



Regular Meeting of Council

Minutes

Date: October 28, 2019
Time: 6:30 pm
Location: Council Chambers Level 2, City Hall

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

Staff Present: Tim Commisso, David Thompson (Audio/Video Specialist), Debbie Hordyk, Angela Morgan (Clerk)

1. Call to Order:

2. National Anthem:

3. Regrets:

4. Proclamations:

- 4.1 Infant and Pregnancy Loss Awareness Day - October 15, 2019
- 4.2 Child Care Worker and Early Childhood Educator Appreciation Day - October 24, 2019
- 4.3 Ontario Public Library Week - October 20-26, 2019
- 4.4 Spiritual Care Awareness Week - October 20-26, 2019
- 4.5 Woman Abuse Prevention Month - November 2019
- 4.6 Giving Tuesday - December 3, 2019

5. Motion to Approve Council Minutes:

Moved by: Councillor Bentivegna
Seconded by: Councillor Sharman

Confirm the minutes of the following meeting of Council:

5.1 Regular meeting of Council September 23, 2019

6. Recognitions and Achievements:

7. Presentations:

8. Declarations of Interest:

9. Delegations:

9.1 Lita Barrie, Chief Executive Officer representing Burlington Public Library spoke regarding accessing e-content campaign (ADM-13-19)

9.2 Sahlaa Morris spoke regarding city-wide private tree by-law implementation (RPF-15-19)

9.3 Mary Alice St. James spoke regarding short term accommodations (PB-71-19)

9.4 Leslie Barbetta spoke regarding staff direction regarding 2019 Planning Process Review (PD-09-19)

9.5 Helen Kowal spoke regarding recommendation report for an official plan and zoning bylaw amendment for 2087-2103 Prospect Street (PB-29-19)

10. Recommendations from Standing Committees:

10.1 Committee of the Whole meeting of October 7, 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. Tender Award – Wolfe Island Bridge deck soffit repair (CW-52-19)

Award the tender for contract CW-19-20, Wolfe Island Bridge Deck Soffit Repair to Landform Civil Infrastructures Inc., 75 Cascade St. Hamilton, Ontario L8E 3B7, for \$891,349.65 including HST; 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 \$990,000 (Net HST) to be charged to Capital Order BG0048 and funded as follows:

Wolfe Island Bridge Deck Soffit Repairs (BG0048)\$580,000

Spring Gardens Slope Stability (RL0257)\$308,796

Capital Purposes Reserve Fund (800013)\$101,204

City of Burlington Funding\$990,000

Total Project Financing \$990,000

CARRIED

- b. Burlington Economic Development Corporation (BEDC) update on post-secondary attraction for Burlington (CM-16-19)

Receive and file city manager's office report CM-16-19 on Post-Secondary Attraction for Burlington.

CARRIED

- c. Epinephrine Autoinjectors on Fire Apparatus (BFD-03-19)

Approve the addition of epinephrine autoinjectors on fire emergency response apparatus.

CARRIED

- d. 2020 Calendar of meetings for council and standing committees (CL-16-19)

Approve the proposed 2020 Calendar of Meetings for Council and Standing Committees, as outlined in Appendix A of Clerk's department report CL-16-19, as amended.

CARRIED

- e. Infrastructure Funding (CM-22-19)

Receive and file city manager's office report CM-22-19 regarding infrastructure funding.

CARRIED

- i. Enterprise Resource Planning (ERP) program update (IT-05-19)

Receive and file information technology services report IT-05-19 providing an update on the Enterprise Resource Planning (ERP) program.

CARRIED

f. City-wide Private Tree Bylaw Implementation (RPF-15-19)

Table roads, parks and forestry report RPF-15-19 regarding a proposed city-wide private tree bylaw to be considered at the Committee of the Whole meeting to be held on December 2, 2019 for approval; and

Consider the potential operating and capital budget impacts for the administration of a private tree bylaw through the budget process.

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

CARRIED (7 to 0)

g. Staff direction regarding Free Little Libraries (COW-14-19)

Direct the Director of Recreation Services to work with roads, parks and forestry department staff to develop a policy for the installation and upkeep of 'Little Free Libraries' and to report back to the Environment, Infrastructure and Community Services Committee in 2020 with the proposed policy. The policy will address possible installations on private properties and city-owned parkland/open space, and the use of the Neighbourhood Community Matching Fund (SD-30-19); and

Invite interested members of the community to apply to the Neighbourhood Community Matching Fund in the short term while a policy is being developed.

