



Regular Meeting of Council

Minutes

Date: June 18, 2024
Time: 9:30 am
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Mayor Marianne Meed Ward, Kelvin Galbraith, Rory Nisan, Paul Sharman, Angelo Bentivegna

Member Regrets: Lisa Kearns, Shawna Stolte

Staff Present: Hassaan Basit, Richard Bellemare (Audio/Video Specialist), Debbie Hordyk, Samantha Yew (City 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. Land Acknowledgement:

3. National Anthem:

4. Regrets:

Councillor Kearns

Councillor Stolte

5. Approval of the Agenda:

Moved by: Councillor Bentivegna

Seconded by: Councillor Sharman

Approve the June 18, 2024 Council agenda as presented.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

6. Declarations of Interest:

6.1 Councillor Galbraith - Major Transit Station Area (MTSA) Official Plan Amendment 2 and Community Planning Permit By-law (PL-03-24, SD-12-24)

Councillor Kelvin Galbraith owns property in the Major Transit Station Area (MTSA).

6.2 Councillor Galbraith - 45-2024: A by-law to adopt Official Plan Amendment No. 2 to establish a vision for the City's Major Transit Station Areas and enable the implementation of a Community Planning Permit System in the three Major Transit Station Areas.

Councillor Kelvin Galbraith owns property in the Major Transit Station Area (MTSA).

7. Proclamations:

7.1 Burlington Historical Society Day: June 28, 2024

7.2 Seniors Month: June 2024

7.3 World Rubinstein Taybi Syndrome Day: July 3, 2024

8. Recognitions and Achievements:

8.1 Senior of the year award presentation to Gordon Schottlander.

8.2 2024 Special Olympics Ontario participant recognitions.

9. Presentations:

None.

10. Motion to approve Council Minutes:

Moved by: Councillor Galbraith

Seconded by: Councillor Nisan

Confirm the minutes of the following meeting of Council:

CARRIED

- 10.1 Special Council of April 2, 2024
- 10.2 Regular Council May 21, 2024
- 10.3 Special Council April 17, 2024
- 10.4 Special Council of June 11, 2024

11. Delegations:

- 11.1 Anne and Dave Marsden spoke regarding Quarterly dashboard for office of the city auditor (CA-09-24)
- 11.2 Anne and Dave Marsden spoke regarding Audit Committee terms of reference - update (CL-13-24)
- 11.3 Anne and Dave Marsden spoke regarding Internal Audit Charter - update (CA-11-24)
- 11.4 Arun Anand spoke regarding Major Transit Station Area (MTSA) Official Plan Amendment 2and Community Planning Permit By-law (PL-03-24, SD-12-24)

12. Petitions:

None

13. Recommendations from Standing Committees:

- 13.1 Committee of the Whole meeting of June 10 and 11, 2024

Items b, c, d, e, f, g, h, i, j, l, m, n, o and p were voted upon by way of one consent vote.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

- b. City-initiated amendment to Zoning By-law 2020 - residential parking standards for Fairview Street/Plains Road and Appleby Line corridors (PL-45-24)

Approve the proposed amendments to Zoning By-law 2020 as provided in revised Appendix A of community planning department memo to report PL-45-24; and

Enact By-law 2020.478 as contained in revised Appendix A of community planning department memo to report PL-45-24; and

Deem that the amending Zoning By-law will conform to the Official Plan for the City of Burlington.

CARRIED

c. Ontario Integrated Vehicle Safety Inspection Program update - DriveON (RPF-06-24) (EICS)

Approve the City of Burlington's enrollment in the new DriveON program to permit the City to continue providing internal motor vehicle safety inspections and certifications for Corporate Fleet, Transit and Fire as outlined in roads, parks and forestry department report RPF-06-24; and

Authorize the Director of Roads, Parks and Forestry to execute on behalf of the City of Burlington the performance contract and any associated agreements or amendments, between City of Burlington and the Province of Ontario or any third-party vendors approved or required by the Province of Ontario in connection with the DriveON program, including any equipment purchase agreement(s) and/or pre-authorized payment agreements required for the DriveON Program, to the satisfaction of the Chief Financial Officer, the Manager of Procurement Services, and the Executive Director of Legal Services and Corporation Counsel.

