



Regular Meeting of Council
Agenda

Date: July 13, 2020
Time: 1:00 pm
Location: Council Chambers - members participating remotely

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1 National Injury Prevention Day - July 6, 2020
 - 4.2 Terry Fox Day - September 20, 2020

5. **Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

 - 5.1 Regular meeting of Council June, 22, 2020
 - 5.2 Special meeting of Council July 9, 2020

6. **Recognitions and Achievements:**
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 9:00 am on the day of the meeting. To register, complete the online application at www.burlington.ca/delegation, email cityclerks@burlington.ca or phone 905-335-7600 ext. 7805.

10. Recommendations from Standing Committees:

10.1 Environment, Infrastructure & Community Services Committee meeting of July 6, 2020

1 - 5

- a. Assumption of Marble Creek Subdivision (Registered Plan 20M-1149) (CW-09-20)

Assume the Marble Creek Subdivision, registered as Plan 20M-1149, File 510-01/08-1; and

Accept all works and services under the jurisdiction of the city within the subdivision to become the property of the City of Burlington; and

Direct the City Clerk to notify the Region of Halton of this assumption; and

Release Subdivision Agreement Instrument Number HR1210672 from title save and except for the following conditions:

- Condition 27 a) to g) inclusive, affecting all lots and blocks; and

Authorize the City Solicitor to prepare any necessary documents and authorize the Mayor and City Clerk to sign them; and

Direct the City Clerk to present the necessary by-law to Council to accept all works and services of the said plan of subdivision and assume the following streets as public highways:

STREET PARCEL PIN NUMBER

Marble Gate 20M-114907202-3865

Pottery Drive 20M-114907202-3866

Ray Lane 20M-114907202-3867; and

Authorize the City Solicitor or designate, to amend the parcel designation in the by-law, if necessary, upon registration of the by-law.

- b. Options for a Residential Deep Energy Retrofit Program (EICS-07-20)

Receive and file environment, infrastructure and community

services report EICS-07-20 regarding an update on options for a residential deep energy retrofit program; and

Direct the Executive Director of Environment, Infrastructure and Community Services to continue to work with partners, stakeholders and municipalities listed in environment, infrastructure and community services report EICS-07-20 and report back before the end of 2020 with final recommendations, including resources and actions required to implement a deep energy efficiency retrofit program for homes in Burlington; and

Direct the Executive Director of Environment, Infrastructure and Community Services to report back in September 2020 on the initial implementation of the Deep Energy Retrofit Program including but not limited to a scale-able home owner pilot project, research on resident take up and commitment, homeowner technical support to energy retrofit including the involvement of Burlington Enterprises Corp, and that staff report back with any financial implications of the pilot project. (SD-11-20)

- c. Corporate energy and emissions management plan progress report (EICS-06-20)

Receive and file environment, infrastructure and community services report EICS-06-20 regarding the corporate energy and emissions annual update and submit relevant content/data in Appendix A to the Ontario Ministry of Energy and publish on Burlington's website in order to encourage energy awareness, conservation and meet the reporting requirements under Ontario Regulation 507/18.

- d. Proposed pilot project with Conservation Halton for Lowville Park (MO-06-20)

Direct the Executive Director of Environment, Infrastructure and Community Services to work with the Chief Administrative Officer and staff of Conservation Halton to develop and implement a pilot project for Lowville Park encompassing the application of Conservation Halton's new online park access registration system effective end of July or sooner, and;

Direct the Executive Director of Environment, Infrastructure and Community Services to report back for the July 13 City Council meeting on the following items:

- City capital and operating costs - short term to implement 2020 pilot project
- Proposed Lowville Park policy recommendations related to park access and usage
- Proposed terms of a partnership arrangement with Conservation Halton to the satisfaction of the Executive Director of Legal Services, and;

Authorize the Mayor and Clerk to sign any related agreements or other related documents with Conservation Halton or their contractors/service providers to proceed with the pilot project upon the council vote July 13, subject to the satisfaction of the Executive Director of Legal Services; and Direct the Executive Director of Environment, Infrastructure and Community Services to report back on results of the Lowville Park pilot in October 2020, including any estimated long-term capital and operating costs for consideration by Council in the proposed 2021 Budget.

10.2 Community Planning, Regulation & Mobility Committee meeting of July 7, 2020

6 - 11

- a. Information report for official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)

Receive and file community planning department report PL-26-20 regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road.

