



Regular Meeting of Council

Minutes

Date: March 21, 2023
Time: 9:30 am
Location: Council Chambers Level 2, City Hall

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:**
5. **Proclamations:**
 - 5.1 MeatOut Day: March 20, 2023
 - 5.2 Multiple Myeloma Awareness Month: March 2023
 - 5.3 Neuromyelitis Optica Spectrum Disorder Awareness Month: March 2023
 - 5.4 World Down Syndrome Day: March 21, 2023
 - 5.5 100 Year Celebration of The Festival of New Beginnings: March 21, 2023
 - 5.6 Green Shirt Day: April 7, 2023
 - 5.7 BeADoner Month: April 2023

5.8 Dig Safe Month: April 2023

6. Recognitions and Achievements:

6.1 Burlington Teen Tour Band Awards:

Burlington Teen Tour Band was named Best Overall Band at the St. Patrick's Day Parade in Dublin, Ireland last Friday. They marched in the Limerick International Band Championship over the weekend and took home the "Best International Band" title.

6.2 City of Burlington Award:

City of Burlington is the recipient of the 2023 Parks and Recreation Ontario Park or Facility Design Award for the Orchard Community Hub! Another well-deserved recognition for Jen Spence, Denise Beard and the rest of the Community Development team. The award will be given at the PRO conference in 2 weeks; were RCC staff members attending will accept the award on the City's behalf.

7. Motion to approve Council Minutes:

Moved by: Councillor Bentivegna

Seconded by: Councillor Sharman

Confirm the minutes of the following meeting of Council:

CARRIED

7.1 Regular Council meeting of March 2, 2023

7.2 Regular Council meeting of February 14, 2023

8. Presentations:

None.

9. Declarations of Interest:

None.

10. Delegations:

10.1 Serge Langevin spoke regarding Official Plan Amendment and rezoning applications for 441 Maple Avenue (PL-12-23)

10.2 Jim Thomson spoke regarding former Robert Bateman High School adaptive reuse update (EICS-02-23)

10.3 Jim Thomson spoke regarding Procedure By-law Review (CWC-01-23)

10.4 Michael Sobhi spoke regarding Eligibility of 488 Locust Street for heritage designation (PL-23-23)

10.5 Atif Aqeel spoke regarding Eligibility of 496 Walker's Line for Heritage Designation (PL-25-23)

11. Petitions:

None.

12. Recommendations from Standing Committees:

12.1 Council Workshop meeting of February 27, 2023

- a. Procedure By-law Review (CWC-01-23) (SD-15-23, SD-16-23, SD-17-23)

Moved by: Councillor Kearns

Seconded by: Councillor Sharman

Direct the City Clerk to bring an amended Procedure By-law to the Corporate Services, Strategy, Risk and Accountability Committee by the end of Q3 2023, incorporating feedback from the February 27, 2023, Council Workshop Committee meeting. (SD-15-23); and

Direct the City Clerk to report back to the Corporate Services, Strategy, Risk and Accountability Committee with proposed Deputy Mayor with Portfolio guidelines by the end of Q2 2023. (SD-16-23); and

Direct the City Clerk or designate to include a public engagement component to the Procedure By-law Review, including but not limited to a Featured Project on GetInvolvedBurlington, related to sections pertaining to the public. (Eg: 3.5, 4.1, 4.7.1, 6.1) (SD-17-23)

CARRIED

Moved by: Councillor Kearns

Seconded by: Councillor Sharman

Direct the City Clerk to review and report on a recommendation for S.11. Date, Time, and Place of meetings that provides an improved reasonableness of expectation for community engagement.

