



Regular Meeting of Council

Minutes

Date: April 23, 2019
Time: 5:36 p.m. recessed 6:25 p.m. - 6:45 p.m.
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: David Thompson (Audio/Video Specialist), Debbie Hordyk, Angela Morgan (Clerk)

1. Call to Order:

2. National Anthem:

3. Regrets:

4. Proclamations:

- 4.1 Parental Alienation Awareness Day - April 25, 2019
- 4.2 Burlington Gymnastics Club Day - May 3, 2019
- 4.3 Canada Netherlands Friendship Day - May 5, 2019
- 4.4 Time of Remembrance and Reconciliation for those who lost their lives during the second world war - May 8 and 9, 2019
- 4.5 Be Kind to One Another Days - May 17 and 18, 2019
- 4.6 National Youth Week - May 1-7, 2019
- 4.7 Polish Days Week - May 1-7, 2019
- 4.8 Navy Week - May 3-10, 2019
- 4.9 Mental Health Week - May 6-12, 2019
- 4.10 National Public Works Week - May 19-25, 2019
- 4.11 Tourism Week in Canada - May 26 - June 2, 2019
- 4.12 International Building Safety Awareness Month - May 2019

4.13 Foot Health Awareness Month - May 2019

4.14 Apeldoorn Month - May 2019

4.15 Bladder Cancer Month - May 2019

5. Motion to Approve Council Minutes:

Moved by: Councillor Bentivegna

Seconded by: Councillor Nisan

Confirm the minutes of the following meeting of Council:

CARRIED

5.1 Regular Minutes of Council March 25, 2019

6. Recognitions and Achievements:

7. Presentations:

8. Declarations of Interest:

8.1 Councillor Galbraith - Information report for proposed official plan and zoning by-law amendments for 1085 Clearview Avenue, 1082, 1086, and 1090 St. Matthew's Avenue (PB-28-19)

Councillor Galbraith's home residence is within 50 metres of this development

9. Delegations:

9.1 Don Matthews spoke regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

9.2 John Weller will speak regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

9.3 Jim Ruta will speak regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

9.4 Andrew Diveky will speak regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

9.5 Lynne Bowley spoke regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

9.6 James Schofield will speak regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

- 9.7 Joseph Cooke spoke regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 9.8 Margaret Gaskell spoke regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 9.9 Michael Gaskell spoke regarding Strathcona and area proposed sidewalks (TS-05-19)
- 9.10 Virginia Hureau spoke regarding Strathcona and area proposed sidewalks (TS-05-19)
- 9.11 Jill Huggett spoke regarding Strathcona and area proposed sidewalks (TS-05-19)
- 9.12 Kevin Ridge spoke regarding Strathocona and area proposed sidewalks (TS-05-19)
- 9.13 Samer El-Fashny representing Better Life Retirement Residence Inc. spoke regarding proposed exemptions to Interim Control By-law 10-2019 (PB-40-19)
- 9.14 Cindy Prince spoke regarding proposed exemptions to Interim Control By-law 10-2019 (PB-40-19)
- 9.15 Lisa Kohler representing Halton Climate Collective spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.16 Kim Barrett and Hassaan Basit representing Conservation Halton spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.17 Gabriella Kalapos spokeregarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.18 Roman Talkowski spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.19 Mark McGuire spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.20 Richard Koroscil representing bay Area Climate Change Council spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.21 Jim Young spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)

- 9.22 Anna Pautler spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.23 Anthony Ford-Jones spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.24 Amy Schnurr representing Burlington Green Environmental Association spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)
- 9.25 James Cotton spoke regarding the City of Burlington Climate Emergency Declaration (ADM-3-19)

10. Recommendations from Standing Committees:

10.1 Committee of the Whole meeting of April 1, 2019

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

CARRIED (7 to 0)

- a. Official delegation to Itabashi, Japan (CL-06-19)

Authorize travel of an official delegation to Itabashi, Japan in October, 2019 to celebrate the 30th anniversary of the twinning between the City of Burlington and the City of Itabashi, comprised of Mayor, councillor liaison to the Mundialization Committee, City Manager or designate, a member of Clerks staff, Chair of the Burlington Mundialization Committee and the Chair of the Itabashi sub-committee; and

Approve the purchase of a gift up to a value of \$1200, as the official gift from the City of Burlington to the City of Itabashi on the occasion of the 30th twinning anniversary.