- b. Undelegation of site plan approval (CPRM-03-20)

Undelegate the site plan approval for application 535-001/20 (2020, 2243, 2269 Fairview Street and 864 Drury Lane - CLV Group Inc) from the Director of Community Planning to Council.

- c. Noise by-laws in connection with construction (CPRM-04-20)

Whereas the Province of Ontario declared a State of Emergency by Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act (the “Act”); and

Whereas the temporary closure of places of non-essential business was declared to help protect the health and safety of people in response to the declared emergency; and

Whereas on March 24, 2020 Ontario Regulation 82/20, Order Under Subsection 7.0.2 (4) – Closure of Places of non-essential Businesses, Schedule 2 ‘Essential Services’ included Construction, Item 28: Construction work and services, including demolition services, in the industrial, commercial, institutional and residential sectors; and

Whereas when the Emergency Order (O.Reg. 82/20) was amended on May 1, 2020, effective May 4, the list of essential businesses was expanded to include additional construction projects and activities, including construction of schools and municipal projects and construction to prepare a site for an institutional, commercial, industrial or residential development; and

Whereas the Province of Ontario entered Stage 1 of reopening on May 19, 2020 (Stage 1 framework); and

Whereas Stage 1 included all construction activities or projects and related services that support construction activities or projects, including demolition services resume; and

Whereas Ontario Regulation 131/20 made under the Municipal Act, 2001 Limitation under Section 451.1 of the Act – Noise By-laws in Connection with Construction provides that a municipality does not have power to prohibit and regulate with respect to noise made in connection with the following:

1. Construction projects and services in a municipality associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space, at any time of the day or night.
2. Any other construction activity in a municipality between the hours of 6 a.m. and 10 p.m.; and

Whereas Ontario Regulation 131/20 will be revoked 18 months (October 7, 2021) after the day the Regulation is filed (April 7, 2020). (See: O.Reg. 131/20, s.2); and

Whereas on June 19, 2020 Halton Region moved into Stage 2 of reopening permitting restaurants, bars and other food and drink establishments to open outdoor dining areas such as patios, curbside, parking lots and adjacent premises; and

Whereas a significant number of Burlington’s restaurants, bars

and other food and drink establishments and their patios are located in close proximity to several large construction projects; and

Whereas Burlington's Ward 2 Councillor and Customer Relationship Manager's records indicate over two dozen opinion/complaints filed in 2020 for construction noise within the Ward 2 boundaries while under the current Provincial emergency order; and

Whereas specific concerns have been raised from those residents in near proximity to construction project with extended hours for construction/construction equipment noise while sheltering in place during COVID-19. The concerns include: reported mental health impacts, negative physical impacts (including headaches), challenges in successfully working remotely, difficulty sleeping for individuals working shifts in health care and as first responders and the negative impacts on student ability to learn while homeschooling.

Now therefore be it resolved;

That the City of Burlington requests that Regulation 131/20 made under the Municipal Act, 2001, Limitation under Section 451.1 of the Act – Noise By-laws in Connection with Construction, be revoked immediately; and

That, failing the foregoing, the City of Burlington requests that Regulation 131/20 made under the Municipal Act, 2001, Limitation under Section 451.1 of the Act – Noise By-laws in Connection with Construction, be amended setting out the hours when construction is permitted as follows: Monday to Friday, 7 a.m. to 8 p.m., Saturdays, 7 a.m. to 7 p.m., with no construction on Sunday, and that Ontario Regulation 131/20 be revoked as soon as practicable and by no later than January 7, 2021; and

That a copy of this resolution be forwarded to the Minister of Municipal Affairs and Housing, Steve Clark, the Premier of Ontario, Doug Ford, MPPs Jane McKenna, Effie Triantafilopoulos and Parm Gill, Halton Region, AMO, LUMCO, Burlington Economic Recovery Network (BERN) and Team Burlington.

- a. Appointment of auditors for Burlington Enterprises Corporation (F-32-20)

Approve the appointment of the firm of KPMG as corporate auditors for the Burlington Enterprises group of companies for the five fiscal years 2020-2024.

