



Regular Meeting of Council Agenda

Date: January 27, 2020
Time: 6:30 pm
Location: Council Chambers Level 2, City Hall

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1 National Flag of Canada Day - January 15, 2020
 - 4.2 Rare Disease Awareness Day - February 29, 2020
 - 4.3 Special Olympics Week in Burlington - February 24-March 1, 2020
 - 4.4 Heritage Month - February 2020
5. **Motion to Approve Council Minutes:**
 - 5.1 Regular meeting of Council December 16, 2019
6. **Recognitions and Achievements:**
 - 6.1 Recognition will be given to Gordon Schottlander, as being a recent Key to the City recipient.
7. **Presentations:**
8. **Declarations of Interest:**
9. **Delegations:**

In order to speak at a Council meeting, individuals must register as a delegation no later than 12:00 noon on the day of the meeting. To register, complete the online application at www.burlington.ca/delegation, email

10. Recommendations from Standing Committees:

- 10.1 Environment, Infrastructure & Community Services Committee meeting of January 13, 2020 1 - 7
- a. Statutory Public Meeting and recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
 - b. Public Tree Removal - 310 Appleby Line (RPF-01-20)
 - c. Public Tree Removal - 2123 Kevin Cres. (RPF-03-20)
 - d. Public Tree Removal - 297 Kent Cres. (RPF-04-20)
 - e. City-Wide Private Tree By-Law implementation update (RPF-05-20)
 - f. Confidential legal department update regarding a litigation matter (L-01-20)
- 10.2 Community Planning, Regulation & Mobility Committee meeting of January 16, 2020 8 - 15
- a. Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 10.3 Corporate Services, Strategy, Risk & Accountability Committee meeting of January 16, 2020 16 - 19
- a. Official delegation to Apeldoorn, the Netherlands (CL-03-20)
 - b. Structure for twinning relationships (CL-02-20)
 - c. Procedure By-law update (CL-01-20)
 - d. Staff directions from 2020 budget (F-46-19-2) (SD-01-20)

11. Motion to Approve Standing Committee Minutes:

- 11.1 Environment, Infrastructure & Community Services Committee meeting minutes of January 13, 2020
- 11.2 Community Planning, Regulation & Mobility Committee meeting minutes of January 16, 2020

11.3 Corporate Services, Strategy, Risk & Accountability Committee minutes of January 16, 2020

12. Reports of Municipal Officers:

13. Notices of Motion:

14. Motions:

15. Motion to Receive and File Council Information Packages:

15.1 Council Information Package January 16, 2020

16. Motion to Receive and File Information Items:

16.1 Memo from Angela Morgan, City Clerk regarding procedure by-law amendments (CL-01-20) 20 - 49

16.2 Correspondence from Metrolinx regarding taking a closer look at the downtown: preliminary preferred concept (PL-02-20) 50 - 53

16.3 Correspondence from Denise Baker, representing WeirFoulds LLP, regarding taking a closer look at the downtown: preliminary preferred concept (PL-02-20) 54 - 57

17. Motion to Consider Confidential Items:

18. Motion to Approve By-Laws:

18.1 01-2020: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington

18.2 02-2020: A by-law to conserve and protect trees on private land within the Urban Planning Area Boundary of City of Burlington and to repeal By-law 43-2018, The City of Burlington Pilot Private Tree By-law

18.3 03-2020: A by-law to assume parcels of land in the City of Burlington as Public Highway

18.4 04-2020: A by law to provide for the rules of order of Council and its Committees, and to repeal By-law 64-2016

19. Motion to Confirm Proceedings of the Council Meeting:

20. Statements by Members:

21. Motion to Adjourn:



Environment, Infrastructure & Community Services Committee Meeting

Minutes

Date: January 13, 2020
Time: 9:30 am
Location: Council Chambers Level 2, City Hall

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

Staff Present: Tim Commisso, Jamie Tellier, Heather MacDonald, Chris Glenn, Allan Magi, Nancy Shea-Nicol, David Thompson (Audio/Video Specialist), Suzanne Gillies (Clerk)

1. **Declarations of Interest:**

None

2. **Statutory Public Meetings:**

The Environment, Infrastructure and Community Services Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 1-20 on January 13, 2020 regarding the approval of the proposed residential plan of subdivision for 5219 Upper Middle Road, 2004 & 2005 Georgina Court and Blocks 262 & 263 of Plan 20M-824. Having considered the oral and written comments received from staff and delegations, the Environment, Infrastructure and Community Services Committee approved report PL-05-20.

2.1 Statutory Public Meeting and recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)

Moved by Councillor Nisan

Approve the application submitted by Bloomfield Developments to draft approve a residential plan of subdivision consisting of 4 lots, 3 blocks and a public road at 5219 Upper Middle Road, 2004 & 2005 Georgina Court

and Blocks 262 & 263 of Plan 20M-824, as shown in Appendix A of community planning department report PL-05-20, subject to the conditions contained in Appendix B of that report.

CARRIED

- a. Catherine Long expressed concerns with recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
- b. Kevin Rutherford expressed concerns with recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
- c. Martin Quarcoopome, Weston Consulting, spoke regarding recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
- d. Ryan Brez expressed concerns with recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
- e. Staff presentation regarding Statutory Public Meeting and recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
- f. Presentation Kevin Rutherford regarding a plan for subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)
- g. Additional comments submitted to planning staff regarding recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court (PL-05-20)

3. Delegation(s):

- 3.1 Harold Dickert spoke regarding Climate Action Plan for Burlington (CW-20-19)
- 3.2 Vinco Fiorito spoke regarding Climate Action Plan for Burlington (CW-20-19)
- 3.3 Marianne Workman, Burlington Federal Green Party, spoke regarding Climate Action Plan for Burlington (CW-20-19)
- 3.4 Albert Faccenda spoke in support of Public Tree Removal- 310 Appleby Line (RPF-01-20)

- 3.5 Brian Krog was in support of Public Tree Removal- 297 Kent Cres. (RPF-04-20).
- 3.6 Vanessa Warren spoke regarding City-Wide Private Tree By-law implementation update (RPF-05-20)
- 3.7 Albert Faccenda spoke regarding City-Wide Private Tree By-law implementation update (RPF-05-20)
- 3.8 Norman Richardson, Burlington Agricultural and Rural Affairs Advisory Committee, spoke regarding City-Wide Private Tree By-law implementation update (RPF-05-20)
- 3.9 Barbara Burrows spoke regarding City-Wide Private Tree By-law implementation update (RPF-05-20)

4. Consent Items:

None.

5. Regular Items:

- 5.1 Climate Action Plan for Burlington (CW-20-19)

Moved by Councillor Sharman

Table the Climate Action Plan in Appendix A of capital works report CW-20-19 for public review; and

Direct the Executive Director of Environment, Infrastructure and Community Services to report back to the Environment, Infrastructure and Community Services meeting in March 2020 with a final Climate Action Plan.

CARRIED

- 5.2 Public Tree Removal - 310 Appleby Line (RPF-01-20)

Moved by Councillor Sharman

Approve the request by Coral Gable Custom Homes to remove one City-owned tree (8 cm Honey Locust) from the City's road allowance at 310 Appleby Line to allow driveway access as part of a development application as outlined in roads, parks and forestry department report RPF-01-20; and

Instruct Coral Gable Custom Homes to provide compensation for the tree removal by providing cash in lieu of replacement totaling \$800. The approved appraisal method is aggregate caliper; and

Direct that all associated costs with respect to the removal of the tree will be the responsibility of Coral Gable Custom Homes, and the contractor hired to removed the tree will be approved by the Manager of Urban Forestry of designate.

CARRIED

5.3 Public Tree Removal - 2123 Kevin Cres. (RPF-03-20)

Moved by Mayor Meed Ward

Deny the request to remove a public tree at 2123 Kevin Crescent as outlined in roads, parks and forestry department report RPF-03-20.

CARRIED

Moved by Councillor Bentivegna

Refer roads, parks and forestry report RPF-03-20 regarding public tree removal - 2123 Kevin Crescent to the 6:30 p.m. portion of the Environment, Infrastructure and Community Services Committee meeting on January 13, 2020.

LOST

5.4 Public Tree Removal - 297 Kent Cres. (RPF-04-20)

Moved by Councillor Sharman

Approve the request by the homeowner at 297 Kent Crescent to remove the small city tree to widen the property driveway as outlined in roads, parks, and forestry department report RPF-04-20; and

Instruct the homeowner, Brian Krog, to provide compensation for the tree removal by providing cash in lieu of replacement totaling \$1400. The funds will provide for a new tree to be planted in front of the house and provide care and maintenance for the first two years; and

Direct that all associated costs with respect to the removal of the tree (including stump removal) will be the responsibility of the homeowner, and

the contractor hired to remove the tree will require approval by the Manager of Urban Forestry or designate; and

Restrict the width of the new driveway to an additional 2m to allow for an enlarged tree protection zone for the tree in front of 299 Kent Crescent.

CARRIED

5.5 City-Wide Private Tree By-Law implementation update (RPF-05-20)

Moved by Mayor Meed Ward

Approve the Urban Private Tree Bylaw 02-2020, Appendix 'A' to roads, parks and forestry department report RPF-05-20 and repeal existing Bylaw 43-2018 Pilot Private Tree Bylaw, effective January 27, 2020; and

Amend Rates and Fees By-law 52-2019 by replacing page 38 of Appendix A to reflect the amended fees; and

Approve Option 3 - apply the Private Tree By-law to the extent of the Urban Boundary currently and continue consultation with rural landowners, and

Approve Option 3 - cash in Lieu of replacement of **\$400.00** per replacement tree considered a 30 mm deciduous tree and 125 cm conifer. **Number of trees to be calculated as one 30 mm caliper replacement tree for every 10 cm tree cut down.**

CARRIED

Amendment

Moved by Councillor Nisan

Amend option 3 - approve the Private Tree Bylaw to the extent of the Urban Boundary currently and continue consultation with rural landowners by removing the words '**for implementation fall 2020**'.

CARRIED

Amendment

Moved by Councillor Sharman

Amend Option 3 Cash in Lieu of replacement of **\$400** per replacement tree considered a 30mm caliper deciduous tree and 125 cm high

conifer, **Number of trees to be calculated as 1 30mm caliper replacement tree for every 10 cm tree cut down.**

CARRIED

Amendment

Moved by Councillor Stolte

Amend the number of trees to be calculated as one 30 mm caliper replacement tree from "10 cm" tree cut down to every **"5 cm"** tree cut down.