CARRIED

- b. 2019 POA business plan and budget (CM-02-19)

Approve the 2019 Halton Court Services budget as presented; and
Contribute \$50,000 from net revenues to the Reserve Fund during 2019 to ensure that requirements of the Reserve Fund Policy are met; and

Approve \$70,000 in capital spending (funded through the Reserve Fund) for replacement of all computer hardware as per the City's life-cycle replacement schedule. Costs to be funded through the Reserve Fund; and

Approve \$32,570 in capital spending for the undertaking of final steps in the Growth Management Plan during 2019 for professional project management expertise and internal consulting and support. All costs to be funded through the Reserve Fund.

CARRIED

- c. Tender award for Rexway Drive area minor reconstruction (CW-03-19)

Award the tender for contract CW-19-01, Rexway Drive Area Minor Reconstruction to Coco Paving Inc., 669 Nebo Road, RR#2 Hannon, ON, L0E 1P0, for \$11,362,406.51 including HST, subject to the approval of Halton Region; and

Authorize the Mayor and City Clerk to sign any required agreements with the bidder named above, subject to the satisfaction of the City Solicitor; and

Approve the total cost of \$10,937,000 (Net HST) to be charged to Capital Order RL0316 and funded as follows;

| | |
|-------------------------------------|---------------------|
| Federal Gas Tax | \$1,592,300 |
| Capital Purposes Reserve Fund | \$1,832,700 |
| Infrastructure Renewal Reserve Fund | \$283,000 |
| City of Burlington Funding | \$3,708,000 |
| | |
| Halton Region | \$7,229,000 |
| | |
| Total Project Financing | \$10,937,000 |

CARRIED

- d. 2019 proposed budget and tax levy for the Burlington Downtown Business Improvement Area (F-10-19)

Approve the 2019 proposed budget for the Burlington Downtown Business Improvement Area (BIA) as presented in Appendix A of Finance department report F-10-19 incorporating a Burlington Downtown BIA members' levy of \$792,300; and

Authorize the Director of Finance to incorporate the resulting Burlington Downtown BIA tax rates into the 2019 Tax Levy By-Law.

CARRIED

- e. 2019 proposed budget and tax levy for the Aldershot Village Business Improvement Area (F-11-19)

Approve the 2019 proposed budget for the Aldershot Village Business Improvement Area (BIA) as presented in Appendix A of Finance department report F-11-19 incorporating an Aldershot Village BIA members' levy of \$178,999; and

Authorize the Director of Finance to incorporate the resulting Aldershot Village BIA tax rates into the 2019 Tax Levy By-Law.

CARRIED

- f. By-Law to exempt the Halton Naval Veterans Association and The Navy League of Canada from municipal taxes (F-17-19)

To grant the exemption from municipal taxes under section 6.1 of the *Assessment Act, R.S.O. 1990* for the Halton Naval Veterans Association; and

To grant the exemption from municipal taxes under section 6.1 of the *Assessment Act, R.S.O. 1990* for The Navy League of Canada; and that staff be directed to prepare the necessary by-laws.

CARRIED

- g. Operating budget performance report as at December 31, 2018 (F-27-19)

Receive and file finance department report F-27-19 providing operating budget performance report as at December 31, 2019.

CARRIED

- h. Enterprise Resource Planning (ERP) update (IT-01-19)

Receive and file information technology services report IT-01-19 providing an overview of the Enterprise Resource Planning (ERP) project.

CARRIED

- j. Mayor's 2019 travel (M-02-19)

Receive and file mayor's office report MO-02-19 regarding the Mayor's planned travel on behalf of the City of Burlington in 2019.

CARRIED

- n. Confidential update on a litigation matter (L-11-19)

Direct the City Solicitor or their designate to proceed in accordance with the instructions sought in confidential legal department report L-11-19 regarding a litigation matter update.

CARRIED

- i. Transit rates and fees update (TR-01-19)

Approve the recommended changes to the 2019 Rates and Fees for the transit department; and

Amend pages 18 and 19 of Schedule A of Rates and Fees By-law #51-2018 with Appendix B of transit department report TR-01-19.

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

CARRIED (7 to 0)

- k. Federal budget 2019 gas tax one-time funding (CM-07-19)

Moved by: Councillor Bentivegna

Seconded by: Councillor Kearns

Refer city manager's report CM-07-19 regarding federal budget 2019 gas tax one-time funding to staff to consider alternative options for allocating the gas tax funding and report back to Committee of the Whole in June 2019.

