



Regular Meeting of Council

Minutes

Date: November 14, 2023
Time: 9:30 am
Location: Hybrid meeting- virtual and Council Chambers, 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:

None.

5. Proclamations:

5.1 Economic Abuse Awareness Day: November 26, 2023

5.2 Giving Tuesday: November 28, 2023

5.3 Woman Abuse Prevention Month: November 2023

5.4 International Day of Persons with Disabilities: December 3, 2023

6. Recognitions and Achievements:

None.

7. Motion to approve Council Minutes:

Moved by: Councillor Kearns

Seconded by: Councillor Sharman

Confirm the minutes of the following meeting of Council:

CARRIED

7.1 Regular meeting of Council October 17, 2023

7.2 Regular meeting of Council November 2, 2023

8. Presentations:

None.

9. Declarations of Interest:

None.

10. Delegations:

10.1 Anne and Dave Marsden spoke regarding Provincial updates (SD-36-23)

10.2 Anne and Dave Marsden spoke regarding Zoning By-law Amendment – 1160 Blair Road (PL-65-23)

10.3 Emma Duncan representing Knox Presbyterian Church spoke regarding Heritage response to Bill 23 - shortlist of designation candidates (PL-35-23)(SD-38-23)

10.4 Lou Frapporti representing Alinea Land Corporation spoke regarding City of Burlington Comments to the Minister of Municipal Affairs and Housing and the Environmental Registry of Ontario (PL-73-23)

10.5 Jim Thomson spoke regarding 2024 meeting calendar options (CL-20-23)

10.6 Denise Nacev spoke regarding International Day of Persons with Disabilities and rates and fees (F-36-23)

10.7 Rick Burgess spoke regarding Burlington Performing Arts Centre – Board Governance Review (ADM-22-23)

Note: The motion to waive the rules of procedure was voted on before this delegation spoke.

a. Motion to waive the rules

This item was voted on by way of a 2/3 vote.

Moved by: Councillor Bentivegna
Seconded by: Councillor Nisan

Waive section 36.2 of the procedure by-law to allow item 17.4 Burlington Performing Arts Centre - Board Governance Review to be added this meeting of Council November 14, 2023.

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

CARRIED (7 to 0)

10.8 Tammy Fox spoke regarding Burlington Performing Arts Centre – Board Governance Review (ADM-22-23)

10.9 Fiona Smail representing North Aldershot Environmental Protection Association, spoke regarding City of Burlington Comments to the Minister of Municipal Affairs and Housing and the Environmental Registry of Ontario (PL-73-23)

11. Petitions:

None.

12. Recommendations from Standing Committees:

12.1 Corporate Services, Strategy, Risk & Accountability Budget meeting of October 30, 2023

Items a and c 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. Expenses excluded from the budget (F-43-23)

Receive and file finance department report F-43-23 regarding expenses excluded from the budget to meet the requirements of Regulation 284/09 Municipal Act, 2001.

CARRIED

c. 2024 financial needs and multi-year forecast overview (F-35-23)

Receive the 2024 financial needs and multi-year forecast overview as a budget reference document; and

Request the Mayor and Members of Council to consider the contents of the 2024 financial needs and multi-year forecast including related appendices when preparing and reviewing the 2024 proposed budget; and

Direct the Chief Financial Officer to provide a report to the Nov 21st CSSRA-Budget meeting outlining the existing property tax relief programs offered by the City and Region of Halton including eligibility criteria; number of participants and options and potential new that may be available to increase participation in these programs (SD-36-23); and

Direct the City Manager to bring forward a rank order (Top Priority/High Priority/Medium Priority/Other Priority) for all FTEs included in the 2024 financial needs and multi-year forecast that are supported through the tax rate, for the November 7 Budget Council Workshop meeting (SD-37-23).