LOST

Amendment

Moved by Councillor Nisan

Amend the cash in lieu of replacement of \$400 per replacement tree to **\$450** per replacement tree.

LOST

6. Confidential Items:

6.1 Confidential legal department update regarding a litigation matter (L-01-20)

Moved by Councillor Stolte

Receive and file legal department report L-01-20 regarding a litigation update.

CARRIED

7. Procedural Motions:

Moved by Councillor Nisan

Move into closed session 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 I-01-20 regarding a litigation matter; and

Section 239(2)f advise that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

8. Information Items:

Moved by Mayor Meed Ward

Receive and file the following 4 items, having been given due consideration by the Environment, Infrastructure and Community Services Committee.

CARRIED

- 8.1 Correspondence from Burlington For Accessible Sustainable Transit (BFAST) regarding Climate Action Plan for Burlington (CW-20-19)
- 8.2 Correspondence from staff regarding Climate Action Plan for Burlington (CW-20-19)
- 8.3 Presentation from Harold Dickert regarding Climate Action Plan for Burlington (CW-20-19)
- 8.4 Presentation from Vince Fioritio regarding Climate Action Plan for Burlington (CW-20-19)

9. Staff Remarks:

None.

10. Committee Remarks:

None.

11. Adjournment:

10:40 a.m. (recessed), 10:50 a.m. (reconvened), 10:51 a.m. (closed), 12:00 p.m. (public), 12:01 p.m. (recessed), 1:00 p.m. (reconvened), 2:25 p.m. (recessed), 6:30 p.m. (reconvened), 9:30 p.m. (recessed), 9:35 p.m.(reconvened)

Chair adjourned the meeting at 9:42 p.m.



Community Planning, Regulation & Mobility Committee Meeting

Minutes

Date: January 16, 2020
Time: 1:00 pm
Location: Council Chambers Level 2, City Hall

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

Staff Present: Tim Commisso, Heather MacDonald, Kwab Ako-Adjei, Allan Magi, Nancy Shea-Nicol, David Thompson (Audio/Video Specialist), Georgie Gartside (Clerk)

1. Declarations of Interest:

None.

2. Statutory Public Meetings:

None.

3. Delegation(s):

- 3.1 Suzanne Mammel, representing Hamilton-Halton Home Builders' Association, shared concerns regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20).
- 3.2 Michael von Teichman, representing 440 Elizabeth Street Holdings, made a presentation providing feedback regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20).
- 3.3 Bob Osborne spoke in support of the proposed changes on the east side of Brant Street, north of Blairholm Avenue regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20).

- 3.4 Ed Fothergill, Fothergill Planning and Development Inc. representing Molinaro Group, shared concerns regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20).
- 3.5 Gary Care shared concerns regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20).
- 3.6 Jeremy Skinner provided feedback regarding Taking a Closer Look at the Downtown: Preferred Concept (PL-02-20).

4. Consent Items:

None.

5. Regular Items:

- 5.1 Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)

Moved by Councillor Kearns

Receive the report titled “Taking a Closer Look at the Downtown: Preliminary Preferred Concept“, January 2020, prepared by SGL Planning & Design and attached as Appendix A to community planning department report PL-02-20; and

Endorse the recommended concept (also referred to as the preliminary preferred concept) as discussed in community planning department report PL-02-20 and in the report titled “Taking a Closer Look at the Downtown: Preliminary Preferred Concept“, January, 2020, prepared by SGL Planning & Design (Appendix A), **amended as follows:**

- 1. **Exclude from endorsement, subject to the considerations in 2, the recommended concept for the lands identified as:**
 - i. **Village Square Precinct V2 sub area; and**
 - ii. **Downtown East Precinct located east of Elizabeth Street and south of Lions Park, and the block bounded by John Street, Maria Street, Elizabeth Street, and James Street; and**
- 2. **Direct the Executive Director of Community Planning, Regulation, and Mobility to consider the following during the development of policy modifications to the adopted Official Plan:**
 - i. **appropriate built form;**

- ii. **enhancement of transition provisions in the Downtown East Mixed-Use Precinct, to ensure an appropriate interface with the areas to both the east and the north;**
 - iii. **enhancement of provisions to protect the existing character and streetscape of the Downtown East Mixed-Use Precinct, with particular attention to the pedestrian experience on Elizabeth Street;**
 - iv. **appropriate built form in the V2 area of Village Square Precinct, with appropriate performance standards to avoid or mitigate potential impacts from new development on the existing low-rise buildings on Martha Street and existing low-rise buildings west of Pearl Street;**
 - v. **policy or mapping-based solutions to acknowledge, protect, and enhance existing community institutions or other private organizations that provide public services or amenities; and**
3. **Recognize the need for a transportation corridor through the Mid-Brant Precinct without presupposing that it must be a road, to allow consideration of the appropriate function of the new transportation corridor during the block planning exercise; and**
 4. **Direct the Executive Director of Community Planning, Regulation and Mobility to consider, during the development of policy modifications to the adopted Official Plan, enhancement of transition provisions in the Upper Brant Mixed-Use Precinct north of Ghent Avenue to ensure an appropriate interface with the established neighbourhoods to the east; and**

Direct the Director of Community Planning to prepare detailed modifications to the Adopted Official Plan to implement the recommended concept as discussed in community planning department report PL-02-20 and in the report titled “Taking a Closer Look at the Downtown: Preliminary Preferred Concept“, January, 2020, prepared by SGL Planning & Design (Appendix A).

CARRIED

Amendment

Moved by Mayor Meed Ward

Endorse the recommended concept in PL-02-20, Appendix A, subject to the following modifications:

- 1. Exclude from endorsement, subject to the considerations in 2, the recommended concept for the lands identified as:**
 - i. Village Square Precinct V2 sub area; and**
 - ii. Downtown East Precinct located east of Elizabeth Street and south of Lions Park, and the block bounded by John Street, Maria Street, Elizabeth Street, and James Street; and**
- 2. Direct the Executive Director of Community Planning, Regulation, and Mobility to consider the following during the development of policy modifications to the Adopted Official Plan:**
 - a. appropriate built form;**
 - b. enhancement of transition provisions in the Downtown East Mixed-Use Precinct, to ensure an appropriate interface with the areas to both the east and the north;**
 - c. enhancement of provisions to protect the existing character and streetscape of the Downtown East Mixed-Use Precinct, with particular attention to the pedestrian experience on Elizabeth Street;**
 - d. appropriate built form in the V2 area of Village Square Precinct, with appropriate performance standards to avoid or mitigate potential impacts from new development on the existing low-rise buildings on Martha Street and existing low-rise buildings west of Pearl Street;**
 - e. policy or mapping-based solutions to acknowledge, protect, and enhance existing community institutions or other private organizations that provide public services or amenities.**

CARRIED

Amendment

Moved by Mayor Meed Ward

Endorse the recommended concept in PL-02-20, Appendix A, subject to the following modification: Recognize the need for a transportation corridor through the Mid-Brant Precinct without presupposing that it must be a road, to allow consideration of the

appropriate function of the new transportation corridor during the block planning exercise.

CARRIED

Amendment

Moved by Mayor Meed Ward

Direct the Executive Director of Community Planning, Regulation and Mobility to consider, during the development of policy modifications to the adopted Official Plan, enhancement of transition provisions in the Upper Brant Mixed-Use Precinct north of Ghent Avenue to ensure an appropriate interface with the established neighbourhoods to the east.

CARRIED

Heritage study staff direction (SD-02-20)

Moved by Mayor Meed Ward

Direct the Director of Community Planning, in consultation with Heritage Burlington, to assess the heritage value and appropriate protections (including possible Heritage Act designations) for the potential built heritage resources and potential cultural heritage landscapes identified by ASI in their September 2019 “Cultural Heritage Resource Assessment of the Downtown Mobility Hub”, with funding source to be determined, and report back to Council with the assessment and associated recommendations by Q4 of 2020.

CARRIED

Lions Park staff direction (SD-03-20)

Moved by Mayor Meed Ward

Direct the Executive Director of Legal Services, working with the Executive Director of Environment, Infrastructure, and Community Services, to report back with options for the future of Lions Park.

CARRIED

6. Confidential Items:

None.

7. Procedural Motions:

None.

8. Information Items:

Moved by Mayor Meed Ward

Receive and file the following 23 items, having been given due consideration by the Community Planning, Regulation and Mobility Committee.

CARRIED

- 8.1 Staff presentation regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.2 Additional public comments to Response Matrix for submissions received during October to December 5, 2019 public engagement period. (PL-02-20, Appendix F2)
- 8.3 Delegation material from Michael von Teichman, representing 440 Elizabeth Street Holdings, regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.4 Presentation from Bob Osborne regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.5 Correspondence from Ed Fothergill, Fothergill Planning and Development Inc. representing Molinaro Group, regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.6 Correspondence from Gary Care regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.7 Correspondence from Jeremy Skinner regarding Taking a Closer Look at the Downtown: Preferred Concept (PL-02-20).
- 8.8 Correspondence from Glenn Wellings, Wellings Planning Consultants Inc. representing Mattamy, regarding Taking a Closer Look at the Downtown. (PL-02-20)
- 8.9 Correspondence from Glenn Wellings, Wellings Planning Consultants Inc. representing Mattamy, regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)

- 8.10 Correspondence from Jim Young regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.11 Correspondence from Tom Muir regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.12 Correspondence from Khai Tuyen Ly and Donna Lee regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.13 Correspondence from WeLoveBurlington and Gary Scobie regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.14 Correspondence from Scott Snider, Turkstra Mazza representing Carriage Gate Homes, regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.15 Correspondence from MPP Jane McKenna regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.16 Correspondence from Mayor Meed Ward to MPP McKenna regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.17 Correspondence from Denise Baker, WeirFoulds LLP representing Landform Development Group Inc. and 2413350 Ontario Inc., regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.18 Correspondence from Denise Baker, WeirFoulds LLP representing York Trafalgar Homes Corp., regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.19 Correspondence from Denise Baker, WeirFoulds LLP representing Spruce Partners Inc. and Amico Properties Inc., regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.20 Correspondence from Denise Baker, WeirFoulds LLP representing Welwyn Interests Inc., regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.21 Correspondence from Martin Quarcoopome, Weston Consulting representing Victoria Brant Ltd., regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 8.22 Presentation from Mayor Meed Ward regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)

8.23 Presentation from Councillor Lisa Kearns regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

2:48 p.m. (recessed), 2:59 p.m. (reconvened), 4:20 p.m. (recessed), 6:30 p.m. (reconvened), 7:49 p.m. (recessed), 8:00 p.m. (reconvened)

Chair adjourned the meeting at 8:49 p.m.