IN FAVOUR: (3): Councillor Kearns, Councillor Stolte, and Councillor Bentivegna

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

LOST (3 to 4)

Direct the Director of Finance to allocate the \$5.6 million of one-time Federal Gas Tax funding in 2019 as outlined in city manager's office report CM-07-19 with the following amendments: include Skyway Arena enhancements (option 2) in the list of recommended projects, therefore increasing the investment for Skyway Arena enhancements to \$1,500,000 from \$750,000 and reduce the investment recommended for New Street resurfacing (Appleby to Burloak) by \$750,000, therefore reducing the investment from \$2,800,000 to \$2,050,000.

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

OPPOSED: (3): Councillor Kearns, Councillor Stolte, and Councillor Bentivegna

CARRIED (4 to 3)

I. Strathcona Drive area proposed sidewalks (TS-05-19)

Moved by: Councillor Stolte

Seconded by: Councillor Galbraith

Amend item 5.5 from the Committee of the Whole minutes of April 1, 2019 to add the following paragraphs.

Proceed with a 1.8m sidewalk on the east side of Strathcona Drive, with 1.5m of the sidewalk to be constructed within the roadway, and .3m into the existing boulevard; and

Direct that construction of the sidewalk on Strathcona Drive not be subject to local improvement charges, as per Local Improvement By-law 49-2017, as amended.

IN FAVOUR: (6): Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (1): Mayor Meed Ward

CARRIED (6 to 1)

Moved by: Councillor Stolte

Seconded by: Councillor Galbraith

Proceed with no sidewalks on Lorraine Crescent, Apple Valley Lane, Applevale Court and McIntosh Place; and

Proceed with a 1.8m sidewalk on the east side of Strathcona Drive, with 1.5m of the sidewalk to be constructed within the roadway, and .3m into the existing boulevard; and

Direct that construction of the sidewalk on Strathcona Drive not be subject to local improvement charges, as per Local Improvement By-law 49-2017, as amended.

IN FAVOUR: (6): Councillor Galbraith, Councillor Kearns, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (1): Mayor Meed Ward

CARRIED (6 to 1)

m. Confidential update on a litigation matter (L-10-19)

Moved by: Councillor Bentivegna

Seconded by: Councillor Galbraith

Amend Appendix 'B' of legal department report regarding confidential update on a litigation matter (L-10-19) reflecting amendments proposed at Council by adding the following paragraph:

And further there be a limited waiver of solicitor/client privilege over the following matters for public release, after the April 23, 2019 meeting of Council:

- 1. Council has accepted an offer to settle the appeal by Chelten Development Inc. of Chelten's applications to the Local Planning Appeal Tribunal based on the planning overview set out in Amended Appendix 'B' to L-10-19;**
- 2. Amended Appendix 'B' to L-10-19 be released publicly and**

posted on the City's webpage under Planning and Development Current Development Applications for Ward 1 ;
3. The participants to the hearing be contacted by the City Solicitor or her designate to advise them that Council has accepted an offer to settle the appeal; and
4. Council retains solicitor/client privilege over the balance of this matter in its entirety.

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

CARRIED (7 to 0)

Direct the City Solicitor or their designate to proceed in accordance with the instructions sought in confidential legal department report L-10-19 regarding a litigation matter update.

And further there be a limited waiver of solicitor/client privilege over the following matters for public release, after the April 23, 2019 meeting of Council:

1. Council has accepted an offer to settle the appeal by Chelten Development Inc. of Chelten's applications to the Local Planning Appeal Tribunal based on the planning overview set out in Amended Appendix 'B' to L-10-19;
2. Amended Appendix 'B' to L-10-19 be released publicly and posted on the City's webpage under Planning and Development Current Development Applications for Ward 1 ;
3. The participants to the hearing be contacted by the City Solicitor or her designate to advise them that Council has accepted an offer to settle the appeal; and
4. Council retains solicitor/client privilege over the balance of this matter in its entirety.

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

CARRIED (7 to 0)

10.2 Planning and Development meeting of April 2, 2019

- a. Information report for proposed official plan and zoning by-law amendments for 1085 Clearview Avenue, 1082, 1086, and 1090 St. Matthew's Avenue (PB-28-19)

Councillor Galbraith declared a conflict on this item. (Councillor Galbraith's home residence is within 50 metres of this development)

Receive and file department of city building report PB-28-19 regarding official plan and zoning by-law amendments for 1085 Clearview Avenue, 1082, 1086 and 1090 St. Matthew's Avenue.