CARRIED

b. 2024 rates and fees (F-36-23)(SD-42-23)

Moved by: Councillor Nisan

Seconded by: Councillor Bentivegna

Approve the 2024 rates and fees as outlined in finance department report F-36-23, effective January 1, 2024 unless otherwise indicated; and

Enact By-Law 72-2023, substantially in the form attached as Appendix A to finance department report F-36-23, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Direct the Director of Recreation, Community and Culture to review Recreation, Community and Culture rates and fees, related to assisting groups with special needs; and review beach permitting off season, and report back to the next Committee Cycle in December 2023. (SD-42-23)

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 Bentivegna

Direct the Director of Recreation, Community and Culture to review Recreation and Community Culture rates and fees, related to assisting groups with special needs; and review beach permitting off season, and report back to the next Committee Cycle in December 2023. (SD-42-23)

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 October 31, 2023

- a. Proposed Major Transit Station Area (MTSA) Official Plan Amendment and Draft Community Planning Permit (CPP) By-law public release (PL-59-23)(SD-43-23)

Moved by: Councillor Kearns
Seconded by: Councillor Sharman

Direct the Director of Community Planning to consider Council, agency, development partner and community feedback received as part of this statutory public meeting, prior to bringing forward a subsequent staff report recommending adoption of Official Pan Amendment No. 2 and Community Planning Permit By-law in December 2023; and

Receive and file the technical documents completed as of October 31, 2023 (Appendices C-D) as follows:

- Transportation Assessment (September, 2023), as prepared by Dillon Consulting, and contained in Appendix C of community planning department report PL-59-23;

- Functional Servicing Study (July, 2023), as prepared by WSP, and contained in Appendix D of community planning department report PL-59-23.

Direct the Director of Engineering Services to work with Conservation Halton to expedite a study to assess and evaluate potential solutions (e.g., infrastructure, policy) to mitigate or reduce flood hazard risks, build climate change resiliency, and support growth and development in the Burlington GO MTSA and Downtown areas (that are included within the Phase 2 study area), recognizing the highly urbanized nature of the watershed and historic Conservation Halton and City flood mitigation measures. The analysis shall include an examination of the future role and function of the Hager-Rambo Diversion Channel and other features within the Sub-Watershed Study Area. Similar studies are to be undertaken for the East Burlington Creeks study areas, following the initiation of the aforementioned study; and

Direct the Director of Engineering Services and the Executive Director of Community Planning to report back by Q1-2024 with a workplan to expedite a comprehensive review of the Phase 2 Study Area, inclusive of engagement with the public and development community on the initiated studies; and

Direct the Director of Community Planning to undertake any necessary updates to schedules or overlays within the City's Official Plan and/or Zoning By-Law to reflect the latest up-to-date flood hazard mapping, subject to the findings of the study referred to in item #1 above, inclusive of phased options for an implementation schedule and work plan; and

That consultation be immediately undertaken by the Director of Engineering Services and the Executive Director of Community Planning in association with Conservation Halton to identify and mitigate stakeholder needs on a priority basis to enable development applications to proceed in order for Burlington to reach its Housing Pledge. (SD-43-23)

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

Moved by: Councillor Kearns

Seconded by: Councillor Sharman

Direct the Director of Engineering Services to work with Conservation Halton to expedite a study to assess and evaluate potential solutions (e.g., infrastructure, policy) to mitigate or reduce flood hazard risks, build climate change resiliency, and support growth and development in the Burlington GO MTSA and Downtown areas (that are included within the Phase 2 study area), recognizing the highly urbanized nature of the watershed and historic Conservation Halton and City flood mitigation measures. The analysis shall include an examination of the future role and function of the Hager-Rambo Diversion Channel and other features within the Sub-Watershed Study Area. Similar studies are to be undertaken for the East Burlington Creeks study areas, following the initiation of the aforementioned study; and

Direct the Director of Engineering Services and the Executive Director of Community Planning to report back by Q1-2024 with a workplan to expedite a comprehensive review of the Phase 2 Study Area, inclusive of engagement with the public and development community on the initiated studies; and

Direct the Director of Community Planning to undertake any necessary updates to schedules or overlays within the City's Official Plan and/or Zoning By-Law to reflect the latest up-to-date flood hazard mapping, subject to the findings of the study referred to in item #1 above, inclusive of phased options for an implementation schedule and work plan; and

That consultation be immediately undertaken by the Director of Engineering Services and the Executive Director of Community Planning in association with Conservation Halton to identify and mitigate stakeholder needs on a priority basis to enable development applications to proceed in order for Burlington to reach its Housing Pledge. (SD-43-23)

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

CARRIED (7 to 0)