IN FAVOUR: (2): Councillor Kearns, and Councillor Stolte

OPPOSED: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Sharman, and Councillor Bentivegna

LOST (2 to 5)

Moved by: Councillor Kearns

Seconded by: Councillor Sharman

Direct the City Clerk or designate to include a public engagement component to the Procedure By-law Review, including but not limited to a Featured Project on GetInvolvedBurlington, related to sections pertaining to the public. (Eg: 3.5, 4.1, 4.7.1, 6.1) (SD-17-23)

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

CARRIED (7 to 0)

12.2 Community Planning, Regulation & Mobility meeting of February 28, 2023

Items a, b, c, f and i were grouped together for 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. Eligibility of 977 Unsworth Avenue for heritage designation (PL-18-23)

State an intention to designate the property at 977 Unsworth Avenue under Part IV, Section 29 of the Ontario Heritage Act in accordance with the statement of significance by Megan Hobson, dated November 10, 2022; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 977 Unsworth Avenue, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 977 Unsworth Avenue, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

CARRIED

- b. 2411 Lakeshore Road Community Heritage Fund grant application (PL-16-23)

Approve the grant application for restoration work to the front door at 2411 Lakeshore Road in the amount of \$350.00 to be funded by the Burlington Community Heritage Fund; and

Instruct the Legal Department to prepare the necessary Heritage Conservation Agreement (Letter of Understanding); and

Authorize the Mayor and Clerk to sign the Heritage Conservation Agreement (Letter of Understanding) in connection with this matter.

CARRIED

- c. Update to the Streamlined Development Application Fund process improvements (PL-20-23)

Receive and file community planning department report PL-20-23 which summarizes the effect of the Building Code Act and Ontario Building Code regarding applicable law on the process improvements that have been identified through the Streamline Development Approval Fund (SDAF) project.

CARRIED

- f. 2222 Lakeshore Road Community Heritage Fund grant application (PL-17-23)

Approve Halton Condominium Corporation 141's Community Heritage Fund grant application for a \$15,000 grant to subsidize the

replacement of all windows at 2222 Lakeshore Road with modern vinyl windows.

CARRIED

- i. ROPA 48, 49 and Bill 23 - Approach to achieve conformity and compliance (PL-05-23)

Receive and file community planning department report PL-05-23 regarding ROPA 48, 49 and Bill 23 – Approach to achieve conformity and compliance.

CARRIED

- d. Burlington Housing Pledge (PL-24-23)

Mayor Meed Ward passed the gavel to Deputy Mayor Kearns to chair this segment of the meeting as she was the mover of the motion.

Endorse the “City of Burlington 2031 Municipal Housing Target Pledge”, included as Appendix B to community planning department report PL-24-23, to support Council’s commitment to accelerating the supply of housing to meet the 2031 Municipal Housing Target of 29,000 new housing units, subject to the following conditions:

That the City not be penalized financially or otherwise, for failing to meet the identified housing target; and

That the City reaffirms our position outlined in the council approved Strategic Plan Vision to Focus to maintain the current urban/rural boundary and take every opportunity to advocate for the Greenbelt Plan, and that our pledge to build more homes in Burlington must not be used as a rationale for opening up Greenbelt, or Niagara Escarpment Planning Area lands for development; and

That the housing target be recognized as an aspirational target and that the City be permitted to continue to utilize the applicable population and employment forecasts from the Growth Plan, 2020 and/or municipal growth allocations assigned to and/or developed by the City, for the purposes of creating development related

studies, plans, and by-laws; and

That the Province continue to work with municipalities to provide new opportunities for municipalities to generate stable revenue and grant opportunities, such as the Streamline Development Approval Fund, to aid in the rapid delivery of the identified municipal initiatives and growth-related infrastructure; and

That the Province consult and engage with municipalities on recent and future legislative changes and initiatives to find mutually beneficial ways to streamline approvals and enable municipalities to collect growth-related charges to deliver infrastructure and community needs quickly; and

Approve Attachment A to memorandum PL-29-23 to form part of the Burlington Housing Pledge; and

Direct the City Clerk to submit to The Honourable Steve Clark, Minister of Municipal Affairs and Housing before March 22, 2023, the following documents to fulfill the Province's request for a Council approved Municipal Housing Pledge:

- **Council Resolution for PL-24-23 - Burlington Housing Pledge**
- **Covering letter signed by Mayor Meed Ward, and Shawna Stolte, Deputy Mayor for Housing, as attached to Memorandum PL-29-23**
- **Appendix B to Report PL -24-23 the Burlington Housing Pledge**
- **Report PL-24-23; and**

Modify the following in the letter to Minister Clark, Attachment A to memorandum PL-29-23 be amended to reflect the following change:

Current :

"Burlington Council is committed to maintaining a minimum of half the City's geography as protected rural lands within the Greenbelt Area"