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

CARRIED (6 to 0)

- b. Information report for proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court (PB-33-19)

Amend Item 2.2 in the Planning and Development Committee minutes from the meeting of April 2, 2019 - Information Report for proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court by replacing “ April 23, 2019 Council meeting” to May 14, 2019 Planning & Development meeting.

CARRIED

Moved by: Councillor Galbraith
Seconded by: Councillor Kearns

Refer department of city department PB-33-19 regarding the proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court to the April 23, 2019 Council meeting.

Amend Item 2.2 in the Planning and Development Committee minutes from the meeting of April 2, 2019 - Information Report for proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court by replacing “ April 23, 2019 Council meeting” to May 14, 2019 Planning & Development meeting.

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

CARRIED (7 to 0)

- c. 2018 annual building permit revenues and expenses (PB-20-19)

Receive and file department of city building report PB-20-19 regarding 2018 annual building permit revenues and expenses.

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

CARRIED (7 to 0)

- d. 2019 City of Burlington development charges process (F-12-19)

Receive and file finance department report F-12-19 regarding the 2019 City of Burlington development charges process.

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

CARRIED (7 to 0)

- e. Proposed zoning by-law amendment for 3267 Mainway (PB-12-19)

Approve with modifications the zoning by-law amendment application submitted by U-Haul Canada to rezone the property at 3267 Mainway from “GE2-56” to “GE2-495”, to permit a motor vehicle sales, leasing, rental and service use, on the basis that it is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Regional and City of Burlington Official Plans; and

Adopt Zoning By-law 2020.407, attached as Appendix B of department of city building report PB-12-19, rezoning the lands at 3267 Mainway from “GE2-56” to “GE2-495”, and deleting Exception 56; and

Deem that Zoning By-law 2020.407 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)

- f. Alternative procurement process for scoped re-examination of the adopted Official Plan (PB-42-19)

Delegate authority to the City Manager in conjunction with the Director of Finance, the ability to single source or sole source work for the scoped re-examination of the adopted Official Plan that may exceed \$100,000.

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

CARRIED (7 to 0)

- g. Proposed exemptions to Interim Control By-law 10-2019 (PB-40-19)

Receive and file department of city building report PB-40-19 regarding exemptions to Interim Control By-law 10-2019; and

Approve an amendment to Interim Control By-law 10-2019, as recommended by staff in department of city building report PB-40-19 and attached as Appendix A, to exempt certain types of development.

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

OPPOSED: (1): Councillor Sharman

CARRIED (6 to 1)

- h. Undelegation of site plan approval for 2254 Orchard Road (PD-02-19)

Undelegate the site plan approval process for the development application at 2254 Orchard Road from the Director of City Building to Council.

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

CARRIED (7 to 0)

10.3 Audit Committee meeting of April 3, 2019

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

CARRIED (7 to 0)

- a. Report providing status of 2018 audit work plan, budget and performance metrics (CA-02-19)

Receive and file city auditor's office report CA-02-19 providing the status of the 2018 audit work plan (Appendix A), budget, and performance metrics (Appendix B) as of March 1, 2019.

CARRIED

- b. Report providing summary of in-progress management action plans (CA-03-19)

Receive and file city auditor's office report CA-03-19 providing a summary of the management action plans in progress to address all issues as detailed in Appendix A.

CARRIED

- c. Financial highlights for period ending December 31, 2018 (F-20-19)

Receive and file report F-20-19 providing financial highlights for the period ending December 31, 2018.

CARRIED

- d. Financial policies (F-21-19)

Receive and file report F-21-19 providing information on financial policies

CARRIED

- f. Summary of audit results - health, safety & wellness (CA-04-19)

Receive and file city auditor's office report CA-04-19 providing summary of audit results – health safety and wellness audit in Appendix A.

CARRIED

- e. Details of the 2019 audit work plan (CA-01-19)

Approve the 2019 audit work plan attached in Appendix B of the city auditor's report providing details of the 2019 audit work plan (CA-01-19).

Approve the engagement of Deloitte LLP to perform the non-audit work involved in the quality assurance reviews of internal audits performed by the City Auditor.

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

CARRIED (7 to 0)

- 10.4 Committee of the Whole Workshop meeting of April 4, 2019

There are no recommendations for this meeting

- 10.5 Planning and Development Public meeting of April 9, 2019

- a. Information report for proposed official plan and zoning by-law amendments for 5353 Lakeshore Road (PB-09-19)

Receive and file department of city building report PB-09-19 regarding official plan and zoning by-law amendments for 5353 Lakeshore Road.