- b. Integrated Mobility Plan final report (TS-07-23, SD-35-23)

Direct the Director of Transportation Services or designate to file a Notice of Completion for the Master Plan; and

Approve the Preferred Integrated Network identified in Section of 6.4 (Figure 6-7) of the Integrated Mobility Plan, listed as Appendix A in transportation services department report TS-07-23; and

Approve the Policy Framework identified in Section 7.0 of the Integrated Mobility Plan, listed as Appendix A in transportation services department report TS-07-23; and

Approve the Program Framework identified in Section 8.0 of the Integrated Mobility Plan, listed as Appendix A in transportation services department report TS-07-23; and

Direct the Executive Director of Community Planning, Regulation & Mobility to bring to the November 7th Council Workshop a list of operational requirements that could be funded by the 2024 budget to begin implementation of the Integrated Mobility Plan (IMP) in 2024. (SD-35-23)

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

CARRIED (7 to 0)

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

Items a, b, c, e, f, g, h, i and j 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. Economic Development and Tourism Strategy update (ECDEV-06-23)

Receive and file Burlington Economic Development report ECDEV-06-23, providing the Economic Development and Tourism Strategy update.

CARRIED

b. Delegated Authority updates (CL-17-23)

Approve the by-law substantially as attached as Appendix A to office of the city clerk report CL-17-23, being a by-law to delegate various approvals to staff, and repeal by-laws 07-2022, 53-2022 and 197-1990 attached as Appendix B to office of the city clerk report CL-17-23; and

Repeal the Signing Authority Corporate Policy, attached as Appendix C to office of the city clerk report CL-17-23; and

Amend the Capital Budget Variance Reporting Corporate Policy, attached as Appendix D to office of the city clerk report CL-17-23; and

Approve the by-law substantially as attached as Appendix E to office of the city clerk report CL-17-23, being a by-law to amend the Procurement Policy By-Law 04-2022; and

Amend the Recreation Facility Space Allocation Policy attached as Appendix F to office of the city clerk report CL 17-23.

CARRIED

c. Art Gallery of Burlington request for Facility Master Plan and Future Needs Feasibility Study funding (F-48-23)

Approve one-time funding subject to confirmation of matching funds from the Canadian Heritage-Cultural Space Canada grant as recommended in finance department report F-48-23 for the Facility Master Plan and Future Needs Feasibility Study for the Art Gallery of Burlington.

CARRIED

e. Civic Recognition program recommendation (CL-21-23)

Approve the civic recognition program to be implemented starting in 2024 as outlined in Appendix A to office of the city clerk report CL-21-23.

CARRIED

- f. Motion Memorandum regarding unsolicited distribution of flyers with graphic images (CSSRA-12-23)

Direct the Director of By-law Compliance, in consultation with the Executive Director of Legal Services and Corporation Counsel, or their delegate, to prepare a by-law regulating unsolicited distribution of graphic images (abortion flyers) to residences for consideration by Council in Q2 2024.

CARRIED

- g. Burlington Lands Partnership update #5 (CM-12-23)

Receive and file city manager's office report CM-12-23 regarding Burlington Lands Partnership update #5 providing an update and prioritization of active land partnership opportunities.

CARRIED

- h. Confidential verbal update regarding a commercial matter (CSSRA-11-23)

Receive and file the confidential verbal update regarding a commercial matter (CSSRA-11-23).

CARRIED

- i. Confidential legal update on a litigation matter regarding 1396 Guelph Line (L-68-23)

Instruct the Executive Director of Legal Services and Corporation Counsel, or his designate, to proceed in accordance with the instructions sought in confidential legal department report L-68-23.

CARRIED

- j. Confidential verbal update regarding City Manager recruitment process (CSSRA-13-23)

Receive and file the confidential verbal update regarding City Manager recruitment process (CSSRA-13-23).