Change To:

" Burlington Council has made clear through our unanimously-supported Housing Pledge Report, that any additional homes built must not be built in the Greenbelt or Niagara Escarpment Planning Area, both of which are

environmentally sensitive areas and include a World Biosphere Reserve. These areas must be protected for future generations and are not needed to accommodate housing goals. The City reaffirms our position outlined in the council approved Strategic Plan Vision to Focus to maintain the current urban/rural boundary and take every opportunity to advocate for the Greenbelt Plan. As such, our pledge to build more homes in Burlington must not be used as a rationale for opening up Greenbelt, or Niagara Escarpment Planning Area lands for development.

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: Mayor Meed Ward
Seconded by: Councillor Stolte

Approve Attachment A to memorandum PL-29-23 to form part of the Burlington Housing Pledge; and

Direct the City Clerk to submit to The Honourable Steve Clark, Minister of Municipal Affairs and Housing before March 22, 2023, the following documents to fulfill the Province's request for a Council approved Municipal Housing Pledge:

- **Council Resolution for PL-24-23 - Burlington Housing Pledge**
- **Covering letter signed by Mayor Meed Ward, and Shawna Stolte, Deputy Mayor for Housing, as attached to Memorandum PL-29-23**
- **Appendix B to Report PL -24-23 the Burlington Housing Pledge**
- **Report PL-24-23**

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 Galbraith

Deputy Mayor Kearns passed the gavel back to Mayor Meed Ward to continue chairing the meeting.

1. Add the following to the recommendation for PL-24-23 - Burlington Housing Pledge, to add after para 2:

“That the City reaffirms our position outlined in the council approved Strategic Plan Vision to Focus to maintain the current urban/rural boundary and take every opportunity to advocate for the Greenbelt Plan, and that our pledge to build more homes in Burlington must not be used as a rationale for opening up Greenbelt, or Niagara Escarpment Planning Area lands for development;”

2. Modify the following in the letter to Minister Clark, Attachment A to memorandum PL-29-23 be amended to reflect the following change:

Current :

Burlington Council is committed to maintaining a minimum of half the City’s geography as protected rural lands within the Greenbelt Area.

Change To:

“ Burlington Council has made clear through our unanimously-supported Housing Pledge Report, that any additional homes built must not be built in the Greenbelt or Niagara Escarpment Planning Area, both of which are environmentally sensitive areas and include a World Biosphere Reserve. These areas must be protected for future generations and are not needed to accommodate housing goals. The City reaffirms our position outlined in the council approved Strategic Plan Vision to Focus to maintain the current urban/rural boundary and take every opportunity to advocate for the Greenbelt Plan. As such, our pledge to build more homes in Burlington must not be used as a rationale for opening up Greenbelt, or Niagara Escarpment Planning Area lands for development.

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

CARRIED (7 to 0)

- e. Official Plan Amendment and rezoning applications for 441 Maple Avenue (PL-12-23)

Approve the applications for Official Plan Amendment and Zoning By-law Amendment for the property located at 441 Maple Avenue for the development of an 11-storey, 140-unit residential building; and

Approve Official Plan Amendment No. 129 to the City of Burlington Official Plan, as contained in Appendix D of community planning department report PL-12-23, to add a site specific policy to the *Downtown Residential – Medium and/or High Density Precinct* designation for the lands located at 441 Maple Avenue; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 129, as contained in Appendix D of community planning department report PL-12-23; and

Approve Zoning By-law 2020.452 attached as Appendix E to community planning department report PL-12-23, to add a site specific exception to the *Downtown Residential High-Density (DRH)* Zone for the lands located at 441 Maple Avenue; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 129 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 129 is adopted.