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

CARRIED (7 to 0)

- 10.6 Committee of the Whole Workshop meeting of April 11, 2019

There are no recommendations for this meeting

11. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Kearns

Seconded by: Councillor Bentivegna

Approve the following minutes:

- 11.1 Committee of the Whole meeting of April 1, 2019

- 11.2 Planning and Development meeting of April 2, 2019
- 11.3 Audit Committee meeting of April 3, 2019
- 11.4 Committee of the Whole Workshop meeting of April 4, 2019
- 11.5 Planning and Development Public meeting of April 9, 2019
- 11.6 Committee of the Whole Workshop meeting of April 11, 2019

12. Reports of Municipal Officers:

- 12.1 Proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East (PB-15-19)

Moved by: Councillor Kearns

Seconded by: Councillor Galbraith

Amend Item 2.2 in the Planning and Development Committee minutes from the meeting of March 5, 2019 - Proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East (PB-15-19), by replacing “ contained in Appendix C of Department of city building report PB-15-19” to say contained in the Memo from Melissa Morgan, Planner, regarding Proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East (ADM-5-19)

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 Kearns

Seconded by: Councillor Galbraith

Approve the application submitted by DVLP Property Group Inc., 1 Kawana Road, Brampton ON, L6Y 6A8, to amend the Official Plan and Zoning By-law at 1335-1355 Plains Road East to permit a 34 unit townhouse development; and

Approve Amendment No. 114 to the City of Burlington Official Plan, attached as Appendix B of department of city building report PB-15-19, to add a site specific policy for the lands at 1335-1355 Plains Road East to permit a townhouse development; 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. 114 as contained in Appendix B of department of city building report PB-15-19; and

Enact the draft amending Zoning By-law 2020.406, **contained in the memo from Melissa Morgan, Planner, regarding Proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East (ADM-5-19)** to rezone lands at 1335-1355 Plains Road East from “Mixed Use Corridor – General (MXG)” to “Mixed Use Corridor – General with Site Specific Exception (H-MXG-494)”; and

Deem that Zoning By-law 2020.406 conforms to the Official Plan of the City of Burlington; and

Approve the request by GSP Group Inc., on behalf of DVLP Property Group Inc. to remove one (1) city tree adjacent to 1335-1355 Plains Road East; and

Instruct GSP Group Inc., on behalf of DVLP Property Group Inc. to obtain a Tree Permit to remove the city tree and to provide compensation for the tree removal by providing replanting in the municipal right-of-way or cash-in-lieu, with a total value of \$4,825.00 at the time of Site Plan Approval; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 114 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 114 is adopted; and

Undelegate site plan approval from the Director of City Building to Council.

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 2019 Tax Levy by-law report (F-18-19)

Moved by: Councillor Nisan

Seconded by: Councillor Kearns

Approve the 2019 Final Tax Levy By-law (25-2019) for the levying of tax rates.

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

CARRIED (7 to 0)

13. Notices of Motion:

14. Motions:

14.1 Development Charges

Moved by: Councillor Kearns

Seconded by: Councillor Galbraith

Whereas the Provincial Government has established increasing housing supply as a priority and is currently reviewing the impact of municipal development charges on housing supply; and

Whereas development charges are the primary municipal revenue source for the financing of municipal infrastructure required to increase housing supply; and

Whereas development charges only account for approximately 5-7% of new single family home prices in the GTA, and that housing prices are driven by the market; and

Whereas a reduction in development charges will reduce a municipality's ability to finance essential infrastructure needed for growth, reduce the supply of serviced land and will unfairly impact existing homeowners; and

Whereas current development charges legislation, through the Development Charges Act, 1997 S.O. 1997 c.27 as amended does not allow municipalities to recover the full cost of growth which is not consistent with the principle that growth pays for growth; and

Whereas Halton has an estimated annual funding gap of \$87.7 million (including Region, Local, and School Boards) as a result of the inability to collect the full cost recovery under the current legislation; and

Whereas the current development charges legislation provides the ability to collect development charges prior to building permit/subdivision (Section 27), which is critical in Halton for the delivery of infrastructure to support additional new housing; and

Whereas any reduction to the flexibility to finance growth through development charges will have a direct impact on Halton's ability to increase housing supply;

Now therefore be it resolved:

That the Provincial Government be called upon to not reduce the use of development charges or make changes to section 27 of the DCA; and

That the Provincial Government be called upon to improve the DCA, to ensure that all growth related costs of municipal infrastructure and services are recovered through development charges ensuring growth pays for growth; and

That the Regional Chair write a letter to the Premier, the Minister of Municipal Affairs and Housing expressing Regional Council's concerns regarding changes to section 27 of the Development Charges Act or a reduction in the use of development charges, and that Halton would welcome the opportunity to work with the Provincial Government to find creative solutions to increase the stock of affordable housing, while ensuring that growth pays for growth; and

That a copy of the letter be sent to the Association of Municipalities of Ontario, Halton's Members of Provincial Parliament, and the Local Municipalities.