Corporate Services, Strategy, Risk and Accountability Committee Meeting

Minutes

Date: January 16, 2020
Time: 9:30 am
Location: Council Chambers Level 2, City Hall

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

Staff Present: Tim Commisso, Kwab Ako-Adjei, Nick Anastasopoulos, Laura Boyd, Joan Ford, Sheila Jones, Allan Magi, Angela Morgan, Christine Swenor, David Thompson (Audio/Video Specialist), Georgie Gartside (Clerk)

1. **Declarations of Interest:**

None.

2. **Delegation(s):**

2.1 Anne and Dave Marsden shared concerns regarding official delegation to Apeldoorn, the Netherlands (CL-03-20).

2.2 Anne and Dave Marsden shared concerns regarding Procedure By-law update (CL-01-20).

2.3 Ed Dorr and Hassan Raza, representing the Burlington Mundialization Committee, shared information regarding structure for twinning relationships (CL-02-20).

3. **Consent Items:**

None.

4. **Regular Items:**

4.1 Official delegation to Apeldoorn, the Netherlands (CL-03-20)

Moved by Mayor Meed Ward

Authorize travel of an official delegation to Apeldoorn, the Netherlands in May 2020 to celebrate the 15th anniversary of twinning between the City of Burlington and the City of Apeldoorn, comprised of the Mayor, Councillor liaison to the Mundialization Committee, City Manager or designate, a member of Clerks staff, Chair of the Mundialization Committee and the Chair of the Apeldoorn sub-committee to be funded from the Corporate Mundialization Initiatives account and the Mundialization Reserve Fund; and

Approve the purchase of a commemorative gift up to a value of \$2,000 including shipping, as the official gift from Burlington to Apeldoorn on the occasion of the 15th twinning anniversary; and

Approve the purchase of a key to the city to present to the Mayor of Apeldoorn, funded from the Mundialization Committee's budget.

CARRIED

Amendment

Moved by Mayor Meed Ward

Approve the purchase of a key to the city to present to the Mayor of Apeldoorn, funded from the Mundialization Committee's budget.

CARRIED

4.2 Structure for twinning relationships (CL-02-20)

Moved by Councillor Sharman

Approve the proposed structure for twinning relationships contained in Appendix A of clerks department report CL-02-20.

CARRIED

4.3 Procedure By-law update (CL-01-20)

Moved by Mayor Meed Ward

Approve City of Burlington Procedure By-law 04-2020 attached as Appendix A to clerks department report CL-01-20, **amended as follows:**

- **Remove the wording "(In the event that the EICS Committee meeting goes beyond the hour of 10:30 p.m., the start time of the CPRM Committee meeting will be 10:00 a.m.)" from section 11.1; and**
- **Change section 28.1 to read "All meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 10:00 p.m., whichever is earlier. No meeting will proceed beyond the hour of 10:00 p.m."; and**
- **Delete sections 28.2 and 28.3.**

CARRIED

Amendment

Moved by Councillor Stolte

Remove the wording "(In the event that the EICS Committee meeting goes beyond the hour of 10:30 p.m., the start time of the CPRM Committee meeting will be 10:00 a.m.)" from section 11.1; and

Change section 28.1 to read "All meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 10:00 p.m., whichever is earlier. No meeting will proceed beyond the hour of 10:00 p.m."; and

Delete sections 28.2 and 28.3.

CARRIED

4.4 Staff directions from 2020 budget (F-46-19-2) (SD-01-20)

Moved by Mayor Meed Ward

Refer staff directions 65 to 70 from Appendix B of F-46-19-2 to the February 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

Debt Policy staff direction (SD-01-20)

Moved by Councillor Sharman

Direct the Chief Financial Officer to review the city's Debt Policy taking into consideration commitments and other long-term obligations including those that are financially supported by community groups, partners and/or stakeholders.

CARRIED

Moved by Councillor Bentivegna

Direct the Director of Roads, Parks & Forestry to review options for residential property owners to clear snow from sidewalks in front of their property and identify any associated impacts.

LOST

Moved by Councillor Bentivegna

Direct the City Manager to consider adding a business license review as a candidate project under the audit and accountability fund.

LOST

5. Confidential Items:

None.

6. Procedural Motions:

None.

7. Information Items:

None.

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

11:10 a.m. (recessed), 11:15 a.m. (reconvened)

Chair adjourned the meeting at 12:02 p.m.

To: Members of Council

From: Angela Morgan, City Clerk

Date: January 21, 2020

Re: Procedure by-law amendments (CL-01-20)

Attached for your reference is a copy of the procedure by-law, showing amendments made at the Corporate Services, Strategy, Risk & Accountability Committee meeting of January 16, 2020.

If you have any questions, please do not hesitate to contact me.

Angela Morgan
City Clerk

City of Burlington By-law xx-2020

A by-law to provide for the rules of order of Council
and its Committees, and to repeal By-law 64-2016
File: 110-04-1 (CL-01-20)

Whereas section 238(2), of the *Municipal Act, S.O. 2001, c. 25* requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

Whereas the City of Burlington Procedure By-law is recognized as a key document describing the municipality's accountability, transparency, and notice requirements; and

Whereas the Council of the City of Burlington deems it expedient to repeal and replace By-law 64-2016;

Now therefore the Council of The Corporation of the City of Burlington hereby enacts as follows:

DEFINITIONS

In this by-law:

- 1.1 "Abstain" means a member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter. When a member abstains from a vote without declaring a pecuniary interest they will be counted as opposed to the motion.
- 1.2 "Act" means the Municipal Act, S.O. 2001, c. 25.
- 1.3 "Board" in this by-law means a local authority established for the purpose of the municipality and does not include the Public Library Board.
- 1.4 "Chair" means the person presiding over a meeting of a Committee or Council.
- 1.5 "City" means The Corporation of the City of Burlington.
- 1.6 "Clerk" means the City Clerk of The Corporation of the City of Burlington and/or their designate.
- 1.7 "Committee" means a Committee of Council. This may be a Standing Committee or an Advisory Committee.

- 1.8 “Consent Agenda” means a listing of items that include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, and routine matters.
- 1.9 “Council” means The Council of the Corporation of The City of Burlington. The term Council also refers to Committees when no alternate rules are stated.
- 1.10 “Deputy Mayor” means a member acting in place of the Mayor when they are absent. This position is alternated by two members on a quarterly rotating basis by ward.
- 1.11 “Ex-officio” means a member of a Committee by reason of holding another position, who has the rights and privileges of a full member or as otherwise outlined in this by-law or the Committee’s Terms of Reference.
- 1.12 “Closed Session” means a meeting, or portion thereof, closed to the public in accordance with s. 239 of the *Municipal Act, S.O. 2001, c. 25*.
- 1.13 “Majority” means more than half of the votes cast by members entitled to vote and present at time of voting.
- 1.14 “Meeting” means any regular, special or other meeting of Council, or Committee; where
- i. a Quorum of Members is present, and
 - ii. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or Committee.
- 1.15 “Member” means a member of the Council of The Corporation of the City of Burlington, or a member of a Standing Committee, or Advisory Committee of the Council.
- 1.16 “Notice of Motion” means an advance notice to members of a matter on which Council will be asked to take a position.
- 1.17 “Pecuniary Interest” means a direct or indirect financial impact in accordance with the *Municipal Conflict of Interest Act, R.S.O.1990, c.M. 50*.
- 1.18 “Point of Order” means a matter that a member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 1.19 “Point of Privilege” means a matter that a member considers to question their integrity and/or the integrity of the Council.
- 1.20 “Quorum” means a majority of the total number of voting members currently on Council, or Committee. For Audit Committee purposes a quorum must consist of at least one member of Council and at least one community member.

- 1.21 “Recorded Vote” means documenting in the minutes of a Council meeting the name of each member and their vote on a public matter or question, in favour, opposed, or absent.
- 1.22 “Regular Meeting” means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
- 1.23 “Rules of Procedure” means the rules and regulations contained in this by-law.
- 1.24 “Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 1.25 “Standing Committee” means any Committee outlined in the Procedure By-law and having an ongoing mandate or purpose.
- 1.26 “Unreasonable or Offensive Conduct” means conduct or statements that can be considered to be aggressive, abusive, threatening, intimidating, violent, harassing, defamatory, frivolous or vexatious.

APPLICATION

- 2.1 The rules of procedure contained in this by-law will be observed in all proceedings of Council and will be the rules for the order and dispatch of business in Council and, with the necessary modifications, in Standing Committees.
- 2.2 Any rules or regulations contained in this by-law may be temporarily suspended, except for those rules or regulations that are set out by legislation, with the consent of at least two-thirds of the Council members present.
- 2.3 The Clerk will be responsible to interpret the rules of procedure under this by-law.
- 2.4 All points of order or procedure for which rules have not been provided in this by-law will be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in Robert’s Rules of Order.
- 2.5 All boards that may be described as Local Boards under the *Municipal Act*, S.O. 2001, c. 25 and Advisory Committees of the City will use the rules of order and debate and relevant provisions of this by-law to govern the calling and proceedings of meetings.
- 2.6 All groups, agencies, firms or corporations that receive funding from Council and/or the City of Burlington will adopt provisions related to access of public meetings similar to this by-law.

ROLES AND DUTIES

3. Mayor

- 3.1 It is the role of the head of Council to:
- a) carry out the responsibilities of their roles as described in sections 225 and 226.1 of the *Municipal Act, S.O. 2001*;
 - b) represent and support the Council and its decisions in all matters;
 - c) represent the municipality at official functions;
 - d) preside over all Council meetings, unless unavailable, in which case the Deputy Mayor will act as the presiding officer.
- 3.2 The Mayor's Chain of Office is worn only by the elected Mayor during Council meetings and special functions including official openings, parades, etc., at the Mayor's discretion.

4. Deputy Mayor

- 4.1 Except as outlined in section 3, when the Mayor gives notice to the Clerk that they will be absent from the City, or is absent through illness, or their office is vacant, then the Deputy Mayor will act in the place of the Mayor, and while so acting, has and may exercise all the rights, powers and authority of the Head of Council.