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

CARRIED (7 to 0)

- g. Eligibility of 488 Locust Street for heritage designation (PL-23-23)

State an intention to designate the property at 488 Locust Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 488 Locust Street prepared by ARA

Associates Inc., dated February 6, 2023; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 488 Locust Street, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 488 Locust Street, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

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

OPPOSED: (2): Councillor Sharman, and Councillor Bentivegna

CARRIED (5 to 2)

- h. Objections to inclusion on the Burlington Municipal Heritage Register (PL-08-23)

Defer a decision to remove any of the following properties from the City of Burlington Municipal Register of Cultural Heritage Resources until the conclusion of the Downtown Heritage Study; and

Direct the Director of Community Planning to report back to Council in Q4 of 2023 with recommendations regarding their continued inclusion or removal based on information from the study:

372-374 Brant Street;
380 Brant Street;
574 Brant Street;
620 Brant Street;
426 Burlington Avenue;
437 Elizabeth Street;
441 Elizabeth Street;
468 Elizabeth Street;
458 Locust Street;

524 Locust Street; and
2010 Maria Street.

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

OPPOSED: (2): Councillor Sharman, and Councillor Bentivegna

CARRIED (5 to 2)

12.3 Corporate Services, Strategy, Risk & Accountability meeting of March 1,
2023

All items were grouped together for 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. 2023 proposed budget and tax levy for the Burlington Downtown
Business Improvement Area (F-02-23)

Approve the 2023 proposed budget for the Burlington Downtown
Business Improvement Area (BIA) as presented in Appendix A of
finance department report F-02-23 incorporating a Burlington
Downtown BIA members' levy of \$859,600; and

Authorize the Chief Financial Officer to incorporate the resulting
Burlington Downtown BIA tax rates into the 2023 Tax Levy By-Law.

b. 2023 proposed budget and tax levy for the Aldershot Village
Business Improvement Area (F-03-23)

Approve the 2023 proposed budget for the Aldershot Village
Business Improvement Area (ABIA) as presented in Appendix A of
finance department report F-03-23 incorporating an Aldershot
Village BIA members' levy of \$258,000; and

Authorize the Chief Financial Officer to incorporate the resulting
Aldershot Village BIA tax rates into the 2023 Tax Levy By-Law.

c. Remuneration and expenses paid to Council and appointees for
2022 (F-08-23)

Receive and file finance department report F-08-23 regarding remuneration and expenses paid to Council and appointees for 2022.

- d. Temporary extension of Ombudsman agreement (CL-05-23)

Re-appoint ADR Chambers Inc. (“ADR Chambers”) as Ombudsman for the City of Burlington and its local boards pursuant to section 223.13(1) of the *Municipal Act, 2001* for a seven-month term commencing January 1, 2023 to July 31, 2023; and

Authorize the Mayor and Clerk to execute an extension to the existing service agreement and any ancillary documents between the City of Burlington and ADR Chambers regarding the appointment of ADR Chambers as Ombudsman, subject to the satisfaction of the Corporation Counsel and Executive Director of Legal Services or her designate; and

Enact an appointing by-law to re-appoint ADR Chambers as the Ombudsman for the City of Burlington and its local boards until July 31, 2023.

- e. Approach and plan for updating the Vision to Focus Multi-Year Workplan 2022-26 and preparing for Vision 2050 (CS-01-23)

Receive and file corporate strategy report CS-01-23 containing the approach and plan for updating the Vision to Focus Multi-Year Workplan 2022-26 and the 25-year Vision 2050.

- f. Confidential legal services department update on a litigation matter regarding appeals to the new Official Plan (L-17-23)

12.4 Environment, Infrastructure & Community Services meeting of March 2, 2023

- a. Tender Award - Lakeshore Road resurfacing & Pine Cove Bridge replacement (ES-07-23)

Award the tender for contract ES-23-02 – Lakeshore Road Resurfacing & Pine Cove Bridge Replacement to Rankin Construction Inc., 222 Martindale Road, St. Catherines, ON, L2R 7A3, for \$5,414,718.46 including HST; and

Authorize the closure of Lakeshore Road at the Pine Cove Bridge, from July 4th, 2023 to December 1st, 2023; 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

Authorize the City Clerk to prepare the debenture by-law; and

Approve the total cost of \$6,080,000 (Net HST) to be charged to Capital Order RA0253 and funded as outlined in the financial matters section of the report.