CARRIED

- d. 2024 meeting calendar options (CL-20-23)

Moved by: Councillor Galbraith

Seconded by: Councillor Bentivegna

Approve Option 2 as the 2024 calendar of meetings for Council and standing committees attached as Appendix A to office of the city clerk report CL-20-23; and

Amend the 2024 calendar by moving the meetings the week of November 11, 2024 forward 1 week as follows:

**Budget meeting November 18, 2024 and November 21, 2024
City Council meeting November 19, 2024.**

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 Galbraith

Seconded by: Councillor Bentivegna

Amend the 2024 calendar by moving the meetings the week of November 11, 2024 forward 1 week as follows:

**Budget meeting November 18, 2024 and November 21, 2024
City Council meeting November 19, 2024.**

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

CARRIED (7 to 0)

- 12.4 Environment, Infrastructure & Community Services meeting of November 2, 2023

Items a, b, c, d, f and g 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. Food options at recreation facilities (RCC-19-23)

Direct the Director of Recreation, Community and Culture, in consultation with Procurement Services, to proceed with the procurement of pilot vending services in high traffic recreation facilities as outlined in recreation, community and culture department report RCC-19-23.

CARRIED

b. Arena rate strategy (RCC-18-23)

Approve the arena rate strategy option 2, modified to phase in the youth increase as outlined in recreation, community and culture department report RCC-18-23 for inclusion in the upcoming 2024 Rates and Fees by-law; and

Repeal By-law 62-2015 upon the effective date of September 1, 2024 in the Facility and Programs Reserve Fund – Arenas By-law; and

Approve By-law 69-2023 a By-law to establish a Facility and Programs Reserve Fund – Arenas as attached in Appendix A to recreation, community and culture department report RCC-18-23.

CARRIED

c. Red Tape Red Carpet recommendations 2023 (ECDEV-05-23)

Receive and file Burlington Economic Development report ECDEV-05-23 regarding Red Tape Red Carpet (RTRC) recommendations and associated appendices; and

Direct the Executive Director of Burlington Economic Development, Executive Director of Community Planning Regulation and Mobility

and Executive Director of Community Relations and Engagement to report back on the implementation plan in Q2 2024.

CARRIED

- d. Transit ridership data and preliminary analysis (TR-03-23)

Receive and file transit department report TR-03-23 providing information/data on ridership regarding seniors, youth and SPLIT Pass as well as estimated costs and implementation matters that would need to be considered for future discussions around free transit for youth all day, every day.

CARRIED

- f. City of Burlington's growth-related work and the joint best planning estimates (PL-64-23)

Direct the Director of Community Planning to forward any comments from Community Planning, Regulation and Mobility (CPRM) Committee regarding the Joint Best Planning Estimates and Allocation Program in discussion with regional staff and report back at the December 5, 2023, CPRM Committee meeting.

CARRIED

- g. Verbal update on Provincial updates (SD-39-23)

Direct the Director of Community Planning to report directly to the Council meeting on November 14, 2023 and Community Planning, Regulation and Mobility Committee on December 5, 2023 to address the implications of the Minister of Municipal Affairs and Housing's October 24, 2023 announcement to rescind the modifications to ROPA 49 and to seek feedback from single and lower-tier municipalities. (SD-39-23)

CARRIED

- e. Heritage response to Bill 23 - shortlist of designation candidates (PL-35-23)(SD-38-23)

Direct the Director of Community Planning to retain a consultant to assess the eligibility of the following properties for potential heritage

designation under Part IV of the Ontario Heritage Act, consult the Heritage Burlington Advisory Committee, and report back to Council with statements explaining the cultural heritage value or interest of qualifying properties prior to January 1, 2025:

1. 461 Elizabeth Street
2. 451 Elizabeth Street
3. 2137 Lakeshore Road
4. 472 Locust Street
5. 482 Elizabeth Street
6. 451 Nelson Avenue
7. 518 Hager Avenue
8. 562 Maple Avenue
9. 1406 Ontario Street
10. 1419 Ontario Street
11. 458 Elizabeth Street
12. 490 Elizabeth Street
13. 2464 Dundas Street
14. 2003 Lakeshore Road
15. 390 John Street
16. 2437 Dundas Street
17. 368 Brant Street
18. 550 Hurd Avenue
19. 2280 No. 2 Side Road
20. 6414 Walker's Line
21. 367 Torrance Street
22. 1433 Baldwin Street
23. 380 Brant Street; and

Approve an upset limit of \$125,000 for the study, funded from the Tax Rate Stabilization Reserve Fund; and