The function of the Deputy Mayor is for corporate/administrative purposes, and will be filled by two members, on a quarterly rotating basis by ward.

- 4.2 The rotation of the Deputy Mayor will be on a quarterly basis starting with the member from Ward 1, and continuing in numerical order through each ward, subject to the provisions of section 4.1 and availability.

5. Chair

- 5.1 The Chair will act as presiding officer over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding on all questions relating to the orderly procedure of the meetings, subject to an appeal by any member to the Committee, or Council of any ruling of the Chair.
- 5.2 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they will call on the Vice-Chair, or in the absence of the Vice-Chair, on another member, to fill their place until resuming the Chair.

6. Members of Council

- 6.1 It is the role of the members of Council to:
- a) carry out the responsibilities of their roles as described in section 224 of the *Municipal Act, S.O. 2001*;
 - b) uphold the by-laws and policies of the Corporation of the City of Burlington;

- c) deliberate on the business submitted to Committee and Council;
- d) vote on all motions before Council;
- e) respect the rules of procedure at all meetings.

7. Clerk

7.1 It is the role of the Clerk to:

- a) carry out the responsibilities of their roles as described in section 228 of the *Municipal Act, S.O. 2001*;
- b) provide procedural advice to the Chair and to members on agenda business and on preparing motions;
- c) ensure notice of meetings is provided as set out in this by-law;
- d) make minor deletions, additions or other administrative changes to any by-law, motion, and/or minutes to ensure the correct and complete implementation of the actions of Council;
- e) authenticate by signature when necessary all resolutions, by-laws and minutes of meetings and certify copies of such documents when required;
- f) perform such other duties as prescribed by law, or by direction of Council.

7.2 The Clerk will be present at all meetings of Committee and Council.

STANDING COMMITTEES OF COUNCIL

8. Organization and Rules

8.1 There are five Standing Committees of Council being Community Planning, Regulation and Mobility; Environment, Infrastructure and Community Services; Corporate Services, Strategy, Risk and Accountability; Council Workshop and Audit.

8.2 Committees will observe the rules of Council unless otherwise stated in this by-law. Exceptions include, but are not limited to the following:

- a) motions do not require a seconder;
- b) motions may be made verbally and are not required to be made in writing; and
- c) recorded votes are not permitted.

9. Membership

9.1 All members of Council are members of the Community Planning, Regulation and Mobility; Environment, Infrastructure and Community Services; Corporate Services, Strategy, Risk and Accountability Committees and Council Workshop.

9.2 The Audit Committee is made up of the following voting members: three members of Council, a minimum of two and maximum of four community members and the Mayor, who is an ex-officio voting member of the Committee.

10. Election of Chair and Vice-Chair

- 10.1 Each Standing Committee, except for Audit, will elect a Chair and Vice-Chair at the first meeting after the inaugural meeting of Council and in December each subsequent year. The term of Chair and Vice-Chair will commence on January 1 until December 31, or until a successor is appointed.
- 10.2 The Audit Committee will elect a Chair and Vice-Chair at the first meeting after the inaugural meeting of Council and in December of the end of the second year of Council's term. The term of Chair and Vice-Chair for the Audit Committee will be for two years and will commence on January 1 until December 31 of the second year, or until a successor is appointed.
- 10.3 There is no limit to the number of terms that a Chair or Vice-Chair may serve.

11. Date, Time, and Place of Meetings

- 11.1 Standing Committees will meet in the Council Chambers of Burlington City Hall, 426 Brant Street, unless otherwise indicated, generally on the following days and times, in accordance with the calendar set annually and approved by Council:

Environment, Infrastructure & Community Services Committee (EICS)

Mondays at 9:30 a.m. and/or 6:30 p.m.

Community Planning, Regulation & Mobility Committee (CPRM)

Tuesdays at 9:30 a.m. and/or 6:30 p.m. ~~(in the event that the EICS Committee meeting goes beyond the hour of 10:30 p.m., the start time of the CPRM Committee meeting will be 10:00 a.m.)~~

As scheduled at 6:30 p.m. for public meetings.

Audit Committee (Audit)

Wednesdays at 3:30 p.m.

Corporate Services, Strategy, Risk & Accountability Committee (CSSRA)

Thursdays at 9:30 a.m. and/or 6:30 p.m.

As scheduled for budget meetings.

Council Workshop

Tuesdays at 9:30 a.m. and/or 1 p.m.

12. Duties of the Standing Committees

Standing Committees will receive public delegations for input and report to Council on all matters connected with their duties, or referred to them by the Mayor and/or by Council and to recommend such action as they deem necessary.

13. Duties of the Environment, Infrastructure & Community Services Committee

13.1 The Environment, Infrastructure & Community Services Committee will meet and report to Council on:

- a) matters under the jurisdiction of the Capital Works, Recreation Services, Roads, Parks & Forestry, and Fire departments, and;
- b) matters arising from the following boards, committees and advisory committees:
 - Burlington Accessibility Advisory Committee (BAAC)
 - Burlington Sustainable Development Committee (SDC)
 - Art Gallery of Burlington Board (AGB)
 - Burlington Mundialization Committee
 - Burlington Museums Board
 - Burlington Performing Arts Centre
 - Burlington Public Library Board (BPL)
 - Burlington Seniors' Advisory Committee (BSAC)
 - Tourism Burlington

14. Duties of the Community Planning, Regulation & Mobility Committee

14.1 The Community Planning, Regulation & Mobility Committee will meet and report to Council on:

- a) matters under the jurisdiction of the Community Planning, Building, Transit, and Transportation Services departments;
- b) public hearings pursuant to the *Planning Act, RSO 1990, c. P.13*, as amended.
- c) matters arising from the following boards and ~~citizen~~ advisory committees:
 - Aldershot BIA
 - Burlington Chamber of Commerce
 - Burlington Downtown Business Association
 - Burlington Economic Development Corporation (BEDC)
 - Committee of Adjustment
 - Heritage Burlington Advisory Committee
 - Integrated Transportation Advisory Committee (ITAC)
 - Burlington Cycling Advisory Committee
 - Burlington Sustainable Development Committee (SDC)
 - Burlington Agricultural and Rural Affairs Committee (BARAAC)
 - Downtown Parking Advisory Committee
 - Property Standards Committee

15. Duties of the Audit Committee

15.1 It will be the duty of the Audit Committee to meet as required, to study and report to Council on:

- a) the proper environment for management of public funds, including appropriate financial reporting, policies and controls and the efficiency and effectiveness of the utilization of the City's resources on programs and projects;

- b) the annual financial statements;
- c) all external and internal audit matters, including selection of the external auditor, the annual audit of the City's financial statements and matters recommended by the external auditor;
- d) compliance with laws, regulations and policies.

16. Duties of the Corporate Services, Strategy, Risk & Accountability Committee

- 16.1 The Corporate Services, Strategy, Risk & Accountability Committee will meet and report to Council on:
- a) matters under the jurisdiction of the City Manager's Office, Clerks, Finance, Legal, Information Technology Services, Human Resources and Corporate Communications & Government Relations departments, Customer Experience, Strategy, Risk & Accountability;
 - b) the current and capital budgets;
 - c) all public meetings under the Development Charges Act, 1997, S.O. 1997, c. 27;
 - d) Burlington Strategic Plan and Vision to Focus work plan;
 - e) matters arising from the following board and advisory committee:
 - Burlington Hydro Electric Inc. (BHEI)
 - Burlington Inclusivity Advisory Committee (BIAC)

17. Duties of Council Workshop

- 17.1 Council Workshop will meet when time is required for training, discussions with other levels of government and outside agencies, workshops on complex matters or strategic planning.

ADVISORY COMMITTEES OF COUNCIL

18. Advisory Committees

- 18.1 Council may, at anytime, establish a committee to advise Council on matters within their jurisdiction.
- 18.2 Members of the Committees will be appointed by Council at the recommendation of the Clerk.
- 18.3 Unless necessary, only one member of Council will be appointed to each board and/or Advisory Committee to act as a liaison to the committee. Members of Council are not eligible to act as Chair or Vice-Chair and are not voting members.
- 18.4 Advisory Committees will be reviewed at the beginning of each term of Council.
- 18.5 All Advisory Committees will follow the rules of Standing Committees unless otherwise stated in their terms of reference approved by Council.

- 18.6 If a quorum for an Advisory Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee may proceed without a quorum, provided that at least three members are present. The Clerk is not required to be present and no motions will be passed or minutes prepared.

COUNCIL AND COMMITTEES OF COUNCIL

19. Meetings Open to the Public

- 19.1 Except as provided in this by-law, all meetings will be open to the public.
- 19.2 The chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

20. Inaugural Meeting of Council

- 20.1 The inaugural meeting of Council will be held in Burlington at 6:30 p.m. on the first Monday in December following a regular municipal election at a location to be fixed by the Clerk.

21. Notice of Meeting

- 21.1 The Clerk will provide notice to the public of all meetings of Council, agendas, cancellations and re-scheduling by:
- a) posting the annual schedule of meetings on the City's website and by distributing copies upon request;
 - b) updating the City's website calendar within twenty-four hours of any changes made to the schedule;
- 21.2 The agenda for each regular Council or Committee meeting will be posted to the City's website not less than seventy-two hours before the hour appointed for the holding of the meeting.
- 21.3 Items or matters will not be added to the agenda after distribution to Council or Committee unless they are of an urgent nature and require a decision prior to the next Council or Committee meeting. In these cases, an Addendum will be prepared, distributed and posted to the City's website calendar.
- 21.4 The agenda for each Special Meeting of Council or Committee will be posted on the City's website not less than forty-eight hours before the time set for such special meeting.
- 21.5 Notice of a Special Meeting of Council will indicate date, time, location and purpose of the meeting as well as the contact information of the Clerk.

- 21.6 A Special Meeting of Council may be held, without notice, to deal with an emergency situation as defined in the City of Burlington's Emergency Management By-law, provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business except business dealing directly with the emergency situation will be transacted at that meeting.
- 21.7 Lack of receipt of the notice will not affect the validity of holding the meeting nor any action taken at the meeting.
- 21.8 The Chair may, if it appears that a storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising the Clerk and as many members as they are able to reach. Postponement will not be for any longer than the next regularly scheduled meeting of that Committee or Council.