CARRIED

d. Motion Memorandum regarding lease rate reduction for Not for Profit groups (COW-16-24)

Authorize and direct the Executive Director of Legal Services and Corporation Counsel to prepare and present to Council for enactment a by-law amending By-law 71-2023, the Delegated Authority By-law, Schedule F, Legal Services & Real Estate, Section 14 Leases and Licenses, to permit a rental rate reduction of 20% of fair market value for office leases and licenses with qualifying not-for-profit Team Burlington tenants within 414 Locust

Street to the satisfaction of Legal, Realty Services, and Recreation Services.

CARRIED

e. Multi-Year Community Investment Plan – financing plan update report (F-24-24)

Endorse in principle the 10-year financial strategy presented in finance department report F-24-24; and

Direct the Chief Financial Officer to report back as part of the annual budget process, as required on updates to the Multi-Year Community Investment Plan, subject to the availability of future funding opportunities and significant changes in infrastructure needs.

CARRIED

f. 2025 financial needs and multi-year forecast (Financial Forecast) (F-25-24)

Receive the 2025 Financial Forecast as a budget reference document; and

Request the Mayor and Members of Council to consider the contents of the 2025 Financial Forecast including related appendix when preparing and reviewing the 2025 Proposed Budget.

CARRIED

g. Amendment to Business Licensing By-law 42-2008 (BL-05-24) (CPRM)

Approve the amendment to By-law 42-2008, a by-law to provide for the licensing, regulating and governing of various businesses in the City of Burlington, in order to clarify powers of inspection related to enforcement, as attached as Appendix A to by-law compliance department report BL-05-24, in a form satisfactory to the Director of Legal Services and Corporation Counsel.

CARRIED

h. 2024 Integrated Halton Planning System Memorandum of Understanding (PL-47-24) (CPRM)

Receive and file community planning department report PL-47-24 regarding 2024 Integrated Halton Planning System Memorandum of Understanding.

CARRIED

i. Live and Play Plan – recommendations for future recreation infrastructure needs (RCC-12-24)

Endorse in principle the Live and Play Plan as presented in Appendix A of recreation, community, and culture department report RCC-12-24 as the guiding document for the future development of park, recreation, and cultural facilities; and

Direct the Director of Recreation, Community and Culture to update the plan every five years by way of a council report; and

Direct the Director of Recreation, Community and Culture to report back on an implementation plan for the recommendations in recreation, community and culture department report RCC-12-24, a partnership policy and funding options in Q3 2024.

CARRIED

j. Approval of a Festivals and Events Policy (RCC-13-24)

Approve the Festivals and Events Policy in Appendix A of recreation, community and culture department report RCC-13-24; and

Direct the Director of Recreation, Community and Culture to apply the Festivals and Events Policy and phased implementation of the event selection criteria as listed in recreation, community and culture department report RCC-13-24; and

CARRIED

l. Confidential real estate matter - property lease and management (L-12-24)

Instruct the Manager of Realty Services to proceed in accordance with the instructions sought in confidential legal department report L-12-24.

CARRIED

- m. Confidential real estate matter property update (L-22-24)

Instruct the Manager of Realty Services to proceed in accordance with the instructions sought in confidential legal department report L-22-24.

CARRIED

- n. Confidential post secondary attraction update (CM-08-24)

Endorse the confidential recommendation contained in City Manager's Office report CM-08-24 providing an update on post-secondary attraction.

CARRIED

- o. Confidential triannual litigation update report (L-20-24)

Direct the Executive Director of Legal Services or his designate to proceed in accordance with the instructions sought in matters 15, 17, 29, 30, 37, 41, 44, 45, and 47 and that the balance of L-20-24 be received and filed.