Direct the Director of Community Planning to assess the eligibility of the following properties for potential heritage designation under Part IV of the Ontario Heritage Act, consult the Heritage Burlington Advisory Committee, and report back to Council with statements explaining the cultural heritage value or interest of qualifying properties prior to January 1, 2025:

24. 400 Brant Street
25. 2066 Kilbride Street; and

Direct the Director of Community Planning to report back to Community Planning, Regulation, and Mobility Committee in Q1

2024 with any amendments to the above list of properties as a result of consultation with Council members on risk mitigation. (SD-38-23)

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)

12.5 Community Planning, Regulation and Mobility Public meeting of November 13, 2023

a. Zoning By-law Amendment – 1160 Blair Road (PL-65-23)

Approve the Zoning By-law Amendment application, as modified by staff in community planning department report PL-65-23, to permit an expanded place of worship at 1160 Blair Road; and

Approve Zoning By-law 2020.462, attached as revised Appendix C to community planning department report PL-65-23, to amend zoning “GE1-486” for the lands at 1160 Blair Road; and

Deem that Zoning By-law 2020.462 conforms to the Official Plan of the City of Burlington.

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 Corporate Services, Strategy, Risk and Accountability - Budget Committee meeting minutes of October 30, 2023

- 13.2 Community Planning, Regulation and Mobility Committee meeting minutes of October 31, 2023
- 13.3 Corporate Services, Strategy, Risk and Accountability Committee meeting minutes of November 1, 2023
- 13.4 Environment, Infrastructure and Community Services meeting minutes of November 2, 2023
- 13.5 Council Workshop meeting minutes of November 6, 2023
- 13.6 Council Workshop meeting minutes of November 7, 2023

14. Urgent Business:

- 14.1 Development Charges and Community Benefits Strategy draft growth assumptions (F-25-23)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Receive and file finance department report F-25-23 providing growth assumptions for the new Development Charges Background Study and Community Benefits Strategy, including Appendix A, 2024 Draft DC Growth Forecast developed by Watson & Associates Economists Ltd. (Watson).

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 Appointments to Downtown BIA Board of Directors (CL-23-23)

Moved by: Councillor Kearns
Seconded by: Councillor Galbraith

Appoint the following members to the Burlington Downtown Business Association (BDBA) Board of Directors for a term to expire on November 14, 2026, or upon appointment of their successor:

- Naiomi Gardner
- Dareen Kuchma
- Dale Gray

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 Eligibility of 400 Brant Street for Heritage Designation (PL-67-23)

Moved by: Councillor Kearns

Seconded by: Councillor Nisan

Refer the report regarding Eligibility of 400 Brant Street for Heritage Designation (PL-67-23) to Community Planning, Regulation and Mobility Committee in Q1 of 2024 to come back with the balance of item 12.4 e.

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

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

CARRIED (5 to 2)

14.4 City of Burlington Comments to the Minister of Municipal Affairs and Housing and the Environmental Registry of Ontario (PL-73-23)(SD-41-23)

Moved by: Councillor Stolte

Seconded by: Councillor Nisan

Direct the Director of Community Planning to provide any additional comments on Appendix A – Comments on “Greenbelt Statute Amendment Law Submission” based on feedback at the November 14 Council meeting and submit comment to the Environmental Registry of Ontario (ERO) in advance of the November 30, 2023 commenting deadline; and

Direct the Director of Community Planning to prepare comments to the Minister of Municipal Affairs and Housing for the December 5, 2023, Community Planning, Regulation & Mobility Committee Meeting based on the feedback received at the November 14, 2023, meeting of Council regarding the Minister’s announcement to rescind the modifications to ROPA 49; and

Direct the Director of Community Planning to prepare a response to the letter received from the Minister of Municipal Affairs and Housing

regarding Provincial Decisions on Municipal Official Plans / Official Plan Amendments requesting that the Province retain the Minister's amendments to Regional Official Plan Amendment 49; and

That the Director of Community Planning continue to work collaboratively with the respective ROPA 49 landowners in advancing the City's interests through the completion of future secondary and site specific land use planning and development approval processes or equivalent. In so doing, priority will be given to achieving the City's community responsive growth management objectives and long-term community development goals related to achieving vibrant mixed use people oriented communities inclusive of the following elements as outlined in the letter to the Minister of Municipal Affairs from Mayor Meed Ward dated April 14 2023:

- **economic benefits including future employment targets that increased future property assessment growth.**
- **social benefits including affordable and attainable housing, public parks and greenspace and community facilities and amenities.**
- **environmental benefits including climate change, natural heritage preservation and enhanced integrated mobility. (SD-41-23)**

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 Sharman

Seconded by: Councillor Galbraith

Direct the Director of Community Planning to prepare a response to the letter received from the Minister of Municipal Affairs and Housing regarding Provincial Decisions on Municipal Official Plans / Official Plan Amendments requesting that the Province retain the Minister's amendments to Regional Official Plan Amendment 49; and

That the Director of Community Planning continue to work collaboratively with the respective ROPA 49 landowners in advancing the City's interests through the completion of future

secondary and site specific land use planning and development approval processes or equivalent. In so doing, priority will be given to achieving the City’s community responsive growth management objectives and long-term community development goals related to achieving vibrant mixed use people oriented communities inclusive of the following elements as outlined in the letter to the Minister of Municipal Affairs from Mayor Meed Ward dated April 14 2023:

- **economic benefits including future employment targets that increased future property assessment growth.**
- **social benefits including affordable and attainable housing, public parks and greenspace and community facilities and amenities.**
- **environmental benefits including climate change, natural heritage preservation and enhanced integrated mobility.(SD-41-23)**

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

CARRIED (7 to 0)

15. Confidential Items and Closed Session:

Moved by: Councillor Galbraith

Seconded by: Councillor Bentivegna

Approve the following closed session minutes:

CARRIED

15.1 Confidential Closed Session minutes for Corporate Services, Strategy, Risk and Accountability Committee meeting of November 1, 2023

16. Rise and Report:

None.

17. Motions of Members:

17.1 Support for Niagara Escarpment Biosphere (ADM-19-23)

Moved by: Councillor Nisan

Seconded by: Councillor Galbraith

Whereas the Niagara Escarpment, from Queenston in the south to Tobermory in the north, has been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Biosphere since 1990; and

Whereas the Niagara Escarpment Biosphere (NEB) provides a range of very positive returns to Ontarians, including but not limited to promoting biodiversity, open landscape, agriculture and agri-tourism, traditional Indigenous knowledge and cultural history, eco-system services, a living laboratory for learning, carbon sequestration, climate change mitigation and adaptation; and

Whereas the NEB is integral to the protection and enhancement agenda for the Great Lakes, especially since several of Ontario's major riverine systems have their headwaters within the NEB that in turn feed into each of Lake Huron, Lake Erie, Lake Ontario and Georgian Bay; and

Whereas oversight of the NEB has successfully transitioned from the Ontario governmental agency, the Niagara Escarpment Commission to a citizen-centred, not-for-profit organization, namely the Niagara Escarpment Biosphere Network (NEBN); and

Whereas the NEBN has been established as a Co-Leadership model between Indigenous and Non-indigenous leaders, with a key objective of establishing the future direction of the NEBN as a model of delivering on the worthy goals of Canada's Truth and Reconciliation Commission as well as a demonstrated commitment to the United Nation's Declaration on the Rights of Indigenous Peoples; and

Whereas the NEBN is seeking continuation of the official UNESCO Biosphere designation for the NEB, with the support of Burlington;

Therefore be it resolved that the City of Burlington support the continuation of the UNESCO Biosphere designation for the Niagara Escarpment and for the oversight model that has been established with the Niagara Escarpment Biosphere Network.

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

17.2 Auto Theft in Burlington (ADM-20-23)

Moved by: Councillor Galbraith

Seconded by: Councillor Bentivegna

Whereas in Ontario, there has been a 112% increase in auto thefts over the past five years with burglaries rising 49% in 2022 alone according to the Insurance Bureau of Canada (IBC); and

Whereas in Burlington, vehicle theft claims increased 83% from 2021 to 2022, the third highest increase in Ontario; and

Whereas the provincial government has announced auto theft preventative measures in their Fall Economic Statement through an investment of \$51 million to investigate and prosecute criminal organizations that profit from stolen vehicles, with an additional \$1.4 million allocated to the Toronto Area- Greater Golden Horseshoe Investigative Fund to provide police services with cutting- edge technology needed to combat auto theft; and