- b. Mandatory mask bylaw (MO-07-20)

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization, the City of Burlington has declared a State of Emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

Whereas COVID-19 continues to be present within the City of Burlington and surrounding municipalities, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, multiple organ failure, kidney failure, liver failure, neurological complications, and may result in death; and

Whereas there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

Whereas the wearing of masks and face coverings may act as an ongoing visual clue and reminder that public health measures, including hand-washing and maintaining a safe physical distance from others, are still required, that the COVID-19 pandemic is ongoing and that a resurgence of local disease activity remains an ongoing threat; and

Whereas the Province of Ontario has enacted O. Reg.263/20 (Stage 2 Closures) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

Whereas physical distancing can be difficult to maintain in enclosed, indoor spaces open to the public; and

Whereas the City of Burlington wants to be prepared for the eventual Stage 3 reopenings under the provincial Emergency Management and Civil Protection Act, and use every tool

available to protect residents from a resurgence of COVID-19;

Therefore, be it resolved that Burlington City Council enact a temporary bylaw requiring individuals, organizations or corporations that are responsible for the operation of a facility or business, which have indoor, enclosed spaces open to the public, to ensure no member of the public is permitted unless wearing a mask or face covering in a manner which covers their mouth, nose and chin, subject to the exemptions below, to help limit the spread of COVID-19; and

That the operator of such facilities or businesses that are open to the public, shall conspicuously post at all entrances to the facility or business clearly visible signage outlining the requirements and exemptions of this bylaw; and

That that members of the public attending facilities or businesses that are open to the public shall wear a mask or face covering in a manner which covers their mouth, nose and chin, subject to the exemptions below, and unless it is reasonably required to temporarily remove the covering to access services provided by the establishment, or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- a. The person is under three years of age.
- b. The person has an underlying medical condition or developmental disability which inhibits their ability to wear a mask or face covering, or other physical disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others.
- c. Wearing a face covering would inhibit the person's ability to breathe in any way.
- d. The person is unable to place or remove a mask or face covering without assistance.
- e. Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier.
- f. Staff identify any other such exemptions that may be advisable, including emotional well-being, mental health, summer camps and registered activities; and

That employees working with members of the public in an enclosed, indoor space must also wear a mask or face

covering, unless they are in an area not for public access, or they meet one of the exemptions; and

That employees or members of the public shall not be required to provide proof of any of the exemptions set out herein; and

That the bylaw apply to all City of Burlington indoor facilities open to the public such as community centres, city hall, libraries, art gallery, performing arts centre, and public transit; and

That the bylaw be in force for a temporary period of time, beginning July 20 and expiring September 30, 2020, unless extended or revoked by City Council; and

That the Executive Director of Legal Services & Corporation Counsel be directed to prepare the necessary bylaw for consideration by City Council on July 13, 2020; and

That the Director of Corporate Communications & Government Relations be directed to develop a communications campaign during the first month the bylaw comes into force and effect to assist residents and businesses to understand the bylaw and exemptions, assist with voluntary compliance, and where people can acquire masks; and

That council request that the Region of Halton present a mandatory mask bylaw for consideration by Regional Council at its meeting of July 15, 2020 to ensure consistency across the region; and

That council request the Province of Ontario to enact a mandatory mask order under the Emergency Management and Civil Protection Act for those regions that have entered Stage 2 reopening, and/or will enter Stage 3 reopening; and

That council request the Government of Canada to enact a mandatory mask policy; and

That this report be circulated to the Region of Halton, Towns of Halton Hills, Oakville and Milton, all Halton Members of Provincial Parliament, Members of Parliament, the Federation of Canadian Municipalities, and the Association of Municipalities of Ontario.

2. Direct the Chief Financial Officer to establish an initial grant of \$10,000 to provide non-medical masks free of charge for

community members funded from the city's COVID-19 account, and direct the City Manager's Office to report back to the August 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee on a plan for providing masks to in-need community members including the consideration of such additional options as:

- a. seeking a sponsor to fund or procure/provide masks that would be supplied free of charge to the public, with the sponsor and/or city logo displayed on the mask, and distributed by the city or through the sponsor;
- b. issuing a request for proposals to local businesses to provide a quote on the cost to supply the city with masks that can be distributed to the public, either by the city or by the business, then billed to the city;
- c. purchasing masks that can be distributed to members of the public, on a request basis, or made available at the entry to city facilities, once opened;
- d. providing grant funding to residents to purchase their own mask, subject to quantity and cost limitations, and an application process;
- e. other options as they may arise.

3. Direct the City Manager to report back to the August 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee on potential grant funding for businesses and commercial establishments to assist with the cost of signage and masks as mandated by this bylaw, retroactive to the effective in-force date of the bylaw, subject to appropriate criteria.

4. That City Council seek matching funding from Halton Region at 50% or more of total costs to implement assistance to residents and businesses, given the Region's role in health care delivery, social service delivery and business supports.