CARRIED

- p. Confidential status report on the Contingency Reserve - April 30, 2024 (F-18-24)

Receive confidential finance department report F-18-24 providing the status report on the contingency reserve – April 30, 2024.

CARRIED

- a. Major Transit Station Area (MTSA) Official Plan Amendment 2 and Community Planning Permit By-law (PL-03-24, SD-12-24)

Councillor Galbraith declared a conflict on this item. (Councillor Kelvin Galbraith owns property in the Major Transit Station Area

(MTSA).)

Adopt Official Plan Amendment No. 2 to the City of Burlington Official Plan, 2020, substantially in the form provided in the **REVISED** Appendix A of community planning department **staff memorandum regarding** report PL-03-24; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 2; and

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

Approve, in principle, the Major Transit Station Area Community Planning Permit By-law provided in Appendix B of community planning department report PL-03-24; and

Direct staff to make the necessary refinements to the Major Transit Station Area Community Planning Permit By-law, including any changes to reflect any modifications as a result of Ministerial approval; and

Direct the Director of Community Planning to report back at the July cycle of COW regarding the Community Improvement Plan (CIP) terms of reference as it relates to reflect the City's unit mix endorsed in the Housing Strategy (*three bedroom units*). (SD-12-24)

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

Conflict (1): Councillor Galbraith

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (4 to 0)

k. Greening the Crosstown Trail (RPF-04-24)

Moved by: Councillor Nisan

Seconded by: Councillor Galbraith

Direct the Director of Roads, Parks and Forestry to proceed with a pilot program for Greening the Crosstown Trail from Guelph Line to Fisher Ave, as detailed within Option 1 of roads, parks and forestry department report RPF-04-24; and

Authorize the Director of Roads, Parks, and Forestry to pursue a grant application through the Canadian Wildlife Federation to offset any and all project related costs; and

Direct the Acting Chief Financial Officer to allocate \$40,750 from capital account PR0122 and \$75,000 from the Tree Establishment and Enhancement Reserve to cover implementation costs for the pilot program.

Direct the Director of Recreation, Community and Culture to consider an expansion of Community Gardens through the 2025 Budget process and the potential addition of community gardens as part of the crosstown trail greening initiative.

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

OPPOSED: (1): Councillor Bentivegna

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (4 to 1)

Moved by: Councillor Nisan

Seconded by: Councillor Galbraith

Direct the Director of Recreation, Community and Culture to consider an expansion of Community Gardens through the 2025 Budget process and the potential addition of community gardens as part of the crosstown trail greening initiative.

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

OPPOSED: (1): Councillor Bentivegna

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (4 to 1)

13.2 Audit Committee meeting of June 12, 2024

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

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

a. Status of Management Action Plans (CA-08-24)

Receive city auditor's office report CA-08-24 providing a summary of the Management Action Plans in progress.

CARRIED

c. Approval of the 2023 consolidated financial statements as audited by Deloitte LLP. (F-20-24)

Approve the 2023 consolidated financial statements for the City of Burlington as audited by Deloitte LLP attached to finance department report F-20-24 as Appendix A; and

Approve the 2023 financial statements for the trust funds of the City of Burlington as audited by Deloitte LLP attached to finance department report F-20-24 as Appendix B; and

Authorize the Acting Chief Financial Officer to publish the statements on the City's website.

CARRIED

e. Anti-Fraud Information & Education Program - update (CA-10-24)

Receive office of the city auditor's report CA-10-24 regarding an update of the Anti-Fraud Information & Education Program.