Whereas all levels of government as well as police departments, community safety groups and auto manufacturers need to work together to tackle this auto theft crisis in Ontario and across Canada; and

Whereas Burlington City Council endorses the Halton Police Board resolution for an Auto Theft Advocacy Approach, adopted on July 6, 2023, and included in the Burlington Council Information Package of Nov. 10, 2023 (attached as Appendix A);

Therefore be it resolved that Burlington Council call on the federal government to provide a more robust anti auto theft program that supports law enforcement agencies and municipalities in the form of funding, resources, and legislation to combat auto theft; and

That this program include more funding to the Canadian Border Service Agency to increase inspections of shipping containers at all major Canadian ports; and

That the federal government enact legislation requiring the inclusion of theft-deterrent technologies for all car manufacturers in new vehicle models in Canada; and

That Burlington Council call on the Ontario government to make changes to the vehicle transfer process, as recommended by the Insurance Bureau

of Canada in order to take steps to minimize improper transfer of vehicles;
and

That these provincial changes should introduce a physical public VIN inspection conducted by a certified mechanic as part of the safety inspection that precedes every vehicle transfer, ensuring that info/images are captured and transmitted digitally through an update to the DriveON program to prevent the falsification of paper-based documents; and

That a copy of this resolution be circulated to:

- Honourable Dominic LeBlanc, Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs
- Honourable Karina Gould, MP for Burlington
- Prabmeet Sarkaria, Minister of Transportation
- Natalie Pierre, MPP Burlington
- Effie Triantafilopoulos, MPP Oakville North-Burlington.

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

CARRIED (7 to 0)

17.3 Advocacy to the Province on the Section 3.1 of the Provincial Policy Statement 2020 (ADM-21-23)

Moved by: Councillor Nisan

Seconded by: Councillor Stolte

Whereas recent studies and assessments completed by the City of Burlington and Conservation Halton identify flood hazards on portions of the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area (MTSA) and the Appleby MTSA; and

Whereas downtown Burlington has historically been susceptible to flooding that was collectively addressed by the Province, Conservation Halton and the City with the construction of the Rambo/Hager Highway 407 Diversion and flood control system to protect these lands from flooding; and

Whereas provincial policy generally directs development away from hazardous lands as per Section 3.1 of the Provincial Policy Statement, 2020 (PPS); and

Whereas the Downtown Burlington Urban Growth Centre/Burlington GO MTSA and the Appleby MTSA are identified as strategic growth areas; and

Whereas Burlington City Council is committed to accommodating its share of growth and has unanimously signed on to the Provincial Housing Pledge for 29,000 homes by 2031;

Therefore, recognizing conflicting guidelines from the Province, be it resolved that Burlington City Council, request the Province (Minister of Municipal Affairs & Housing and Minister of Natural Resources & Forestry) to:

- Work with City of Burlington and Conservation Halton staff to discuss competing provincial objectives and policies related to growth/development and natural hazards in order to explore policy solutions to address this challenge as outlined in Section 3.1 of the Provincial Policy Statement, 2020 (PPS);
- Update Provincial technical guides that support the PPS, including the “*Technical Guide, River & Stream Systems: Flooding Hazard Limit*”; and
- Release updated Section 28 Regulations under the *Conservation Authorities Act*; and

That a copy of this resolution be circulated to the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, the Honourable Graydon Smith, Minister of Natural Resources and Forestry, the Honourable Parm Gill, Minister of Red Tape Reduction, Natalie Pierre, MPP Burlington, Effie Triantafilopoulos, MPP Oakville North-Burlington, Gerry Smallegange, Chair of Conservation Halton and Hassaan Basit, President, and CEO Conservation Halton.

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

CARRIED (7 to 0)

17.4 Burlington Performing Arts Centre – Board Governance Review (ADM-22-23)

Moved by: Councillor Bentivegna
Seconded by: Councillor Sharman

Waive section 38.1 of the procedure by-law to allow item 17.4 Burlington Performing Arts Centre - Board Governance Review to be discussed at this meeting of Council November 14, 2023.