22. Regular Meetings

- 22.1 Regular meetings of Council will be held in the Council Chambers of Burlington City Hall at 426 Brant Street, commencing at 6:30 p.m. on Mondays according to the calendar set annually and approved by Council. If the said Monday is a holiday, the meeting will be held on the following business day.
- 22.2 Council may by resolution alter the time, day, and place of any meeting previously approved under section 22.1.
- 22.3 The Mayor or Chair may, with appropriate notice, postpone or cancel any regular Council, or Committee meeting if, in consultation with the Clerk, it has been determined that there are insufficient agenda items for the meeting, or if it appears that inclement weather or an emergency situation will prevent the members from attending.

23. Special Meetings

- 23.1 The Mayor and/or City Manager may at any time call a special meeting of Council and, upon receipt of a petition of the majority of Members of Council or upon approval of a Council resolution authorizing a special Council meeting, the Clerk shall call a special meeting of Council for the purpose and/or at the time mentioned in the petition or resolution.
- 23.2 Notice will be provided by the Clerk in accordance with section 21 of this by-law.
- 23.3 No business may be considered at a special meeting of Council or of a Committee other than that specified in the notice, or agenda.

24. Closed Session

- 24.1 In accordance with sections 239(2) and 239(3) of the *Municipal Act, S.O. 2001, c. 25*, a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
- l) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act;
- m) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.2 (1) of the *Municipal Act*;
- n) educational or training of the members where at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

24.2 Prior to moving into a closed session for one of the reasons listed in section 24.1, Council will pass a motion stating:

- a) the fact that Council is convening into closed session;
- b) the specific provision under the *Municipal Act* that permits the item to be considered in a closed session; and
- c) the general nature of the matter to be considered.

24.3 Attendance in closed sessions will be limited to the members of Council, Clerk, City Manager and those specifically invited to remain by Council.

- 24.4 Members are prohibited from discussing any additional matters during a closed session other than those identified by the motion passed under section 24.2.
- 24.5 When in closed session a vote will not be taken unless the vote is for a procedural matter, or for giving direction to staff or other individuals under 239(6) of the *Municipal Act*.
- 24.6 On reconvening in public session, the Chair will accept a motion regarding the matters discussed in closed session, or alternatively advise that direction had been given to staff during the closed session in accordance with the *Municipal Act*.
- 24.7 The use of electronic devices to record proceedings of a closed session is prohibited.
- 24.8 The Clerk is responsible for maintaining a confidential copy of all original documentation distributed and confidential minutes of all closed sessions.

25. Call to Order and Quorum

- 25.1 The Chair will call the meeting to order as soon after the hour of meeting as a quorum is present. Quorum is achieved when a majority of the members are present. For Standing Committee and Council purposes, four members will constitute a quorum. For Audit Committee purposes, at least one member present must be a member of Council and at least one member must be a community member.
- 25.2 If a quorum for a Council, or Committee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Clerk will indicate that no quorum is present and the meeting will stand adjourned until the next meeting of Council.
- 25.3 Where the number of members who are unable to participate in a meeting by reason of the provisions in the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50, such that at that meeting the remaining members are insufficient to constitute quorum, the remaining members will be deemed to constitute a quorum, provided such number is not less than two.
- 25.4 If during the course of a Council meeting, a quorum is lost, the Chair will declare that the meeting will stand recessed temporarily or be adjourned until the date of the next regular meeting.

26. Disclosure of Pecuniary Interest

- 26.1 It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.

- 26.2 Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Standing Committee at which the matter is the subject of consideration, the member will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):
- a) file a written statement of the interest and its general nature with the Clerk prior to the meeting;
 - b) not take part in the discussion of, or vote on any question with respect to the matter;
 - c) not attempt in any way before, during and/or after the meeting to influence the vote on the matter.
- 26.3 Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the member will forthwith leave the meeting for the part during which the matter is under consideration.
- 26.4 The Clerk will record the particulars of any disclosure of pecuniary interest made by members of Council or Committees in the minutes of that meeting and update the online Registry.

27. Meeting Recess

- 27.1 Council may, after ninety minutes of consecutive deliberation, recess for a period deemed appropriate by the Chair.

28. Adjournment Hour

28.1 All meetings will adjourn when Council, or Committee have completed all business listed on the agenda, or at 10:00 p.m., whichever is earlier. No meeting will proceed beyond the hour of 10:00 p.m.

~~28.2 Where the business before Council or Committee has not been completed by the adjournment hour, a motion may be passed by two-thirds vote of the members present to proceed beyond the hour of 10:30 p.m. to continue any unfinished business.~~

~~28.3 Notwithstanding section 28.2 above, no meeting will proceed beyond the hour of 11 p.m.~~

28.2 Unless decided otherwise prior to the adjournment of the meeting, any unfinished business will be discussed at the next scheduled Council meeting.

COUNCIL AND COMMITTEE AGENDAS AND MINUTES

29. Council Agenda

- 29.1 The Clerk will prepare for the members of Council the order of business as follows:
- a) Call to Order

- b) National Anthem
- c) Land Acknowledgement
- d) Regrets
- e) Proclamations
- f) Motion to approve Council Minutes
- g) Recognitions and Achievements
- h) Presentations
- i) Declarations of Interest
- j) Delegations
- k) Correspondence
- l) Recommendations from Standing Committees
- m) Motion to Approve Standing Committee Minutes
- n) Reports of Municipal Officers
- o) Notice of Motion
- p) Motion
- q) Motion to Receive and File Council Information Package
- r) Motion to Receive and File Information Items
- s) Motion to Consider Confidential Items
- t) Motion to Approve By-laws
- u) Motion to Confirm Proceedings of the Council Meeting
- v) Statements by Members
- w) Motion to Adjourn

29.2 The business of Council will be taken up in the order on which it appears on the agenda unless otherwise directed by the Mayor, or at the request of a member, or the Clerk.

29.3 Each member will have a limit of three minutes to speak regarding Statement by Members. Speaking items, and/or time may be extended by a majority vote of the members present. Discussion during this agenda item is non-debatable.

30. Council Information Package (CIP)

30.1 The Clerk will have prepared weekly, or as frequently as may be required, a Council Information Package for members of Council. If any member prefers to have an item of correspondence contained therein dealt with by a Standing Committee, the member will contact the Clerk and it will be placed on the appropriate committee agenda.

30.2 Items within the Council Information Package may include, but are not be limited to: internal informational communications in memo format and correspondence from external bodies including other municipalities and levels of government.

31. Standing Committee Agenda

31.1 The Clerk will prepare for the members of Committee the order of business which may include, but not be limited to, the following:

- a) Land Acknowledgement
- b) Declarations of Interest

- c) Presentations
- d) Statutory Public Meetings
- e) Delegations
- f) Consent Agenda
- g) Regular Agenda
- h) Confidential Items
- i) Procedural Motions
- j) Information Items
- k) Staff Remarks
- l) Committee Remarks
- m) Adjournment

31.2 The business of Committee will be taken up in the order on which it appears on the agenda unless otherwise directed by the Chair, or at the request of a member, or the Clerk.

32. Consent Agenda

32.1 Items that will be placed on the consent agenda include, but are not limited to, those with no delegations, where no discussion is anticipated, informational items, and routine matters.

32.2 All items listed in the consent agenda are subject to a single motion that is neither debatable, nor amendable. A member may make a brief comment regarding a consent item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the consent agenda and placed on the regular agenda for discussion.

33. Notice of Motion

33.1 A notice of motion must be made in writing and delivered to the Clerk by the agenda deadline in order to be included on the agenda for introduction.

33.2 Reports of Committees included in the Council agenda will constitute notice of motion with respect to any matter contained in the reports and recommended by any Committee for adoption by Council.

33.3 Staff reports in the Council agenda, listed as Reports of Municipal Officers, not having been considered by any Committee for adoption by Council, will constitute notice of motion for the purposes of any relevant motion brought at Council.

33.4 Where it is deemed necessary to not delay the consideration, a notice of motion may be considered by Council immediately upon its introduction by a successful two-thirds vote of the members present.

34. By-Laws

- 34.1 Every by-law being considered will be listed in the Council agenda by an identifying number, followed by a brief description of the intention of the by-law. Every by-law will be in writing and shall require only one reading prior to being passed by a majority vote of Council.
- 34.2 Unless separated at the request of a member, all by-laws proposed for adoption will be passed collectively by a single motion.
- 34.3 Every by-law passed by Council will be sealed with the seal of the Corporation, signed by the Mayor, or Chair of the meeting at which the by-law was passed, and by the Clerk present at the meeting, and deposited with the Clerk to become part of the official record.
- 34.4 A by-law will be passed for each regular or special Council meeting to confirm the proceedings thereof.
- 34.5 The Clerk is authorized to make minor corrections to any by-law resulting from technical or typographical errors prior to the by-law being signed.

35. Minutes

- 35.1 Minutes shall record:
 - a) the place, date and time of meeting;
 - b) the name of the Chair and the record of the attendance of the members;
 - c) declarations of pecuniary interest;
 - d) the motions considered and votes taken by Council, or Committee; and
 - e) except as provided elsewhere in this by-law, all the other decisions or authorized actions without note or comment
- 35.2 Confidential Session minutes shall record:
 - a) the place, date and time of meeting;
 - b) the names of the Chair and the record of the attendance of the members and any other attendees;
 - c) a description of the substantive and procedural matters discussed, including specific reference to any documents considered;
 - d) the procedural motions considered and votes taken by Council, or Committee; and
 - e) all directions given.
- 35.3 The minutes of each Council and Committee meeting shall be presented to Council at the next regular meeting for confirmation.
- 35.4 Reports considered in confidential session shall be released to the public upon Council direction; in accordance with a legal opinion; or in conformity with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

RULES OF CONDUCT AND DEBATE

36. Conduct of Members

- 36.1 Members of Council and Standing Committees will:
- a) act in accordance with their Declaration of Office under the *Municipal Act, 2001*;
 - b) discharge with integrity all responsibilities to Council, the City of Burlington, and the public, in keeping with approved corporate policies;
 - c) where the member is involved in an issue outside the member's own ward, inform the ward councillor of such involvement;
 - d) only speak in a respectful manner of the Reigning Sovereign, any member of the Royal Family, the Governor-General, the Lieutenant-Governor, the Head of the Government of Canada, or the Province of Ontario;
 - e) treat the Chair, other members, staff, and delegates from the public with courtesy, respect and good faith;
 - f) hold in strict confidence all information concerning matters dealt with in closed session. The member will not release, make public or in any way divulge any such confidential information or any aspect of the closed session deliberations, unless expressly authorized or required by law;
 - g) be encouraged to ask any relevant questions of staff prior to any meeting where an issue may be introduced or debated so that staff may be able to have appropriate information at such meeting if necessary;
 - h) not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
 - i) not criticize any decision of the Council except for the purpose of introducing a motion for reconsideration;
 - j) not disobey the rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the rules of the Council;
 - k) turn off, or silence, all electronic devices except those in use to facilitate the meeting;
 - l) adhere to the City's Code of Good Governance, attached as Schedule B to this by-law.
- 36.2 Where a member has been called to order by the Chair for disregarding the rules of procedure and the member persists in such conduct, the Chair may order the member to vacate the meeting place. If the member apologizes, the Chair may permit the member to retake their seat.
- 36.3 If the member called out of order does not apologize and will not leave their seat, the Chair will recess the meeting and request that the Clerk contact security.