- c. Diversity and inclusivity update (HR-03-20)

Receive and file human resources department report HR-03-20 regarding a diversity and inclusivity update.

- d. Investigation report from Burlington Ombudsman MUN-472-0819 (CL-13-20)

Receive the investigation report from ADR Chambers,
Ombudsman for the City of Burlington.

- e. Confidential legal advice respecting a planning matter (L-18-20)

Authorize the Executive Director of Legal Services or her
designate to proceed in accordance with the instructions given
in confidential legal department report L-18-20.

11. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 11.1 Environment, Infrastructure & Community Services Committee meeting
minutes of July 6, 2020
- 11.2 Community Planning, Regulation and Mobility Committee meeting
minutes of July 7, 2020
- 11.3 Corporate Services, Strategy, Risk & Accountability Committee meeting
minutes of July 9, 2020

12. Reports of Municipal Officers:

- 12.1 Service Re-design Interim Modifications and Resumptions (CM-21-20) 22 - 31

Receive and file Appendix A of city manager's office report CM-21-20
providing interim service delivery modifications approved by the
Burlington Leadership Team, Emergency Control Group and/or service
leads for resumption of fare collection and revised bus schedule
effective September 1 in Transit Operations and Transit Bus Terminal
re-opening effective mid-August – both within Transit Services; and

Direct the Chief Financial Officer to track and monitor the financial
implications of the above service delivery program changes in the
ongoing COVID-19 financial impact reporting to Council.
- 12.2 Establishment of a lobbyist registry (CSSRA-06-20) 32 - 33

Direct the City Clerk to bring forward a staff report to implement a
Lobbyist Registry for the City of Burlington, in accordance with the
Municipal Act section 223.9.
- 12.3 Confidential COVID-19 emergency response verbal update (if required)
- 12.4 Confidential organizational update (verbal)

12.5 Confidential contingency report - May 31, 2020 (F-31-20)

Receive and file finance department report F-31-20 providing the status of the reserve for contingencies as at May 31, 2020.

12.6 Confidential update on a litigation matter (L-11-20)

Instruct the Executive Director of Legal Services or her designate to proceed in accordance with the instructions sought in confidential legal department report L-11-20.

12.7 Confidential litigation update February 1 to May 31, 2020 (L-15-20)

Direct the Executive Director of Legal Services or her designate to proceed in accordance with the instructions sought in matter 21 and that the balance of confidential legal department report L-15-20 be received and filed.

12.8 Confidential human resources matter (verbal)

13. Notices of Motion:

14. Motions:

15. Motion to Receive and File Council Information Packages:

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

15.1 Council Information Package June 25, 2020

15.2 Council Information Package July 3, 2020

16. Motion to Receive and File Information Items:

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

16.1 Memo from City Clerk regarding Mayor's report, mandatory mask by-law (MO-07-20)

Revised draft by-law attached as of July 11, 2020

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17. Motion to Approve By-Laws:

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

- 17.1 60-2020: A by-law to establish the defined parking area and to assess specified costs to certain land within the defined parking area and to repeal By-law 3-2007.
- 17.2 61-2020: A by-law to assume parcels of land in the City of Burlington as Public Highway.
- 17.3 62-2020: A by-law to impose regulations requiring the wearing of masks or other face coverings within enclosed spaces open to the public.

18. Motion to Confirm Proceedings of the Council Meeting:

Enact and pass By-law Number 63-2020, being a by-law to confirm the proceedings of Council at its meeting held Monday, July 9, 2020, being read a first, second and third time.

19. Verbal update on COVID-19 from City Manager Tim Commisso and Mayor Marianne Meed Ward.

20. Statements by Members:

21. Motion to Adjourn:

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



Environment, Infrastructure & Community Services Committee Meeting

Minutes

Date: July 6, 2020
Time: 9:30 am
Location: Council Chambers - members participating remotely

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

Staff Present: Tim Commisso, Mary Battaglia, Chris Glenn, Scott Hamilton, Allan Magi, Christine Swenor, David Thompson (Audio/Video Specialist), Suzanne Gillies (Clerk)

1. Declarations of Interest:

None.