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 Bentivegna
Seconded by: Councillor Sharman

That Council authorize that the continuation and/or extension of the lease between the City and Burlington Performing Arts Centre and the release of any funding to BPAC that may be approved as part of the 2024 Budget be contingent on BPAC undergoing, with City's involvement and direction, the following:

- an independent governance review, as more particularly detailed below (the "Governance Review"), to commence by the end of November and be completed by no later than March 31, 2024, and
- implementing any recommendations of that review to the satisfaction of the City Manager and the Executive Director of Legal Services and Corporation Counsel, and:

That the Independent reviewer be single sourced by the city and the cost and expense of the governance review be borne wholly by BPAC; and

That the governance review be conducted by an independent consultant and include but not be limited to the following elements:

- Review of Governance Documentation of BPAC
- Conduct of Governance Interviews with BPAC Directors and Staff
- Delivery of Governance Assessment Report to BPAC Board and the City of Burlington Council.

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

CARRIED (7 to 0)

18. Council Information Package:

- 18.1 Council Information Package October 20, 2023
- 18.2 Council Information Package October 27, 2023
- 18.3 Council Information Package November 3, 2023
- 18.4 Council Information Package November 10, 2023

19. Motion to Receive and File Information Items:

Moved by: Councillor Kearns
Seconded by: Councillor Galbraith

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

CARRIED

- 19.1 Correspondence from MHBC Planning, Urban Design & Landscape Architecture regarding Proposed Major Transit Station Area (MTSA) Official Plan Amendment and Draft Community Planning Permit(CPP) By-law public release (PL-59-23)
- 19.2 Memorandum from Jackie Murphy, regarding repeal & replace of By-law #50-2021 (ADM-18-23)
- 19.3 Memorandum from Kevin Arjoon, City Clerk, regarding CL-17-23 Delegated Authority Report – Correction
- 19.4 Correspondence from Victoria Mortelliti, representing BiLD Association regarding Development Charges and Community Benefits Strategy draft growth assumptions (F-25-23)
- 19.5 Correspondence from Emma Duncan representing Knox Presbyterian Church regarding Heritage response to Bill 23 - shortlist of designation candidates (PL-35-23)(SD-38-23)
- 19.6 Delegation notes from Jim Thomson regarding 2024 meeting calendar options (CL-20-23)

- 19.7 Delegation notes from Denise Nacev regarding International Day of Persons with Disabilities and 2024 rates and fees (F-36-23)
- 19.8 Delegation notes from Fiona Smail representing North Aldershot Environmental Protection Association, regarding City of Burlington Comments to the Minister of Municipal Affairs and Housing and the Environmental Registry of Ontario (PL-73-23)
- 19.9 Correspondence from Michelle Diplock West End Home Builders' Association regarding Advocacy to the Province on the Section 3.1 of the Provincial Policy Statement 2020 Final (ADM-21-23)

20. Notice of Motion:

None.

21. Motion to Approve By-Laws:

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

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

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 69-2023: A by-law to establish a Facility and Programs Reserve Fund – Arenas.
- 21.2 70-2023: Appointments of a Chief Building Official, Deputies and Inspectors, repeal and replace 50-2021.
- 21.3 71-2023: A by-law to update delegated authority.
Report CL-17-23, Corporate Services, Strategy, Risk and Accountability Committee meeting November 1, 2023
- 21.4 72-2023: A by-law to establish and impose certain 2024 rates and fees for services, activities or the use of property.
- 21.5 2020.462: A by-law to amend By-law 2020, to allow for the redevelopment at 1160 Blair Road to include an expanded place of worship, banquet hall, recreation centre and office uses.

22. Confirmatory By-law:

Moved by: Councillor Sharman
Seconded by: Councillor Stolte

Enact and pass By-law Number 73-2023 being a by-law to confirm the proceedings of Council at its meeting held November 14, 2023 being read a first, second and third time.

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

CARRIED (7 to 0)

23. Statements by Members:

24. Motion to Adjourn:

Moved by: Councillor Bentivegna
Seconded by: Councillor Nisan

11:20 (recess), 11:23 (reconvene), 11:58 (recess), 12:05 (reconvene), 12:20 (recess), 1:20 (reconvene)

Adjourn this Council now to meet again at the call of the Mayor. 2:25 p.m.

CARRIED

Kevin Arjoon

City Clerk

Marianne Meed Ward

Mayor