



Regular Meeting of Council

Minutes

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

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

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

1. Call to Order:

2. National Anthem:

3. Regrets:

None

4. Proclamations:

4.1 National Flag of Canada Day - January 15, 2020

4.2 International Day of Zero Tolerance for Female Genital Mutilation - February 6, 2020

4.3 Rare Disease Awareness Day - February 29, 2020

4.4 Special Olympics Week in Burlington - February 24-March 1, 2020

4.5 Heritage Month - February 2020

5. Motion to Approve Council Minutes:

Moved by: Councillor Kearns

Seconded by: Councillor Bentivegna

Confirm the minutes of the following meeting of Council:

5.1 Regular meeting of Council December 16, 2019

6. Recognitions and Achievements:

6.1 Mayor Meed Ward gave recognition to Gordon Schottlander, with a Key to the City for being a dedicated citizen of the City of Burlington.

7. Presentations:

None

8. Declarations of Interest:

None

9. Delegations:

9.1 Alan Hogan spoke regarding Public Tree Removal - 2123 Kevin Cres. (RPF-03-20)

9.2 Thomas Wright spoke regarding City-wide private tree by-law implementation update (RPF-05-20)

9.3 Anne and Dave Marsden spoke regarding City-wide private tree by-law implementation update (RPF-05-20) and Procedure by-law update (CL-01-20)

9.4 Albert Faccenda spoke regarding City-wide private tree by-law implementation update (RPF-05-20)

9.5 Amy Schnurr spoke regarding City-Wide private tree by-law implementation update (RPF-05-20)

10. Recommendations from Standing Committees:

10.1 Environment, Infrastructure & Community Services Committee meeting of January 13, 2020

- 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)

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.

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

CARRIED (7 to 0)

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

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.

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

CARRIED (7 to 0)

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

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

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

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

CARRIED (5 to 2)

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

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.

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

CARRIED (7 to 0)

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

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.

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

CARRIED (7 to 0)

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

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

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

CARRIED (7 to 0)

10.2 Community Planning, Regulation & Mobility Committee meeting of January 16, 2020

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

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).

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

CARRIED (7 to 0)

10.3 Corporate Services, Strategy, Risk & Accountability Committee meeting of January 16, 2020

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

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.

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

CARRIED (7 to 0)

b. Structure for twinning relationships (CL-02-20)

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

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

CARRIED (7 to 0)

c. Procedure By-law update (CL-01-20)

Moved by: Councillor Kearns

Seconded by: Councillor Stolte

Amend procedure by-law update (CL-01-20) with the following:

Replace the entire paragraph in section 4.2 from the procedure by-law update with the following:

“The rotation of the Deputy Mayor will be on a quarterly basis, determined by the mayor in consultation with council prior to the start of each calendar year, subject to the provisions of section 4.1 and availability”; and

Add a clause into Section 39 that reads as follows:

“At the discretion of the Mayor/Chair, City Manager or City Clerk, written delegation material may be requested in advance of the meeting prior to confirming registration as a delegation. Upon review of that material by the Mayor/Chair, City Manager or City Clerk, if it is deemed not applicable to the business of Council or Standing Committee, the delegation will not be registered to speak at the meeting”

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

CARRIED (7 to 0)

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.; and
- **Replace the entire paragraph in section 4.2 from the procedure by-law update with the following:**
“The rotation of the Deputy Mayor will be on a quarterly basis, determined by the mayor in consultation with council prior to the start of each calendar year, subject to the provisions of section 4.1 and availability”; and
- **Add a clause into Section 39 that reads as follows:**
“At the discretion of the Mayor/Chair, City Manager or City

Clerk, written delegation material may be requested in advance of the meeting prior to confirming registration as a delegation. Upon review of that material by the Mayor/Chair, City Manager or City Clerk, if it is deemed not applicable to the business of Council or Standing Committee, the delegation will not be registered to speak at the meeting”

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

CARRIED (7 to 0)

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

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.

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

CARRIED (7 to 0)

Moved by: Councillor Bentivegna

Seconded by: Councillor Stolte

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

IN FAVOUR: (2): Councillor Stolte, and Councillor Bentivegna

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

LOST (2 to 5)

11. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Kearns

Seconded by: Councillor Bentivegna

Approve the following minutes:

CARRIED

- 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 meeting minutes of January 16, 2020

12. Reports of Municipal Officers:

None

13. Notices of Motion:

None

14. Motions:

None

15. Motion to Receive and File Council Information Packages:

Moved by: Councillor Bentivegna

Seconded by: Councillor Kearns

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

CARRIED

- 15.1 Council Information Package January 16, 2020

16. Motion to Receive and File Information Items:

Moved by: Councillor Bentivegna

Seconded by: Councillor Kearns

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

CARRIED

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

- 16.2 Correspondence from Metrolinx regarding taking a closer look at the downtown: preliminary preferred concept (PL-02-20)
- 16.3 Correspondence from Denise Baker, representing WeirFoulds LLP, regarding taking a closer look at the downtown: preliminary preferred concept (PL-02-20)
- 16.4 Correspondence from Jane McKenna MPP, Burlington regarding Taking a Closer Look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 16.5 Delegation materials from Anne and Dave Marsden regarding Procedure by-law update (CL-01-20)
- 16.6 Correspondence from David Bronskill representing Goodmans LLP regarding Taking a closer look at the Downtown: Preliminary Preferred Concept (PL-02-20)
- 16.7 Correspondence from Kevin Rutherford 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)

17. Motion to Consider Confidential Items:

None

18. Motion to Approve By-Laws:

Moved by: Councillor Stolte

Seconded by: Councillor Nisan

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

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

CARRIED (7 to 0)

- 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:

Moved by: Councillor Sharman

Seconded by: Councillor Stolte

Enact and pass By-law Number 05-2020, being a by-law to confirm the proceedings of Council at its meeting held January 27, 2020, being read a first, second and third time.

CARRIED

20. Statements by Members:

21. Motion to Adjourn:

Moved by: Councillor Sharman

Seconded by: Councillor Nisan

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

9:24 pm

CARRIED

Angela Morgan

City Clerk

Marianne Meed Ward

Mayor