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

CARRIED (7 to 0)

- b. Former Robert Bateman High School adaptive reuse update (EICS-02-23)(SD-08-23)(SD-09-23)(SD-10-23)(SD-11-23)(SD-12-23)

Direct the Executive Director of Environment, Infrastructure & Community Services, to work with the Director of Transportation, and the Executive Director of Community Planning Regulation and Mobility to report back to council by Q4 2023 with costs and timelines related to alternatives to accommodate additional parking for the Project inclusive of Phases 1 and 2 that minimizes impact to the existing greenspace, including but not limited to:

1. Amending the city-wide zoning bylaw related to parking or granting council Public Authority to amend the requirements where circumstances warrant.
2. Construct structured parking on the existing built area of the site.
3. Providing layby parking on New Street in front of Bateman
4. Exploring shared and leased parking options with nearby sites.
5. Providing time limited on-street parking signed for the community centre uses.
6. Provide additional parking requirement utilizing permeable materials.

7. Other options (SD-08-23); and

Direct the Director of Communications and Engagement and Director of Recreation, Community and Culture to pause engagement with the community on the greenspace until a fulsome public engagement plan for the project is developed (SD-09-23); and

Direct the Director of Recreation, Community and Culture as part of the upcoming Parks and Recreation Culture Asset Master Plan review to report on emerging community outdoor recreation needs and how they might be accommodated on the Bateman site (SD-10-23); and

Direct the Director of Communications and Engagement and Director of Recreation, Community and Culture to commence simultaneous engagement with the community on the indoor uses of the facility and **create facility and create a plan to be brought back for approval no later than May 2023. The plan should include the addition of, but not limited to, a series of no less than two in person/hybrid information and documented feedback sessions, as well as other methods to be held by end of Q3 2023 to ensure the public is well informed and engaged on both Phase One and Phase Two of the Robert Bateman Community Hub Project (SD-09-23);** and

Direct the Executive Director of Environment, Infrastructure & Community Services to report back to committee in Q2 with an overall timeline of tender, construction, and decision points for committee and council, for both Phase 1 and Phase 2 (SD-11-23); and

Direct the Director of Communications and Engagement to provide a city wide mailout, and all other communication opportunities deemed appropriate by staff regarding public engagement for community indoor and outdoor use at Robert Bateman and provide an update in the Council Information Package (CIP) (SD-12-23)

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)

Moved by: Councillor Kearns
Seconded by: Councillor Stolte

Add the following wording to paragraph 4 to read as follows:

"and create a plan to be brought back for approval no later than May 2023. The plan should include the addition of, but not limited to, a series of no less than two in person/hybrid information and documented feedback sessions, as well as other methods to be held by end of Q3 2023 to ensure the public is well informed and engaged on both Phase One and Phase Two of the Robert Bateman Community Hub Project."

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)

12.5 Audit Committee meeting of March 8, 2023

All items were grouped together for 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. Financial highlights for the period ended December 31, 2022 (F-05-23)

Receive and file finance department report F-05-23 providing financial highlights as at December 31, 2022

CARRIED

- b. Summary of In-Progress Management Action Plans (CA-01-23)

Receive and file city auditor's office report CA-01-23 providing a summary of the Management Action Plans in progress as identified in Appendix A.

CARRIED

- c. Quarterly dashboard for office of the city auditor (CA-02-23)

Receive and file office of the city auditor's report CA-02-23 providing a quarterly dashboard of City Auditor Key Performance Indicators (KPI's) attached as Appendix A.

CARRIED

- d. Risk Management Implementation Plan update (CS-07-23)

Receive and file corporate strategy report CS-07-23 providing the updated implementation plan for risk governance and management for the City of Burlington.

CARRIED

- e. 2023 Audit Plan for office of the city auditor (CA-03-23)

Approve the 2023 Audit Plan for the office of the city auditor attached in Appendix A of city auditor office report CA-03-23.

CARRIED

- f. Confidential cyber-security audit report (CA-04-23)

Receive and file city auditor's office report CA-04-23 regarding the Cyber-Security Audit ('Identify' Controls) attached as Appendix A.