2. Delegation(s):

- 2.1 Roman Talkowski, Halton Action for Climate Emergency Now (HACEN), spoke regarding options for a Residential Deep Energy Retrofit Program (EICS-07-20)
- 2.2 Hassaan Basit, Conservation Halton, spoke regarding proposed pilot project with Conservation Halton for Lowville Park (MO-06-20)

3. Consent Items:

- 3.1 Assumption of Marble Creek Subdivision (Registered Plan 20M-1149) (CW-09-20)

Moved by Councillor Kearns

Assume the Marble Creek Subdivision, registered as Plan 20M-1149, File 510-01/08-1; and

Accept all works and services under the jurisdiction of the city within the subdivision to become the property of the City of Burlington; and

Direct the City Clerk to notify the Region of Halton of this assumption; and
Release Subdivision Agreement Instrument Number HR1210672 from title
save and except for the following conditions:

- Condition 27 a) to g) inclusive, affecting all lots and blocks; and

Authorize the City Solicitor to prepare any necessary documents and
authorize the Mayor and City Clerk to sign them; and

Direct the City Clerk to present the necessary by-law to Council to accept
all works and services of the said plan of subdivision and assume the
following streets as public highways:

<u>STREET</u>	<u>PARCEL</u>	<u>PIN NUMBER</u>
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Marble Gate	20M-114907202-3865	
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Pottery Drive	20M-114907202-3866	
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Ray Lane	20M-114907202-3867; and	
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Authorize the City Solicitor or designate, to amend the parcel designation
in the by-law, if necessary, upon registration of the by-law.

CARRIED

4. Regular Items:

4.1 Options for a Residential Deep Energy Retrofit Program (EICS-07-20)

Moved by Mayor Meed Ward

Receive and file environment, infrastructure and community services
report EICS-07-20 regarding an update on options for a residential deep
energy retrofit program; and

Direct the Executive Director of Environment, Infrastructure and
Community Services to continue to work with partners, stakeholders and
municipalities listed in environment, infrastructure and community services
report EICS-07-20 and report back before the end of 2020 with final
recommendations, including resources and actions required to implement
a deep energy efficiency retrofit program for homes in Burlington; **and**

**Direct the Executive Director of Environment, Infrastructure and
Community Services to report back in September 2020 on the initial
implementation of the Deep Energy Retrofit Program including but
not limited to a scale-able home owner pilot project, research on**

resident take up and commitment, homeowner technical support to energy retrofit including the involvement of Burlington Enterprises Corp, and that staff report back with any financial implications of the pilot project. (SD-11-20)

CARRIED

Amend the motion by including the following:

Moved by Mayor Meed Ward

Direct the Executive Director of Environment, Infrastructure and Community Services to report back in September 2020 on the initial implementation of the Deep Energy Retrofit Program including but not limited to a scale-able home owner pilot project, research on resident take up and commitment, homeowner technical support to energy retrofit including the involvement of Burlington Enterprises Corp, and that staff report back with any financial implications of the pilot project.

CARRIED

- 4.2 Corporate energy and emissions management plan progress report (EICS-06-20)

Moved by Councillor Stolte

Receive and file environment, infrastructure and community services report EICS-06-20 regarding the corporate energy and emissions annual update and submit relevant content/data in Appendix A to the Ontario Ministry of Energy and publish on Burlington's website in order to encourage energy awareness, conservation and meet the reporting requirements under Ontario Regulation 507/18.

CARRIED

- 4.3 Proposed pilot project with Conservation Halton for Lowville Park (MO-06-20)

Moved by Mayor Meed Ward

Direct the Executive Director of Environment, Infrastructure and Community Services to work with the Chief Administrative Officer and staff of Conservation Halton to develop and implement a pilot project for

Lowville Park encompassing the application of Conservation Halton's new online park access registration system effective end of July or sooner, and;

Direct the Executive Director of Environment, Infrastructure and Community Services to report back for the July 13 City Council meeting on the following items:

- City capital and operating costs - short term to implement 2020 pilot project
- Proposed Lowville Park policy recommendations related to park access and usage
- Proposed terms of a partnership arrangement with Conservation Halton to the satisfaction of the Executive Director of Legal Services, and;

Authorize the Mayor and Clerk to sign any related agreements or other related documents with Conservation Halton or their contractors/service providers to proceed with the pilot project upon the council vote July 13, subject to the satisfaction of the Executive Director of Legal Services; and Direct the Executive Director of Environment, Infrastructure and Community Services to report back on results of the Lowville Park pilot in October 2020, including any estimated long-term capital and operating costs for consideration by Council in the proposed 2021 Budget.

CARRIED

5. Confidential Items:

None.