37. Public Conduct at Council and Committee Meetings

- 37.1 Only members and authorized City staff will be allowed to proceed beyond the speaker's podium without permission of the Chair or Clerk.

- 37.2 Public attendees must maintain order and will not display signs or placards, applaud, heckle, or engage in telephone or other conversation, or any behaviour that may be considered disruptive. No person will use indecent, offensive, or insulting language or speak disrespectfully to anyone in Council Chambers.
- 37.3 All electronic devices must be turned off or switched to silent during Council and Committee meetings. Photography and video should be kept to a minimum during a meeting and will only be permitted so long as it does not interfere with the meeting in any way. At any time during the meeting, at the discretion of the Clerk, use of electronic devices may also be prohibited if it is believed that the use is interfering with any audio or video broadcast of the meeting.
- 37.4 Any person who contravenes any provision of this section may be expelled from the meeting by the Chair.

38. Presentations

- 38.1 Presentations addressing matters relevant to the City and seeking to provide information, or receive input from Council, or Committee will be permitted from any local board or similar authority including relevant agencies, boards, commissions as well as other levels of government and City staff.
- 38.2 Presentations of a maximum of ten minutes will be permitted provided that the presenter, or their representative has requested and been granted status from the Clerk before the agenda is published.
- 38.3 Council may limit or extend the time allowed for a presentation by a majority vote.

39. Delegations

- 39.1 Requests to delegate at a Committee meeting must be submitted to the Clerks Department prior to noon the day before a meeting. If the meeting is held on a Monday, delegations must register by 12 noon the Friday before the meeting.
- 39.2 Requests to delegate at Council must be submitted to the Clerk by noon on the day of the Council meeting.
- 39.3 Any person, group of persons, or organization may request to speak to an item listed on the agenda provided that the subject matter of the delegation directly relates to the item on the agenda. All requests to delegate must be made in writing to the Clerk, outline the nature of their request, and include any additional material (i.e. PowerPoint) by the deadline stated in 39.1 and 39.2.
- 39.4 If a delegate requests to speak regarding a matter not listed on the agenda they must have a member of Council sponsor the item and then provide the Clerk with a written submission.

- 39.5 All delegations will be heard at Standing Committee. Where a delegate has spoken at Committee, a further delegation request by the delegate, or a related party, will not be permitted on the Council agenda unless the delegation is bringing forward new information. Only the new information will be heard.
- 39.6 The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated in 39.1 and 39.2, for Council consideration. A majority vote is required to permit the delegate to speak.
- 39.7 Delegations will be permitted without prior registration during any public meeting as required by section 14.1 of the *Planning Act, R.S.O. 1990, c. P.13*. Delegations are strongly encouraged to register before the standard delegation registration deadline and will be asked to fill in an attendance form to fulfill legislative notice requirements.
- 39.8 Delegations will be permitted to speak for a maximum of ten minutes at Committee and five minutes at Council. The allotted time includes any audio or video presentations, but does not include answering questions from members. If there are numerous delegates taking the same position on a matter, the Clerk will encourage them to select one spokesperson to present their views within the time allocation.
- 39.9 The speaking time for a delegation may only be extended by majority vote of the members present.
- 39.10 Delegations must abide by the rules of procedure and public conduct at meetings. They will accept any decisions of the Chair and not enter into cross debate with members, other delegations, or staff. Any discourse between members and the delegation will be limited to members asking questions for clarification and obtaining additional, relevant information only.
- 39.11 Where the City Manager or the Clerk determines that a person requesting to delegate is likely to engage in unreasonable or offensive conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the City's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council, the person will not be permitted to appear as a delegate at the meeting.
- 39.12 If a request to delegate has been denied in accordance with 39.11 the City Manager or the Clerk will:
- a) Notify the requester that they will not be permitted to appear as a delegate and provide reasons for the decision; and
 - b) Inform the members of the decision to deny the request.
- 39.13 Delegations are not permitted at Council Workshops.
- 40. Questions/Speaking**
- 40.1 Members will be permitted to ask each delegation two questions at a time directly relating to the matter under consideration.

- 40.2 Prior to accepting a motion, the Chair will permit two questions at a time from each member directly relating to the matter under consideration.
- 40.3 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements, or assertions.
- 40.4 All members will address their questions and comments through the Chair.
- 40.5 Members are encouraged to provide questions to staff prior to the meeting and address any answers received during the comments portion of the discussion.
- 40.6 When all questions have been addressed a member may move a motion. The Chair will allow the mover to address Council first.
- 40.7 To address Council, a member will request to speak by pressing their microphone button which will put them in the speaking queue, and wait to be recognized by the Chair.
- 40.8 The Chair will recognize the members who wish to speak in the order that they come to the Chair's attention. When a member has been recognized by the Chair as having the floor, the member will direct their comment to the Chair and speak only to the matter under consideration.
- 40.9 When a member is speaking, no other member will interrupt, except to raise a Point of Privilege or Point of Order.
- 40.10 Any member may require the motion under discussion to be read at any time during the debate so long as they do not interrupt a member while speaking.
- 40.11 No member will be permitted to speak a second time on an item of business until every member who desires to speak has spoken.
- 40.12 Each member will have a limit of five minutes to speak on a motion and will be given the option of an additional five minutes after every member has been allowed to speak. An additional five minutes will only be provided to members through the passing of a two-thirds vote.
- 40.13 The Chair may ask questions, or comment in a general manner without leaving their position. If the Chair wishes to make a motion, or speak to a motion taking a definite position then they must first leave the Chair position by calling on the Vice-Chair to fill their place until their comments are finished.

41. Motions

- 41.1 In Council, the following motions may be introduced verbally, without notice and without leave, except as otherwise provided by this by-law:

- a) a point of order or privilege;
- b) to suspend the rules of procedure;
- c) to postpone definitely (deferral motion with a specified date/meeting);
- d) to refer;
- e) to amend;
- f) to postpone indefinitely (deferral motion without specifying a date/meeting);
- g) to close debate;
- h) to adjourn;
- i) any other procedural motion.

- 41.2 All motions in Council must be in writing and signed by the mover and seconder. Motions in Standing Committee will be recorded by the Clerk and do not need a seconder.
- 41.3 The mover and seconder may withdraw a motion or a notice of motion at any time prior to it being opened for discussion by the Chair. If withdrawn prior to discussion, the motion is not included in the minutes of the meeting.
- 41.4 After a motion has been opened for discussion by the Chair, it will be deemed to be in the possession of Council, but may be withdrawn by the originator at any time before a decision or amendment, provided Council does not object.
- 41.5 When a motion is under consideration, no new main motion will be accepted. Non-main motions are acceptable including procedural motions, and motions to refer, defer, and amend.
- 41.6 After a motion has been put to vote by the Chair, no member may speak to the motion nor will any other motion be made until after the vote is taken and the result has been declared.
- 41.7 A motion regarding a matter that is beyond the jurisdiction of Council will not be in order except a matter that, in the opinion of the majority of Council, has to do with the welfare of the citizens generally. The question of the opinion is to be decided without debate.
- 41.8 Schedule A of this by-law describes the form and standard descriptive characteristics of motions commonly used in Committee and Council.

42. Voting

- 42.1 Voting will be conducted in the following order:
- a) amendment to any amending motion;
 - b) upon determination of a) above, any subsequent amendment to the amending motion;
 - c) the amending motion;
 - d) the main motion (as amended or as originally presented).

- 42.2 When the motion under consideration contains distinct recommendations, a member may request that the vote be taken separately on each recommendation and no vote will be required to be taken on the matter as a whole.
- 42.3 When a vote is called by the Chair, each member, unless they have declared a pecuniary interest, will vote by a clear show of hands. The Chair will first ask those in favour to raise their hands, followed by those opposed and will then declare the result of the vote. A vote will never be taken by secret vote, or ballot.
- 42.4 Every member present at a meeting will vote on every motion, unless prohibited by legislation. Failure to vote for any reason will be deemed to be a negative vote.
- 42.5 Except as provided elsewhere in this by-law, a motion will be considered carried when a majority of the members present and voting have voted in favour of the motion. When there is a tie vote the motion is lost.
- 42.6 In a Council meeting, a recorded vote will be taken on all motions that move the business of the organization, where electronic voting is available.
- 42.7 During a recorded vote, the Chair will call the vote in accordance with section 42.3, while also asking members to vote electronically.
- 42.8 When electronic voting is not available, a recorded vote will be taken only upon the request by a member immediately before or after a vote is taken.

43. Reconsideration

- 43.1 Any proposal to reconsider, amend or rescind a previous decision of Council made within its current term shall require a motion of reconsideration.
- 43.2 A motion to reconsider a previous decision of Council made earlier in a meeting:
- a) may be presented at any time prior to the meeting's adjournment by any member who voted in the majority when the decision was made;
 - b) may not be applied to a decision to postpone indefinitely; and
 - c) requires an affirmative vote of the majority of the members present.
- 43.3 A motion to reconsider a previous decision of Council at a subsequent meeting:
- a) may only be introduced by a member who was present at the meeting and voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
 - b) will be introduced as a notice of motion in accordance with section 34 for consideration; and
 - c) requires an affirmative vote of two-thirds of the members present.
- 43.4 The mover of a motion to reconsider will specify whether the reconsideration will address the entire original decision of Council or part of the original decision.

- 43.5 Debate on a motion for reconsideration will be confined to reasons for or against reconsideration.
- 43.6 Discussion of the previous decision will not be in order until the motion to reconsider has been adopted.
- 43.7 Where the motion to reconsider is approved, reconsideration will become the next order of business unless the motion to reconsider included direction to postpone reconsideration to a definitive date.
- 43.8 A decision of Council can only be reconsidered once during a term of Council. A motion to reconsider a previous reconsideration will never be in order.
- 44. By-laws 64-2016, 21-2017 and 15-2018 are hereby repealed; and
- 45. Schedules A and B as affixed hereto form part of this by-law; and
- 46. This by-law will come into full force and take effect on the final day of passing thereof.