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

CARRIED (7 to 0)

h. Firework permissions to additional religious and cultural events (MO-16-19)

Direct the Director of City Building and the Fire Chief to review related bylaws (including but not limited to those listed below) to account for the expansion of permission to discharge and sell fireworks to include a broader range of religious and cultural celebrations:

- 125-1992 Regulating the sale and use of fireworks
- 49-2008 Nuisance and noise control bylaw
- 42-2008 Business licensing bylaw; and

Authorize the Fire Chief to immediately be able to grant exceptions on a case-by-case basis.

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 October 8, 2019

a. Red Tape Red Carpet update (CM-24-19)

Receive and file city manager's office report CM-24-19 regarding Red Tape Red Carpet update.

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

CARRIED (7 to 0)

b. Short term accommodations (PB-71-19)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Direct the Director of Community Planning, to report back in May 2020, with a short term accommodation licensing by-law.

CARRIED

Receive and file department of city building report PB-71-19 regarding short-term accommodations; and

Direct the Director of Community Planning to report back at the Council meeting of October 28, 2019 with immediate regulatory options for short term accommodations; **and**

Direct the Director of Community Planning to report back in May 2020, with a short term accommodation licensing by-law.

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

CARRIED (7 to 0)

- c. Recommendation report for an official plan and zoning by-law amendment for 2087-2103 Prospect Street (PB-29-19)

Modified approval of the applications for Official Plan Amendment and Zoning By-law Amendment made by Children's Financial Group, c/o Ruth Victor & Associates, 3221 North Service Road, Burlington ON L7N 3G2, to permit 36 new stacked townhouse units in two blocks in addition to the existing residential apartment building; and

Approve Official Plan Amendment No. 115 to the City of Burlington Official Plan, as provided in Appendix B of department of city building report PB-29-19, to redesignate the rear portion of the subject lands from "Residential Medium Density" to "Residential High Density" and to modify the "Residential High Density" policies to include site specific policy for whole of 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 for adoption of Official Plan Amendment No. 115, as contained in Appendix B of department of city building report PB-29-19 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; and

Approve, in principle, the zoning regulations provided in Appendix C to department of city building report PB-29-19, to rezone the lands at 2087-2103 Prospect Street from "RM2" and "RH4" to "RH4-500" subject to Residential Development Agreement

conditions as provided in Appendix D to department of city building report PB-29-19 and the provision of community benefits; and

Direct the Director of Community Planning to hold discussions with the applicant to secure community benefits in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City's Official Plan, as they relate to the requested increased density on the subject property, and to return to Council with a report outlining the recommended community benefits and the implementing Zoning By-law; and

Undelegate site plan approval from the Director of Community Planning 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 Committee of the Whole Workshop meeting of October 10, 2019

There are no recommendations from this committee.

11. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

Approve the following minutes:

CARRIED

11.1 Committee of the Whole meeting of October 7, 2019

11.2 Planning and Development Committee meeting of October 8, 2019

11.3 Committee of the Whole Workshop meeting of October 10, 2019

12. Reports of Municipal Officers:

12.1 Staff direction regarding 2019 Planning Process Review (PD-09-19)

Moved by: Councillor Stolte

Seconded by: Councillor Bentivegna

Direct the Director of Community Planning, to ensure that broad stakeholder perspectives are included in the 2019 Planning Process

Review, including residents who reside in proximity to infill development applications; and

Direct the Executive Director of Environment, Infrastructure and Community Services to prepare an appendix to the Construction and Mobility Management Policy with a focus on Low Density Residential and infill development applications, to establish additional guidelines for established neighbourhood development. The guidelines will ensure that land development does not unduly impact public health, safety, traffic, privacy or environment including flood mitigation in the surrounding area. Staff shall report back to Planning & Development Committee in February 2020 with a recommendation; and

Direct the Executive Director of Environment, Infrastructure and Community Services to review the city's policies regarding residential infill development, including design approvals, management of grading and drainage during construction and final certification. Also, research policies that other municipalities have adopted in these matters. Staff shall report back to Planning & Development Committee in February 2020 with this additional information and a recommendation for amendments to the Grading and Drainage Certification By-law 52-2018.