CARRIED

b. Quarterly dashboard for office of the city auditor (CA-09-24)

Receive office of the city auditor's report CA-09-24 providing a quarterly dashboard of City Auditor Key Performance Indicators (KPI's) attached as Appendix A.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

d. Audit Committee terms of reference - update (CL-13-24)

Rescind the Audit Committee terms of reference approved in December 2021 found in office of the city clerk's report CL-35-21; and

Approve the revised Audit Committee terms of reference attached to office of the city clerk's report CL-13-24, as Appendix B.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

f. Internal Audit Charter - update (CA-11-24)

Approve the updated Internal Audit Charter attached as Appendix B of city auditor's office report CA-11-24.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

13.3 Pipeline to Permit Committee of June 13, 2024

a. Pay-On-Demand Development Bonds (F-13-24)

Approve a five (5) development pilot program approach to accepting Pay-on-Demand development bonds that considers a number of bonds per developer and maximum bond amount that is satisfactory to the CAO; and

Direct the Chief Financial Officer to maintain a waitlist of additional developments above the five accepted and report back monthly to the Pipeline to Permit Committee on the additional developments; and

Direct the Chief Financial Officer to develop a pay-on-demand bond template and pay-on-demand development Bond Policy in

accordance with the approved five (5) pilot program, in a form satisfactory to the Executive Director of Legal and Corporation Counsel, as outlined in this report for Council approval by Fall 2024; and

Direct the Executive Director of Legal and Corporation Counsel to ensure that Site Plan Agreements for developments participating in the pilot program recognize pay-on-demand development bonds as an acceptable form of security, as recommended in this report; and

Direct the Chief Financial Officer to report back in one (1) year, or earlier subject to provincial legislation or pilot program demand with a summary of challenges and future consideration for on-going acceptance of Pay-On-Demand development bonds or pilot program expansion; and

Direct the Chief Financial Officer to connect with the industry and report back to the Pipeline to Permit Committee by the end of Q4 2024 on how to incorporate the option of transferring letters of credit to surety bonds.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

14. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

Approve the following minutes:

CARRIED

14.1 Council Workshop Committee meeting minutes of May 16, 2024

14.2 Committee of the Whole meeting minutes of June 10 and 11, 2024

14.3 Audit Committee meeting minutes of June 12, 2024

14.4 Pipeline to Permit Committee meeting minutes of June 13, 2024

15. Urgent Business:

15.1 Recommendation Report for Official Plan and Zoning By-law Amendments for 1120 Cooke Blvd (PL-57-24) (PL-04-24)

Moved by: Councillor Galbraith

Seconded by: Councillor Nisan

Approve the applications submitted by WND Associates Ltd., on behalf of Adi Development Group, to amend the Official Plan and Zoning By-law to permit a mixed-use development comprising three tall buildings with maximum heights of 34, 32, and 30 storeys; and

Approve Official Plan Amendment No. 142 to the City of Burlington Official Plan, as provided in Appendix B of community planning department report PL-04-24, to introduce new site-specific policies for the subject lands; 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. 142 as contained in Appendix B of community planning department report PL-04-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (505-01/22); and

Approve Zoning By-law 2020.472, attached as Appendix C of community planning department report PL-04-24, to rezone the lands located at 1120 Cooke Boulevard from “MXC-26” (Mixed-Use Corridor – Commercial with site-specific exception 26) to “H-MXC-531” (Mixed-Use Corridor – Commercial with a Holding “H” prefix and site-specific exception 531); and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 142 is adopted; and

Deem that the lands described as 1120 Cooke Boulevard are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

15.2 Appointments to Advisory Committee (CL-14-24)

Moved by: Councillor Sharman
Seconded by: Councillor Bentivegna

Approve the appointments to the Burlington Cycling Advisory Committee, as outlined in confidential appendix A of office of the city clerk report CL-14-24 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, 2025:

- Randy Campbell
- Patrick Rea
- Ellie Castonguay
- Murray Strum
- Herbert Lewington
- Cory Finnigan

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

16. Confidential Items and Closed Session:

16.1 Motion to approve confidential closed session minutes:

Moved by: Councillor Galbraith
Seconded by: Councillor Nisan

Confirm the following closed session minutes.