CARRIED

12.6 Community Planning, Regulation and Mobility meeting of March 20, 2023

- a. City of Burlington Outdoor Patio Program for 2023 (PL-06-23)

Enact By-law 2020.455, attached as Appendix A to community planning department report PL-06-23, to permit temporary outdoor patios on private property; and

Waive the fees and requirements for site plan approval and zoning clearance certificate for temporary outdoor patios and temporary tents (structures) on private property until Jan. 1, 2024, and on public property until Oct. 31, 2023; and

Authorize the Executive Director of Community Planning, Regulation and Mobility, working in consultation with the Director of Community Planning, to approve temporary outdoor patios on private property, subject to such criteria and conditions as staff deem appropriate; and

Direct the Director of Community Planning to initiate an application process to implement a plan for the use of public property in Downtown Burlington for temporary outdoor patios; and

Authorize the Executive Director of Community Planning, Regulation and Mobility, working in consultation with the Director of Transportation, to approve temporary outdoor patios for restaurant and/or retail spaces on public property in Downtown Burlington, subject to such criteria and conditions as staff deem appropriate; and

Authorize the Executive Director of Legal Services and Corporation Counsel, working in consultation with the Executive Director of Community Planning, Regulation and Mobility to approve licence agreements or such other agreements or documents as may be required to permit the temporary use of public property for approved temporary outdoor restaurant and/or retail space patios; and

Enact By-law 10-2023, attached as Appendix B to community planning department report PL-06-23 to authorize the Director of Transportation to temporarily restrict the common law right-of-passage for vehicles over certain portions of streets within Downtown Burlington to facilitate the installation of temporary outdoor patios for restaurant and/or temporary retail space and create safe pedestrian passage ways; and

Authorize the Executive Director of Community Planning, Regulation and Mobility to execute any agreements necessary to implement the recommendations set out in community planning

department report PL-06-23 in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel and with content satisfactory to the Executive Director of Community Planning, Regulation and Mobility; and

Authorize the Director of Community Planning to grant or revoke such other approvals, consents, agreements or other authorizations and to take any such other steps as may from time to time be required to implement the recommendations set out in community planning development report PL-06-23.

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

CARRIED (7 to 0)

- b. Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-13-23)

Approve the application for the Official Plan and Zoning By-law amendments, to allow a five (5) storey Long Term Care Facility building and a six (6) storey Retirement Home building with associated ancillary uses with access to Palladium Way; and

Approve Official Plan Amendment No.134 to the City of Burlington Official Plan, as provided in Appendix C of community planning department report PL-13-23, to permit a Long Term Care Facility and Retirement Home uses; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No.134 as contained in Appendix C of community planning department report PL-13-23; and

Approve Zoning By-law 2020.454, attached as Appendix D of community planning report PL-13-23, which amends the site-specific "BC1-505" zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment

No.134 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan Amendment No.134 is adopted.

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 Sharman

Seconded by: Councillor Bentivegna

Approve the following minutes:

CARRIED

13.1 Council Workshop meeting minutes of February 27, 2023

13.2 Community Planning, Regulation and Mobility Committee meeting minutes of February 28, 2023

13.3 Corporate Services, Strategy, Risk and Accountability Committee meeting minutes of March 1, 2023

13.4 Environment, Infrastructure and Community Services Committee meeting minutes of March 2, 2023

13.5 Audit Committee meeting minutes of March 8, 2023

14. Urgent Business:

14.1 A Call to the Provincial government to End Homelessness in Ontario (ADM-03-23)

Mayor Meed Ward passed the gavel to Deputy Mayor Kearns to chair this segment of the meeting as she was the mover of the motion.

Moved by: Mayor Meed Ward

Seconded by: Councillor Stolte

Whereas the homelessness crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario; and
Whereas the homelessness crisis is the result of the underinvestment and

poor policy choices of successive provincial governments; and
Whereas homelessness requires a range of housing, social service and health solutions from government; and
Whereas homelessness is felt most at the level of local government and the residents that they serve; and
Whereas municipalities and Regional Governments are doing their part, but do not have the resources, capacity or tools to address this complex challenge; and
Whereas leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource, and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario.

Therefore, be it resolved that; Burlington City Council calls on the Provincial Government to urgently:

- a. Acknowledge that homelessness in Ontario is a social, economic, and health crisis; and
- b. Commit to ending homelessness in Ontario; and
- c. Work with Association of Municipalities of Ontario, Regional and Municipal partners and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal; and

Further that, a copy of this motion be sent to the Premier of Ontario; the Minister of Municipal Affairs and Housing; the Minister of Children, Community and Social Services; the Minister of Health; Halton MPPs; Halton Region and the Association of Municipalities of Ontario.

