications that may be impacted by the results of that assessment.

- 14.2 Hydro Dividend Policy (F-07-23)

That in accordance with the Shareholder Direction dated October 15, 2019, The Corporation of the City of Burlington ("City of Burlington"), in its capacity as a shareholder of the Burlington Enterprise Corporation ("BEC"), hereby authorizes and approves the amendment to the Shareholder Direction dated October 15, 2019 to establish a new Dividend Policy between BEC and the City of Burlington as set out in detail in report F-07-23;

The Mayor and Clerk are hereby authorized and directed to execute the Resolution of Sole Shareholder substantially in the form appended as Appendix A to report F-07-23, subject to the approval as to form by the Executive Director of Legal Services and Corporation Counsel and approval as to content of the Chief Financial Officer, and the Clerk be directed to consolidate the Shareholders Direction in accordance with the authorized amendments and forward a copy to the BEC.

- 14.3 Appointments to Advisory Committees and Audit Committee (CL-04-23)

Approve the appointments to the Burlington Seniors' Advisory Committee, Burlington Inclusivity Advisory Committee, Heritage Burlington Advisory Committee, Burlington Agricultural and Rural Affairs Advisory Committee, Burlington Mundialization

Committee, Burlington Integrated Transportation Advisory Committee, Burlington Accessibility Advisory Committee and Audit Committee as outlined in confidential appendix A of office of the city clerk's report CL-04-23 and following approval from Council make the recommended names for appointments public.

15. Confidential Items and Closed Session:

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

15.1 Confidential closed session minutes from Committee of the Whole meeting held February 1, 2023

Approve the confidential Committee of the Whole meeting minutes of February 1, 2023

15.2 Confidential closed session minutes from Corporate Services, Strategy, Risk and Accountability Budget Committee meeting held February 6, 2023

Approve the confidential Corporate Services, Strategy, Risk and Accountability Budget Committee meeting minutes of February 6, 2023

15.3 Closed session verbal update regarding a Human Resources matter.

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

15.4 Confidential memorandum regarding 3500 Ketelbey Court (L-15-23)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

15.5 Appendix A, Appointments to Advisory Committees and Audit Committee (CL-04-23)

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

16. Rise and Report:

17. Motions of Members:

18. Council Information Package:

18.1 Council Information Package January 27, 2023

18.2 Council Information Package February 3, 2023

18.3 Council Information Package February 10, 2023

19. Motion to Receive and File Information Items:

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

19.1 Correspondence from Doug Dalgarno regarding 2023 budget review and approval (F-01-23-1)

19.2 Memorandum from Cary Clark, Manager of Development & Storm Water Engineering regarding motion memorandum regarding development application files located at Brant Street and Ghent Avenue (COW-03-23)

Note: This memorandum is regarding Urgent Business Item 14.1

20. Notice of Motion:

21. Motion to Approve By-Laws:

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

None at this time.

22. Confirmatory By-law:

Enact and pass By-law Number 05-2023 being a by-law to confirm the proceedings of Council at its meeting held February 14, 2023, being read a first, second and third time.

23. Statements by Members:

24. Motion to Adjourn:

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