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 City of Burlington Climate Emergency Declaration

Moved by: Councillor Sharman

Seconded by: Councillor Stolte

Amend item 14.2 City of Burlington Climate Emergency Declaration by adding the following to the 3rd paragraph:

d. include performance metrics to track progress and timelines for achieving key deliverables/major milestones, and a strategy to report back publicly on progress.

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

Moved by: Councillor Bentivegna
Seconded by: Councillor Sharman

Whereas, the Intergovernmental Panel on Climate Change (IPCC) has determined the need for a significant and structural reduction in carbon emissions in the next 11 years to avoid further economic, ecological, and societal loss; and

Whereas, Canada is, according to the Government of Canada's April 2019 Changing Climate Report, experiencing warming at twice the rate of the rest of the world, with Northern Canada heating up at almost three times the global average; and

Whereas, infrastructure failures linked to climate change could cost Canada \$300 billion over the next decade unless we change the way we build; and

Whereas, local governments are at the frontline of taking actions to manage the worst impacts of climate change, creating low carbon communities and calling on senior levels of government for a more urgent response; and

Whereas, the City of Burlington has already experienced consequences attributed to climate change such as the ice storm of December 2013, the flood of 2014, winter storm volatility in 2019, and the effects of invasive species; and

Whereas, climate change is currently ranked as the number three risk on the City of Burlington's Enterprise Risk Register; and

Whereas, the City of Burlington understands that climate action and the low carbon transition also represents an opportunity for economic stimulation and job development opportunities in a new low-carbon economy; and

Whereas, the City of Burlington recognizes many local community groups and organizations are already taking collective action on climate change; and

Whereas, the City of Burlington recognizes that climate change is a significant issue with a goal for city operations to be net carbon neutral by 2040 and working towards the community becoming net carbon neutral by working collectively with community stakeholders and senior levels of government, and that more action is necessary.

Now therefore be it resolved:

That the City of Burlington declare a climate emergency for the purposes of deepening our commitment to protecting our economy, environment and community from climate change; and

That Council and staff immediately increase the priority of the fight against climate change and apply a climate lens to the plans and actions of the City of Burlington including the Council strategic workplan and future budgets; and

That staff are directed to bring a report to the June 3, 2019 Committee of the Whole meeting that outlines actions taken to date and includes a critical path for the development of the first City of Burlington Climate Action Plan that will:

a. address the operations of the corporation of the municipality as well as the functioning of the entire community; and

b. include a plan for a thorough and complete consultation with stakeholders and the community; and

c. increase action and ambition for the City's climate change-related activities; and

d. include performance metrics to track progress and timelines for achieving key deliverables/major milestones, and a strategy to report back publicly on progress.

Direct the City Manager to bring the Burlington Climate Action Plan to Council no later than December 2019 for approval.

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 Paris Galt Moraine Conservation Act, 2019

Moved by: Mayor Meed Ward

Seconded by: Councillor Bentivegna

Whereas the Paris and Galt moraines cut across several municipalities: Peel Region, Wellington County, the City of Guelph, Region of Waterloo, Norfolk County, Brant County and Halton Region; and three Conservation Authorities: Grand River Conservation Authority, Credit Valley Conservation Authority and Conservation Halton; and

Whereas Municipalities within the Grand River watershed are dependent on groundwater as the source of municipal drinking water and are designated as urban growth centres in the Province's Growth Plan for the Greater Golden Horseshoe, 2017, namely Guelph, Cambridge, Kitchener and Waterloo; and

Whereas critical primary recharge areas in the moraines require protection in order to protect the future drinking water supplies in the area; and

Whereas a conservation plan for the Paris and Galt moraines would provide an important policy framework to protect the critical ecological and hydrological integrity of the area; and

Whereas the inter-jurisdictional complexity of the Paris and Galt moraines warrants the assistance of provincial leadership in the development of policy for its protection; and

Now therefore be it resolved:

That The City of Burlington Council supports and endorses the passage of Bill 71, the *Paris Galt Moraine Conservation Act, 2019*; and

That a copy of this resolution be forwarded to the Ministry of Municipal Affairs and Housing, Halton's MPP's, MPP Mike Schreiner, Conservation Halton, Credit Valley Conservation Authority, Grand River Conservation Authority, the Regional Municipality of Peel, the Regional Municipality of Waterloo, the City of Guelph, Wellington County, Norfolk County, Brant County and the Local Municipalities for their endorsement.