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 Eligibility of 496 Walker's Line for Heritage Designation (PL-25-23)

Moved by: Councillor Nisan

Seconded by: Councillor Kearns

Deputy Mayor Kearns passed the gavel back to Mayor Meed Ward to continue chairing the meeting.

State an intention to designate the property at 496 Walker's Line under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Reasons for Designation for 496 Walker's Line attached to report PL-25-

23 as Attachment B; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 496 Walker's Line, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 496 Walker's Line, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

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

OPPOSED: (1): Councillor Bentivegna

Absent (1): Councillor Sharman

CARRIED (5 to 1)

14.3 Next Gen 911 Funding - 2023 (CS-08-23)

Moved by: Councillor Bentivegna

Seconded by: Councillor Stolte

Authorize the Mayor and the City Clerk to execute the necessary agreements and other related documents or by-laws between the Corporation of the City of Burlington and the Province of Ontario, in relation to the Next Generation 9-1-1- funding program, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Approve the single source purchase of Solacom Guardian 911 call management solution, from Solacom, with an upset purchase price to a maximum of the project budget amount (including net HST), pending successful contract negotiations; and

Approve the single source purchase of additional MC7500 radio consoles required audio integrations, from Motorola Solutions, with an upset purchase price of \$350,000 (including net HST); and

Approve the single source purchase for professional services required to integrate the Symposium computer aided dispatch system to the Solacom Guardian 911 call management solution, from Symposium, with an upset purchase price of \$150,000 (including net HST); and

Approve the single source purchase for Professional Services required to complete interfacing work with NICE (voice logging) functionality required to receive data from the new NG911 call management solution, from Wilmac, with an upset purchase price of \$100,000 (including net HST); and

Authorize the Manager of Procurement Services to issue purchase orders and/or execute any associated agreements with the vendors named above in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Authorize the Manager of Procurement Services to extend the contract for the term of the agreement subject to the conditions outlined within the executed Agreement for NG9-1-1 software.

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

Absent (1): Councillor Sharman

CARRIED (6 to 0)

14.4 Appointments to Advisory Committees, Committee of Adjustment and the Library Board(CL-10-23)

Moved by: Councillor Stolte

Seconded by: Councillor Galbraith

Approve the appointments to the Committee of Adjustment, Library Board, Burlington Cycling Advisory Committee, Burlington Accessibility Advisory Committee, and the Sustainable Development Committee, as outlined in confidential appendix A of office of the city clerk's report CL-10-23 and following approval from Council make the recommended names for appointments public.

Approve the following appointments to the Burlington Cycling Advisory Committee for a term to expire on December 31, 2024:

- Jon Millman
- Vicki Trottier

- Carly Flemming

Approve the following appointments to the Burlington Sustainability Advisory Committee for a term to expire on December 31, 2024:

- Ariel Bautista
- Gaurav Behal
- Margret Bancercz
- Sarah Merriam
- Dave Rokosh

Approve the following appointments to the Burlington Accessibility Advisory Committee for a term to expire on December 31, 2024:

- Jim Young

Approve the following appointments to the Committee of Adjustment Committee for a term to expire on December 31, 2026:

- Jim Riddell
- Filippo Capuano
- Hany Aly
- Virginia Tinti
- Nicholas Leblovic

Approve the following appointments to the Burlington Library Board for a term to expire on December 31, 2026:

- Ashley Cameron
- Shayne Lemieux
- Jason Manayathu
- Akindayomi Odedeyi
- Jennifer Tarnawski
- Lindsay Zalot

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

Absent (1): Councillor Sharman

CARRIED (6 to 0)

15. Confidential Items and Closed Session:

15.1 Confidential closed session minutes from Audit Committee meeting held March 8, 2023

Moved by: Councillor Bentivegna

Seconded by: Councillor Galbraith

Approve the confidential Audit Committee meeting minutes of March 8, 2023

CARRIED

15.2 Confidential closed session minutes from City Council meeting held February 14, 2023

Moved by: Councillor Bentivegna

Seconded by: Councillor Galbraith

Approve the confidential City Council meeting minutes of February 14, 2023

CARRIED

15.3 Confidential closed session minutes from Corporate Services, Strategy, Risk & Accountability meeting held March 1, 2023

Moved by: Councillor Bentivegna

Seconded by: Councillor Galbraith

Approve the confidential Corporate Services, Strategy, Risk and Accountability Committee meeting minutes of March 1, 2023

CARRIED

15.4 Confidential Appendix A Committee Appointments (CL-10-23)

This item was voted on in open session, Item 14.4

16. Rise and Report:

None.