Enacted and passed this day of , 2019.

Mayor Marianne Meed Ward _____

Clerk Angela Morgan _____

SCHEDULE A - COMMON MOTIONS

1. Motion to Adjourn

1.1 A Motion to adjourn:

- a) is always in order except as provided by this by-law;
- b) is not debatable;
- c) is not amendable;
- d) is not in order when a member is speaking or during the verification of the vote.
- e) is not in order immediately following the affirmative resolution of a motion to close debate; and
- f) when resulting in the negative, cannot be made again until after some proceedings have been completed by Council.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of Council to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of Council to continue at such time.

2. Point Of Privilege

2.1 A member may at any time raise a point of privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals or the entire Council, or the ability of an individual to participate.

2.2 A point of privilege will take precedence over any other matter and a member will not be permitted to enter into any debate or introduce any motion not related to the point of privilege.

2.3 The Chair will decide upon the point of privilege and advise the members of the decision.

2.4 The Chair's decision is final unless a member immediately appeals the decision.

2.5 If the decision of the Chair is appealed, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

3. Motion to Close Debate (Previous Question)

3.1 A motion to close debate:

- a) is not debatable;
- b) is not amendable;

- c) cannot be moved with respect to the main motion when there is an amendment under consideration;
- d) should be moved by a member who has not already debated the question.
- e) requires a two-thirds majority vote of members present for passage; and
- f) when resolved in the affirmative, the question is to be put forward without debate or amendment.

4. Motion to Postpone Definitely (Motion to Defer)

4.1 A motion to postpone definitely:

- a) will state a fixed time, or date;
- b) is debatable, but only as to whether the matter should be postponed and to what time;
- c) is amendable as to time and/or date;
- d) requires a majority vote of members present to pass; and
- e) will have precedence over the motions to refer, to amend, and to postpone indefinitely.

5. Motion to Refer (To Committee or Staff)

5.1 A motion to refer:

- a) will state the committee, or staff member where the motion is to be referred to;
- b) is debatable;
- c) is amendable; and
- d) will take precedence over all amendments of the main question and any motion to postpone indefinitely.

6. Motion to Amend

6.1 A motion to amend:

- a) is debatable;
- b) is amendable;
- c) will be relevant and not contrary to the principle of the motion under consideration; and
- d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.

6.2 Only one motion to amend an amendment to the original motion will be allowed at one time. Further amendments will be considered after a vote on the amendment to the proposed amendment.

7. Motion to Postpone Indefinitely

7.1 A motion to postpone indefinitely:

- a) stops a motion and avoids a direct vote on the question;
- b) is debatable;

- c) is not amendable; and
- d) requires a majority vote.

8. Point of Order

- 8.1 A member may raise a point of order when they consider a matter to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 8.2 A member will raise the point of order by requesting the floor, and after being granted the floor by the Chair, they will state the point of order to the Chair. The Chair will make a timely decision on the point of order. Thereafter, the member will only address the Chair for the purpose of appealing the decision to Council.
- 8.3 If the member does not appeal, the decision of the Chair will be final. If the member appeals, the Chair will immediately call a vote on the decision. The vote will occur without debate and the results will be final, based on a two-thirds vote.

9. Motion to Suspend the Rules (Waive the Rules)

- 9.1 A motion to suspend the rules:
 - a) is not debatable;
 - b) is not amendable;
 - c) requires a two-thirds majority vote to carry; and
 - d) takes precedence over any motion if it is for a purpose connected with that motion.

SCHEDULE B

CODE OF GOOD GOVERNANCE

PREAMBLE

The Council of the City of Burlington is committed to achieving excellence in governance, and doing so in a way that maintains and ensures public trust and confidence in the City's decision making. The elements of this Code that are subject to a formal complaint are intended to act as a Code of Conduct as required under the Municipal Act.

PURPOSE

The City of Burlington's Council Code of Good Governance serves four main purposes:

- To set out, in a manner that is aspirational and proactive, clear expectations of the governance behaviour of members of Council;
- To provide clarity to the public as to the behaviour they can expect from members of Council, and the governance responsibilities that go beyond those in the Municipal Act;
- To provide guidance to members of Council in the conduct of their duties as elected officials; and
- To provide a mechanism for responding to alleged breaches of elements of the Code.

APPLICATION

This Code applies to all members of the Council of the City of Burlington. It is the responsibility of all members to be aware of and comply with the Code.

ASPIRATIONAL COMMITMENTS (NOT SUBJECT TO A COMPLAINT)

1. We will put the interests of the City above our own personal interests when conducting City business.
2. We acknowledge that working collaboratively will provide better governance decisions.
3. We will exercise strategic leadership by developing and clearly communicating to the public the Council's purpose and priorities, and its intended outcomes.
4. We will ensure alignment of our key policies, budgets, and other policy instruments with our strategic goals, and hold ourselves, and staff accountable for the efficient and effective delivery of those goals.

5. Because our decisions often have generational impacts, we will strive to take the long view, and in doing so sincerely consider the interests of those who will be immediately impacted, and those who will be impacted in the future.
6. We will, with our Audit Committee, identify risks to the corporation and ensure that Council and staff are effectively managing those risks.
7. We will strive to ensure expansive transparency and robust accountability.
8. We will exemplify the responsibilities and role articulated for members of Council in the Municipal Act.

CONDUCT COMMITMENTS (SUBJECT TO A FORMAL COMPLAINT)

9. We will not use city resources to advance our personal interests, we will adhere to the Council Expense Manual, and we will be particularly cautious about using city resources during an election, and will act in compliance with the City's policies respecting elections.
10. We will treat each other, the public, and staff with courtesy and respect. In particular, we will act in a manner that ensures the Council Chamber is a respectful workplace.
11. We will communicate information to the public in ways that are accurate, timely, and in the interest of the corporation. We will respect that the Mayor, as head of council, is the primary spokesperson for Council.
12. We will respect the role of a ward councillor to play a leadership role on issues specific to their ward, and if we engage in issues in other wards we will exercise the courtesy of informing the ward councillor of our engagement.
13. We will take full responsibility for and curate any social media and Internet presence that the City and/or individual members of Council are responsible for in a way that reflects a high level of courtesy and respect. We will ensure that commenters are respectful, and do not impugn the motives, integrity, or competence of our Council colleagues, other members of the public, or staff. We will take reasonable efforts to address false or misleading information posted to our social media feeds.
14. We will hold in strict confidence all information concerning matters dealt with in Closed Council meetings, matters subject to solicitor client privilege, personal information, or information that is otherwise determined to be confidential.
15. We will avoid any actual or perceived conflict of interests. We, and our family members, will avoid accepting gifts, and where accepting a gift is an integral part of our duties as a member of council, we will report those valued at more than \$25 accepted, to the City Clerk who will annually report them to the public. We will adhere to the Corporate Policy on Gifts and Hospitality.

16. We will avoid directly or indirectly managing or controlling any monies received relating to a charitable, not for profit, or community-based organization's fundraising in our capacity as a member of Council. We will avoid soliciting or accepting benefits or hospitality in any form from an individual, group or corporation who might require a decision or consideration by the City. We will keep a record of all donors to events we organize, and the value of their donation, and file it with the City Clerk.
17. We will respect the relative roles of Council to govern, and staff to manage. We will not direct staff, attempt to influence their professional advice to Council, and will not make public comments that impugn their performance. We will actively create and sustain an environment where staff are comfortable providing their professional advice to Council, even when it may be difficult or controversial. We will take extra efforts to avoid engaging in purchasing decisions, litigation and insurance matters, by-law enforcement, prosecutions, and human resources matters (except those involving the City Manager), unless acting collectively with other members of Council in consideration of business brought forward for direction or decision.
18. We will foster respect for the democratic decision-making process. We will accurately communicate decisions of Council, even if we disagree with Council's decision. When we disagree with a Council decision we will do so in a way that avoids impugning the motives, integrity or competence of our Council colleagues, staff, or the institution generally.
19. We will hold ourselves individually accountable to these principles, and collectively accountable in a way that is respectful and constructive, and will use the complaint mechanism as a course of last resort



January 20, 2020

** via email & regular mail**

City of Burlington
c/o Jo-Anne Rudy, Committee Clerk
Community Planning, Regulation
& Mobility Committee
426 Brant Street, P.O. Box 5013
Burlington, ON
L7R 3Z6

Attention: Committee Chair and Members

**Re: City of Burlington Interim Control By-Law Land Use Study &
Proposed Official Plan & Zoning By-law Amendments (Staff Report PL-01-20)**

Dear Chair Stolte & Committee Members:

Please find set out below Metrolinx's comments on the materials presented on January 14, 2020 for the Interim Control By-Law (ICBL) Land Use Study and the related proposed Official Plan (OP) and Zoning By-law (ZB) Amendments being considered by Council on January 30, 2020.

Metrolinx's interest is related to the proposed OPA and ZBA on the lands at and surrounding Burlington GO Station within 800m of the station and within 30m of the rail corridor. Burlington GO Station is served with regional rail service, which will be increased to headways of 15-minutes or better under the GO Expansion program by 2027. To capitalize on provincial investment in regional transit and to realize the intended benefits, Metrolinx is undertaking transit oriented development at and adjacent its stations to increase ridership, improve the customer experience and to offer more choices in modes of travel. Transit oriented development is, at its essence, mixed-used high density development well integrated with transit and all other modes. These objectives are consistent with the policies of the Growth Plan (2019), and 2041 Regional Transportation Plan.

With regard to the proposed Burlington Official Plan and Zoning By-Law Amendments arising from the ICBL Land Use Study, Metrolinx requests the City:

- retain existing land use permissions and not approve the Official Plan and Zoning By-law Amendments for the study area at this time;
- undertake additional analysis to demonstrate that the proposed land use and height permissions, at a minimum, support the Growth Plan density target of 150 people and jobs per hectare for the Burlington GO Major Transit Station Area (MTSA);
- consider greater densities within the MTSA, in order to incentivize transit oriented development and support the massive investment in regional transit currently underway as part of the GO Expansion program; and

- further engage affected stakeholders and landowners, including Metrolinx, in determining the proposed land use framework for the ICBL study area, prior to presenting a revised proposal for City Council's consideration.