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

CARRIED (7 to 0)

14.4 Recommendation of Appointment to the Halton Solid Waste Management Site Advisory Committee.

Moved by: Councillor Stolte

Seconded by: Councillor Bentivegna

Approve the appointment of Councillor Lisa Kearns to the Halton Solid Waste Management Committee to the end of the Council term in 2022.

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

CARRIED (7 to 0)

14.5 Municipal Natural Assets Initiative Project – Grindstone Creek

Moved by: Councillor Kearns

Seconded by: Councillor Bentivegna

Whereas there is an opportunity for the City of Burlington in partnership with Conservation Halton, Royal Botanical Gardens and the City of Hamilton on a Municipal Natural Assets Initiative (MNAI) to protect our natural assets in the Grindstone Creek area of our Greenbelt; and

Whereas the project would support and guide municipalities in identifying, valuing and accounting for natural assets in their financial planning and asset management programs and developing leading-edge, sustainable, cost-effective and climate resilient infrastructure. The program will assist participating organizations to better manage our infrastructure and natural assets in the face of climate change, development pressures, and increasing challenges associated with asset management. It also presents an opportunity to leverage financial contributions as the Friends of the Greenbelt Foundation is also contributing funds; and

Whereas MNAI recently partnered with the Friends of the Greenbelt Foundation and is soliciting expressions of interest for up to 7 smaller/rural local governments (as attached) to host a pilot project located in a watershed area within or originating within Ontario's Greenbelt. Through this project, MNAI offers guidance and support through scientific, financial and municipal services management expertise. Partners are expected to commit to the approach, provide in-kind multi-disciplinary staff support, provide data, designate a project/partner lead, commit a total of \$105, 000 (split among the partners), and participate in evaluation interviews/follow up exercises for 3 years after the close of the project; and

Whereas Conservation Halton has reviewed the Expression Of Interest (EOI) and is interested in partnering on a pilot project for either the Grindstone Creek (preferred) or Bronte Creek, both of which originate in the Greenbelt and flow through rural portions of Burlington and Hamilton. Grindstone Creek is preferred as this includes Hamilton, downstream lands in Burlington and the RBG; and

Whereas; Conservation Halton would be the lead and costs would be shared. Further information about the initiative is in the attached letter from Conservation Halton (Appendix A); and

Whereas total funding from City of Burlington up to the amount of \$35,000 is to be provided from the Tax Rate Stabilization Reserve Fund; and

Whereas this initiative dovetails nicely with our ongoing work on climate change adaptation and mitigation and can be integrated into existing staff work programs. It is one of the initiatives mentioned in a handout we received at our Climate Change workshop from the speaker from the Intact Centre for Climate Adaptation (see document “Combatting Canada’s Rising Flood Costs” via natural infrastructure), produced in partnership with the Intact Centre on Climate Adaptation; and

Whereas there is some urgency to indicating our interest to participate, as there is no formal intake period, but the EOI period will close as soon as suitable candidates are found. A copy of the EOI is attached as Appendix B MNAI can be found at <https://mnai.ca>; and

Whereas I believe this program represents an opportunity for the city to continue our efforts to be flood resilient and protect our natural assets and infrastructure.

Now therefore be it resolved:

That Council endorse an Expression of Interest to participate in the MNAI program, including related financial and staff commitment; and

That Council authorize the Executive, Director of Capital Works and related departments to work with Conservation Halton and other parties to complete the application; and

That upon passage of this resolution, city staff continue discussions with counterpart staff at the City of Hamilton and Royal Botanical Garden to seek their participation in the program.

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

CARRIED (7 to 0)

14.6 Motion to move into Closed Session

Moved by: Councillor Galbraith

Seconded by: Councillor Kearns

Move into closed session at 5:40 pm in accordance with the following provisions under the Municipal Act, sections 239 (e) litigation or potential litigation affecting the municipality or local board, including matters before administrative tribunals, with respect to legal department report L-10-19 regarding litigation update.