CARRIED

- a. Confidential closed session minutes for the Committee of the Whole meeting of June 10 and 11, 2024
- b. Confidential closed session minutes for Council Workshop meeting of May 16, 2024

16.2 Confidential Appendix A of CL-14-24

This item was voted on in open session during item 15.2

17. Rise and Report:

None

18. Motions of Members:

None

19. Council Information Package:

19.1 Council Information Package May 24, 2024

19.2 Council Information Package May 31, 2024

19.3 Council Information Package June 7, 2024

19.4 Council Information Package June 14, 2024

20. Motion to Receive and File Information Items:

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

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

CARRIED

20.1 Memorandum from staff, Modified Official Plan Amendment No. 2 to the City of Burlington Official Plan, 2020 to replace Appendix A (PL-03-24)

20.2 Revised Appendix A to Report PL-45-24 - Draft Zoning By-law amendment

20.3 Memorandum from staff regarding 2024 Financial Forecast Report (F-25-24)

20.4 Memorandum from staff regarding Live and Play Plan – recommendations for future recreation infrastructure needs (RCC-12-24)

20.5 Memorandum from staff regarding Approval of a Festivals and Events Policy (RCC-13-24)

20.6 Correspondence from Arcadis Professional Services regarding Major Transit Station Area (MTSA) Official Plan Amendment 2 and Community Planning Permit By-law (PL-03-24)

- 20.7 Correspondence from Fasken Martineau DuMoulin LLP regarding (MTSA) Official Plan Amendment 2 (PL-03-24)
- 20.8 Correspondence from Kshitiz (Jas) Jaswal, Valour Group regarding Major Transit Station Area (MTSA) Official Plan Amendment 2 and Community Planning Permit By-law (PL-03-24, SD-12-24)
- 20.9 Delegation notes from Anne and Dave Marsden regarding Quarterly dashboard for office of the city auditor (CA-09-24)
- 20.10 Delegation notes from Anne and Dave Marsden regarding Audit Committee terms of reference - update (CL-13-24)
- 20.11 Delegation notes from Anne and Dave Marsden regarding Internal Audit Charter - update (CA-11-24)

21. Notice of Motion:

None

22. Motion to Approve By-Laws:

Items 22.2, 22.3, 22.4, and 22.5 were voted upon by way of one consent vote.

Moved by: Councillor Sharman

Seconded by: Councillor Nisan

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

- 22.2 46-2024: A by-law to amend By-law 42-2008 being a by-law to provide for the licensing, regulating and governing of various businesses in the City of Burlington, as amended.
- 22.3 2020.478: A by-law to amend By-law 2020, as amended, to update parking standards for lands identified along the Fairview Street, Plains Road and Appleby Line Corridors.
- 22.4 14-2024: A by-law to adopt Official Plan Amendment No. 142 to permit a mixed-use development comprising three tall buildings of maximum 30, 32, and 34 storeys with 1165 residential units and ground-level non-residential uses at 1120 Cooke Boulevard.

22.5 2020.472: A by-law to amend By-law 2020, as amended; for 1120 Cooke Boulevard, for the purpose of facilitating the mixed-use development of three residential towers of maximum heights of 30, 32, and 34 storeys.

22.1 45-2024: A by-law to adopt Official Plan Amendment No. 2 to establish a vision for the City's Major Transit Station Areas and enable the implementation of a Community Planning Permit System in the three Major Transit Station Areas.

Councillor Galbraith declared a conflict on this item. (Councillor Kelvin Galbraith owns property in the Major Transit Station Area (MTSA).)

Moved by: Councillor Sharman
Seconded by: Councillor Nisan

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

Conflict (1): Councillor Galbraith

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (4 to 0)

23. Confirmatory By-law:

Moved by: Councillor Bentivegna
Seconded by: Councillor Galbraith

Enact and pass By-law Number 47-2024 being a by-law to confirm the proceedings of Council at its meeting held June 18, 2024 being read a first, second and third time.

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

Absent (2): Councillor Kearns, and Councillor Stolte

CARRIED (5 to 0)

24. Statements by Members:

25. Motion to Adjourn:

Moved by: Councillor Nisan
Seconded by: Councillor Galbraith

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

10:41 a.m.

CARRIED

Samantha Yew

City Clerk

Marianne Meed Ward

Mayor