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 Confidential legal update on a litigation matter (L-16-19)

Moved by: Councillor Stolte

Seconded by: Councillor Bentivegna

Instruct the City Solicitor or her designate to proceed in accordance with the instructions sought in confidential legal report L-16-19, **as amended at the regular meeting of Council on October 28, 2019.**

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 Accessing E-Content Campaign (ADM-13-19)

Moved by: Councillor Stolte

Seconded by: Councillor Bentivegna

Whereas the City of Burlington recognizes the important role that libraries play in our community. Libraries and the early literacy programs that they run are integral to developing proficient readers and ensuring that children succeed in school. More and more, digital literacy programs run by libraries also help ensure that citizens can contribute to our digital world. Additionally, vulnerable demographic groups, including seniors, low income families, youth, and new Canadians rely on access to libraries as an important tool for their participation in the community – from education to searching for jobs to consuming Canadian cultural materials; and

Whereas libraries in our community recognize that our users increasingly seek to access digital publications offered by multinational publishers, and that access to those publications is too often curtailed by prohibitively high licensing fees or else entirely denied to Canadian libraries; and

Whereas libraries must be in a position to offer digital publications to their users as part of their service offering to our community, particularly given the contemporary rapid pace of digitization of educational and cultural materials; and

Now therefore be it resolved that the City of Burlington do hereby:

Indicate our support for the Canadian Urban Libraries Council in its efforts to increase access to digital publications for library users in Burlington and across Canada; and

Call on the Federal government to investigate the barriers faced by libraries in acquiring digital publications and the problems that poses for vulnerable demographic groups in Canada; and

Further ask the Federal government to develop a solution that increases access to digital publications across Canada and assists libraries in meeting the cost requirements to acquire digital publications; **and**

Direct the City Clerk to forward this motion to the Federation of Canadian Municipalities for their consideration.

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 Motion to move into closed session

Moved by: Councillor Bentivegna

Seconded by: Councillor Sharman

Move into closed session at 8:44 p.m. 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 report L-16-19 regarding confidential legal update on a litigation matter and planning and building report PB-71-19 regarding short term accommodation.

CARRIED

14.3 Motion to move into public session.

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

Moved into public session at 9:27 p.m.

CARRIED

15. Motion to Receive and File Council Information Packages:

Moved by: Councillor Kearns

Seconded by: Councillor Nisan

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

CARRIED

15.1 Council Information Package September 26, 2019

15.2 Council Information Package October 3, 2019

15.3 Council Information Package October 10, 2019

15.4 Council Information Package October 17, 2019

15.5 Council Information Package October 24, 2019

16. Motion to Receive and File Information Items:

Moved by: Councillor Kearns

Seconded by: Councillor Nisan

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

CARRIED

16.1 Correspondence from Councillor Stolte regarding Accessing E-Content Campaign (ADM-13-19)

16.2 Correspondence from Leslie Barbetta regarding short term accommodations (PB-71-19) and staff direction regarding 2019 planning process review (PD-09-19)

16.3 Correspondence from Anne and Dave Marsden regarding Infrastructure Funding (CM-22-19)

16.4 Correspondence from Nick Anastasopoulos, Chief Building Official, Director of Building & By-law , regarding short-term accommodations (PB-71-19)

16.5 Correspondence from J. Feilders regarding city wide private tree bylaw implementation (RPF-15-19)

16.6 Correspondence from Laura Vraets, Planner regarding recommendation report for an official plan and zoning by-law amendment for 2087-2103 Prospect Street (PB-29-19)

16.7 Delegation presentation from Lita Barrie representing Burlington Public Library regarding Accessing E-Content Campaign (ADM-13-19)

16.8 Delegation notes from Mary Alice St. James regarding Short term accommodations (PB-71-19)

16.9 Delegation notes from Leslie Barbetta regarding staff direction regarding 2019 Planning Process Review (PD-09-19)

16.10 Correspondence from Sahlaa Morris regarding City-wide Private Tree By-law Implementation (RPF-15-19)

17. Motion to Consider Confidential Items:

18. Motion to Approve By-Laws:

Moved by: Councillor Galbraith
Seconded by: Councillor Kearns

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

CARRIED

18.1 54-2019: A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic.

19. Motion to Confirm Proceedings of the Council Meeting:

Moved by: Councillor Galbraith
Seconded by: Councillor Kearns

Enact and pass By-law Number 55-2019, being a by-law to confirm the proceedings of Council at its meeting held Monday, October 28 being read a first, second and third time.

CARRIED

20. Statements by Members:

21. Motion to Adjourn:

Moved by: Councillor Galbraith
Seconded by: Councillor Kearns

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

9:47 p.m.

CARRIED

Angela Morgan
City Clerk

Marianne Meed Ward
Mayor