CARRIED

14.7 Motion to move into Open Session

Moved by: Councillor Stolte

Seconded by: Councillor Sharman

Move into open session at 6:25 pm.

CARRIED

14.8 Suspend the Rules of Procedure

Moved by: Councillor Sharman

Seconded by: Councillor Stolte

Suspend the rules of procedure to allow the meeting to proceed beyond the hour of 10 p.m., in accordance with procedure by-law 64-2016 s. 26.

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

CARRIED (7 to 0)

15. Motion to Receive and File Council Information Packages:

Moved by: Councillor Stolte

Seconded by: Councillor Sharman

Receive and file the following Information Packages, having been prepared and distributed to Council:

CARRIED

- 15.1 Council Information Package March 22, 2019
- 15.2 Council Information Package March 29, 2019
- 15.3 Council Information Package April 5, 2019
- 15.4 Council Information Package April 12, 2019
- 15.5 Council Information Package April 18, 2019

16. Motion to Receive and File Information Items:

Moved by: Councillor Stolte

Seconded by: Councillor Sharman

Receive and file the following 19 items, having been considered by Council:

CARRIED

- 16.1 Memo from Melissa Morgan, Planner, regarding Proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East (ADM-5-19)
- 16.2 Memo from Mayor Marianne Meed Ward regarding Development Charges (ADM-4-19)
- 16.3 Memo from Councillor Rory Nisan regarding Climate Emergency Declaration (ADM-3-19)
- 16.4 Conservation Halton Watershed Report Card 2018 (ADM-6-19)
- 16.5 Correspondence from IKEA Canada regarding Climate Emergency Declaration (ADM-7-19)
- 16.6 Memo from Mayor Marianne Meed Ward regarding Municipal Assets Initiative Project – Grindstone Creek (ADM-8-19)
- 16.7 Correspondence from Scott Snider regarding proposed exemptions to Interim Control By-law 10-2019 (PB-40-19)
- 16.8 Delegation notes from Don Matthews regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 16.9 Presentation from James Schofield regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 16.10 Delegations notes from John Weller regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

- 16.11 Correspondence from City of Burlington's Sustainable Development Committee regarding Burlington Climate Emergency Declaration (ADM-3-19)
- 16.12 Delegation notes from Richard Koroscil regarding the City of Burlington's Climate Emergency Declaration (ADM-3-19)
- 16.13 Correspondence from Joseph Cooke regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 16.14 Delegation presentation from Kim Barret and Janelle Wepler representing Conservation Halton regarding the City of Burlington Climate Declaration (ADM-3-19)
- 16.15 Appendix 'B' of legal department report regarding confidential update on a litigation matter reflecting Amendments proposed at Council (L10-19)
- 16.16 Correspondence from Scott If regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 16.17 Correspondence from Leslie Ridge regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 16.18 Correspondence from Jim Ruta regarding Strathcona Drive and area proposed sidewalks (TS-05-19)
- 16.19 Delegation notes from Andrew Diveky regarding Strathcona Drive and area proposed sidewalks (TS-05-19)

17. Motion to Approve By-Laws:

Moved by: Councillor Sharman

Seconded by: Councillor Stolte

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

CARRIED

- 17.1 21-2019: Exemptions to the Interim Control By-law.
- 17.2 22-2019: A by-law to adopt Official Plan Amendment No. 114 to add a site-specific policy to permit a townhouse development without other forms of housing at 1335-1355 Plains Road East.
- 17.3 23-2019: A by-law to exempt the Halton Naval Veterans Association from Municipal Taxation.

17.4 24-2019: A by-law to exempt the Navy League of Canada from Municipal Taxation.

17.5 25-2019: A by-law to levy taxes for the 2019.

17.6 2020-406: A by-law to amend By-law 2020, as amended; 1335-1355 Plains Road East.

17.7 2020-407: A by-law to amend By-law 2020, as amended; 3267 Mainway.

18. Motion to Confirm Proceedings of the Council Meeting:

Moved by: Councillor Galbraith

Seconded by: Councillor Kearns

Enact and pass By-law Number 26-2019, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, April 23, 2019 being read a first, second and third time.

CARRIED

19. Statements by Members:

20. Motion to Adjourn:

Moved by: Councillor Galbraith

Seconded by: Councillor Kearns

Recess - April 23, 2019 - 10:30 p.m.

Reconvened - April 25, 2019 - 9:00 a.m.

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

10:30 a.m. on April 25, 2019.

CARRIED

Angela Morgan

City Clerk

Marianne Meed Ward

Mayor