More detailed comments on the ICBL Land Use Study and proposed OPA and ZBA are below.

Scope

Metrolinx's comments on the ICBL Land Use Study and proposed OPA and ZBA are focused on our lands located at 2101 Fairview Street and 2120-2144 Queensway Drive, and those lands adjacent to and/or within 30 m of the active rail corridor where Metrolinx has an interest to ensure safety, operational, and policy compliance. Comments have also been provided on proposed policies that may impact how future and current GO customers access and use Burlington GO Station.

Comments

Land Use

- Metrolinx supports the conclusion in the ICBL Study that the highest and densest buildings be located closest to the GO station. The study however, effectively down-zones lands in the MTSA at a time when the Province is promoting transit oriented development that can leverage the benefits of the significant capital and operating investment in regional transit. This is of great concern to Metrolinx.
- Analysis should be provided by the City to demonstrate that the proposed height and land use permissions, at a minimum, allow for achieving the Growth Plan minimum density target of 150 people and jobs per hectare within 500 to 800 metres the Burlington GO station, which is a designated MTSA. Metrolinx understands that the exact boundary of the MTSA will be determined through Halton Region's Municipal Comprehensive Review (MCR) and that an interim boundary may be required for the City's analysis. The boundary used previously in the Burlington GO Mobility Hub Study should be considered until the limits of the MTSA are confirmed by the Region.
- Metrolinx encourages the City to consider permitting densities above the minimum established in the Growth Plan, taking into consideration:
 - the surrounding community context, including the existing land uses and block structure which provide any opportunity to transition between tall buildings on underutilized sites at the core of the MTSA, to lower density residential neighbourhoods;
 - the frequent rail service being provided to Burlington GO Station; and
 - the Provincial interest in incentivizing transit oriented development to support the massive investment in regional transit currently underway as part of the GO Expansion program.
- In addition, and with regard to the specific permissions proposed in the OPAs, we note the following:
 - Recommendations in Section 14.2 of the Dillon Land Use Study and in Part III, Section 7.2.3 of the proposed OPAs in Special Planning Area "A" significantly constrain feasible development on Metrolinx lands. When combining proposed public space allocations, maximum building floor plates, mid-block public right-of-way, and

associated setbacks with existing rail corridor safety standards and setbacks, it becomes difficult to implement transit supportive development. A more fulsome investigation and analysis of the net result of these recommendations, coupled with rail safety standards needs to be undertaken.

- We note that the draft outputs of the on-hold Mobility Hub Study did not restrict development to 24 storeys and that the Mobility Hub Study conclusion was reached through extensive consultation with Metrolinx staff, other landowners, agencies, and the public. Until further consultation and analysis is completed, the existing height permissions should be retained.

Connectivity and Circulation

- Metrolinx supports conclusions in Section 6.2.1 of the Dillon Land Use Study relating to improved mobility and connectivity to Burlington GO Station and between the station and Downtown. Through the 2016 GO Rail Station Access Plan Metrolinx has identified several complementary recommendations that would integrate well with the ones proposed in the Study. It is encouraging to see that sustainable and active travel modes are being prioritized to move people within Burlington and to the station.
- Metrolinx also supports recommendations in Section 6.2.2 of the Dillon Land Use Study that support improvements to the local transit network and its operations; particularly the implementation of bus priority along Brant Street as this is also identified in the *2041 Regional Transportation Plan*.
- Map 4 (Schedule M-1 MTSA Special Planning Area) from the proposed OPAs and Diagram 5A from the proposed ZBAs note a new mid-block, public right-of-way running east-west between Fairview Street and the rail corridor. Metrolinx does not support this road bisecting the existing bus loop at the Burlington GO Station. If this proposed road were to be implemented, significant impacts to bus operations could be expected and bays, which are already at a premium, would be reduced. This concern was previously shared with City staff from the Integrated Mobility Team so it is concerning to see the road included in the proposed amendments.

Process

- In Appendix A, the overview and timeline details activities between 2006 and 2022. The anticipated future schedule of the Burlington GO Mobility Hub Study is requested to be included as it is understood the forthcoming Secondary Plan for the Burlington GO Station area would replace the ICBL recommendations.
- Metrolinx requests to be included in the Technical Advisory Committee and Landowners' Group when the Burlington GO Mobility Hub Study (as well as Aldershot and Appleby GO) resumes.
- Metrolinx also requests further consultation on the delineation of the Burlington GO MTSA boundary and identification of height permissions and density targets through City of Burlington secondary planning and Region of Halton Municipal Comprehensive Review process.

Thank you for this opportunity to comment on the Interim Control By-Law Land Use Study and the related proposed Official Plan and Zoning By-Law Amendments. We look forward to working closely with the City to revisit the findings of the ICBL Land Use Study and the related proposed land use permissions for the study area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mathieu Goetzke', written over a vertical line.

Mathieu Goetzke
Chief Planning Officer (A)
Metrolinx

January 21, 2020

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

via E-mail

File 20508.00001

City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Attn: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

RE: Submissions on the Proposed OPA 119 and Related Zoning By-law and Taking a Closer Look at the Downtown: Preliminary Preferred Concept

We are solicitors for Arya Properties Ltd. (the “Client”), owners of property located at 1381 Lakeshore Road, in the City of Burlington (the “Site”). Under the current in force Official Plan, the Site is designated Downtown Residential - Medium and/or High Density Precincts.

We have reviewed both the City of Burlington’s ICBL Land Use Study and proposed Official Plan and Zoning By-law Amendments as well as the Taking a Closer Look at the Downtown Report (“SCL Report”), and have a number of concerns with respect to how the proposed OPA and ZBA flowing from the ICBS will impact the Site, as well as how the Preferred Concept in the SGL Report is proposed to impact the Site. Below are a number of identified concerns as they relate to the Site, however, this is not intended to be an exhaustive list of concerns.

Proposed OPA 119 and Zoning By-law

We have an overall concern with the manner in which the City is seeking to reduce densities in the Urban Growth Centre by de-emphasizing the Downtown Bus Terminal. It is our submission that in accordance with the Province’s RTP 2041, the Region’s DMTR Study and the Growth Plan which recognizes the Downtown, including the Bus Station as being within the Urban Growth Centre, it is submitted that proposed OPA 119 must be revised to include policy directives for transit improvements along Brant Street to facilitate a link and enhance connectivity between the Downtown MTSA and the Burlington GO Station MTSA. This will have the positive effect of contributing to a broad public interest to achieve long term sustainability for Burlington’s Downtown for future generations. It will also enhance the role of downtown

Burlington as the City's Urban Growth Centre. More specific concerns with OPA 119 and the proposed zoning by-law include, but are not limited to:

- The proposed OPA identifies a revised Downtown Urban Growth Centre Boundary. It is unclear how the determination was made as to the limits of the "new" Urban Growth Centre boundary and the rationale for such an amendment.
- Proposed Policy 3.11.2 e)- we submit that the policy reference to the guidelines is not appropriate as guidelines can be changed at any time without consultation. This policy attempts to enshrine the guidelines into policy, which is inappropriate. Guidelines are designed to provide guidance and which development proposals shall have regard for. If this policy is to remain, it should require that development applications have regard for the guidelines given the manner in which they are approved.
- Policy 7.2.1(b)- we submit that this policy is contrary to the Growth Plan in that it seeks to reduce density targets within the Urban Growth Centre.
- Policy 7.2.2(c)- Based on our review, this proposed policy is creating a density target based on a dated 2012 provincial guideline. Again, the intent appears to be the de-emphasis of the importance of the Downtown Bus Depot for the purpose of reducing densities within the Urban Growth Centre.
- Proposed Policy 7.2.2 j)- we submit that this policy goes beyond the City's authority to require parkland and community benefits, under the provisions of the Planning Act.
- Policy 7.2.2p)- we submit that this policy states that development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. It continues and clarifies that the "concept of optimization shall be applied to development patterns over the entirety of the MTSAs, not on a site specific property basis", and doesn't conform to the 2019 Growth Plan.
- Policy 7.2.2 q)- provides development criteria for evaluating development applications within the MTSA Special Planning Area (Downtown & Burlington GO MTSAs). Based on our review of this subset of policies, we have significant concerns with the following:

- Item iii) which requires that development be consistent with the vision and intent of the MTSA typology established in Section 7.0, which de-emphasizes the Downtown Bus Depot and applies a lower density target based on a dated provincial guideline;
 - Item iv) which applies a test of consistency for the Urban Design Guidelines;
 - Item vii) which is entirely ambiguous and impossible to measure
- Policy 7.2.2r)- In our opinion, there is an existing policy framework in the existing OP for affordable housing and it is not clear in what is meant by “affordable housing elements” in this proposed Policy. Furthermore, the proposed Policy should, at minimum, define what a major comprehensive development is to which this Policy would be applied.
 - Policy 7.2.4- provides policies for the Downtown MTSA and Policy 7.2.4.2 a) states that the City shall undertake a major planning study to ensure that the Downtown MTSA is planned to implement mixed use transit-supportive development over the long term, while ensuring compatibility with the surrounding area is achieved. It is unclear what a major planning study entails and how that fits with the Interim Control By-law Study process.

The SGL Report

Under the SGL Report, it appears, although it is uncertain given the scale of the mapping, the lack of clarity in the text and the lack of consultation with the Client, that the Site is proposed to be down designated to Low Rise Neighbourhood Precincts-St Luke’s/Emerald. Such a down designation may materially impact the ability to redevelop the Site for the purpose it was purchased.

It is submitted that such a down designation, if that is indeed what is proposed for the Site, has not been justified in the work undertaken by SGL Planning. Further, it is submitted that such a proposed down designation of lands within Burlington’s Urban Growth Centre is entirely contrary to the Provincial Policy Statement and the Growth Plan, and decisions from the Local Planning Appeal Tribunal that have previously dealt with this very issue within Burlington’s Urban Growth Centre.

Moreover, if it is only the properties to the east of the Site, between the Site and Burlington Avenue that are proposed for the down designation, we are similarly concerned that such a down designation for those properties will impact our ability to develop the Site as a result of issues of adjacency and policies pertaining to transitioning to low rise neighbourhoods.

As always, we would welcome the opportunity to dialogue with staff in connection with the aforementioned matters. As such, please do not hesitate to contact the undersigned should you have any concerns.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc Client

Heather MacDonald, Executive Director of Community Planning, Regulation & Mobility, City of Burlington

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