17. Motions of Members:

None.

18. Council Information Package:

18.1 Council Information Package February 17, 2023

18.2 Council Information Package February 24, 2023

18.3 Council Information Package March 3, 2023

18.4 Council Information Package March 10, 2023

18.5 Council Information Package March 17, 2023

19. Motion to Receive and File Information Items:

Moved by: Councillor Nisan

Seconded by: Councillor Kearns

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

CARRIED

19.1 Delegation material from Serge Langevin regarding Official Plan Amendment and rezoning applications for 441 Maple Avenue (PL-12-23)

19.2 Delegation material from Jim Thomson regarding regarding former Robert Bateman High School adaptive reuse update (EICS-02-23)

19.3 Delegation material from Jim Thomson regarding Procedure By-law Review (CWC-01-23)

19.4 Delegation material from Michael Sobhi speak regarding Eligibility of 488 Locust Street for heritage designation (PL-23-23)

19.5 Burlington Housing Pledge (Potential Amendment) (PL-29-23)

19.6 Staff presentation regarding Item Eligibility of 496 Walker's Line for Heritage Designation (PL-25-23)

20. Notice of Motion:

None.

21. Motion to Approve By-Laws:

All by-laws with the exception of 21.7 were voted upon by way of one consent vote.

Moved by: Councillor Bentivegna

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 08-2023: A by-law to adopt Official Plan Amendment No. 129 to facilitate the development of an apartment building consisting of 140 residential units.
- 21.2 09-2023: A by-law to appoint ADR Chambers Inc. as Ombudsman for the City of Burlington.
- 21.3 10-2023: A by-law to delegate authority to temporarily restrict the common law right of passage in connection with on-street restaurant patios and retail uses in Downtown Burlington.
- 21.4 11-2023: A by-law to adopt Official Plan Amendment No. 134.
- 21.5 12-2023: A by-law to establish a reserve fund and guidelines for the utilization of the Active Transportation Reserve Fund.
- 21.6 13-2023: A by-law to establish a reserve fund and guidelines for the utilization of the Burlington Beach Regional Waterfront Park Reserve Fund.
- 21.8 15-2023: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Lakeshore Road Resurfacing and Pine Cover Bridge Replacement.
- 21.9 2020.454: A by-law to amend By-law 2020, as amended; 4103 Palladium Way.
- 21.10 2020.455: A by-law to amend By-law 2020, as amended, to permit temporary outdoor patios through a temporary use by-law with a timeframe to expire on March 21, 2026.
- 21.11 2020.452: A by-law to amend By-law 2020, as amended, for 441 Maple Avenue, for the purposes of facilitating the development of a mid-rise residential building.

21.7 14-2023: A by-law to establish a reserve fund and guidelines for the utilization of the Innovation and Transformation Reserve Fund.

Moved by: Councillor Bentivegna

Seconded by: Councillor Stolte

Enact and pass by-law 14:2023 which is now introduced, entitled and numbered.

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Kearns, Councillor Nisan, and Councillor Sharman

OPPOSED: (1): Councillor Bentivegna

CARRIED (5 to 1)

22. Confirmatory By-law:

Moved by: Councillor Stolte

Seconded by: Councillor Bentivegna

Enact and pass By-law Number 16-2023 being a by-law to confirm the proceedings of Council at its meeting held March 21, 2023 being read a first, second and third time.

CARRIED

23. Statements by Members:

24. Motion to Adjourn:

Moved by: Councillor Galbraith

Seconded by: Councillor Nisan

12:11 p.m. (recessed), 1:12 p.m. (reconvened)

Councillor Sharman left the meeting at 1:50 p.m.

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

2:26 p.m.

Kevin Arjoon
City Clerk

Marianne Meed Ward
Mayor