6. Procedural Motions:

None.

7. Information Items:

Moved by Councillor Sharman

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

CARRIED

- 7.1 Presentation and video regarding Burlington Hydro 75th Anniversary (EICS-C-01-20)
- 7.2 Staff presentation regarding options for a Residential Deep Energy Retrofit Program (EICS-07-20)
- 7.3 Staff presentation regarding corporate energy and emissions management plan progress report (EICS-06-20)
- 7.4 Delegation notes from Roman Talkowski, Halton Action for Climate Emergency (HACEN), regarding options for a Residential Deep Energy Retrofit Program (EICS-07-20)
- 7.5 Presentation from Hassaan Basit, Conservation Halton, regarding options for a Residential Deep Energy Retrofit Program (EICS-07-20)
8. **Staff Remarks:**
9. **Committee Remarks:**
10. **Adjournment:**

11:00 a.m. (recessed), 11:05 a.m. (reconvened), 12:45 p.m. (recessed), 1:45 p.m. (reconvened)

Chair adjourned the meeting at 2:13 p.m.



Community Planning, Regulation & Mobility Committee Meeting

Minutes

Date: July 7, 2020
Time: 1:00 pm
Location: Council Chambers - members participating remotely

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, Nick Anastasopoulos, Sue Connor, Joan Ford, Jamie Tellier, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

1. Declarations of Interest:

None

2. Statutory Public Meetings:

The Community Planning, Regulation and Mobility Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 5-20 on July 7, 2020 regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road. Having considered the oral and written comments received from staff and delegations, the Community Planning, Regulation and Mobility Committee received report PL-26-20 for consideration.

2.1 Information report for official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)

Moved by Councillor Sharman

Receive and file community planning department report PL-26-20 regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road.

CARRIED

- a. Staff presentation regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)
- b. Bruce Smith, representing Village Gate Condominium Owners, spoke in opposition to the development proposal at 2107 Old Lakeshore Road & 2119 Lakeshore Road as it relates to density, traffic, parking, noise, privacy, shading and health issues. (PL-26-20)
- c. Deborah Gutman, representing Janice Brewer of 2121 Lakeshore Road, spoke in opposition to the development proposal at 2107 Old Lakeshore Road & 2119 Lakeshore Road as it relates to traffic congestion, safety, parking, height and compatibility. (PL-26-20)
- d. Scott Snider, Turkstra Mazza, and Mark Bales, Old Lakeshore (Burlington) Inc; provided information and answered questions regarding the official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road. (PL-26-20)
- e. Gary Stewart, on behalf of Michael McRae, spoke in opposition to the proposed development at 2107 Old Lakeshore Road & 2119 Lakeshore Road as it relates to height, parking, lack of green space and loss of wildlife in Rambo Creek. (PL-26-20)
- f. Paddy Torsney spoke in opposition to the proposed development at 2107 Old Lakeshore Road & 2119 Lakeshore Road as it relates to height, compatibility, traffic, lack of sunshine and wind tunnel effect. (PL-26-20)
- g. Guillaume Tixier spoke in opposition to the proposed development at 2107 Old Lakeshore Road & 2119 Lakeshore Road as it relates to transportation and suggested the traffic impact study be reassessed after other buildings are occupied. (PL-26-20)
- h. Mozelle Cole spoke in opposition to the proposed development at 2107 Old Lakeshore Road & 2119 Lakeshore Road as it relates to parking issues. (PL-26-20)
- i. Delegation material from Bruce Smith regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)
- j. Delegation material from Deborah Gutman, on behalf of Janice Brewer, regarding the official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)

- k. Delegation material from Scott Snider, Turkstra Mazza, regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)
- l. Delegation material from Michael McRae regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)
- m. Delegation material from Paddy Torsney regarding official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)
- n. Additional public comments regarding information report for official plan and zoning by-law amendments for 2107 Old Lakeshore Road & 2119 Lakeshore Road (PL-26-20)

3. Delegation(s):

None

4. Consent Items:

None

5. Regular Items:

- 5.1 Subdivision agreement amendment for Golf Springs Estate Subdivision (PL-32-20)

This item was withdrawn

- 5.2 Undelegation of site plan approval (CPRM-03-20)

Moved by Councillor Kearns

Undelegate the site plan approval for application 535-001/20 (2020, 2243, 2269 Fairview Street and 864 Drury Lane - CLV Group Inc) from the Director of Community Planning to Council.

CARRIED

- 5.3 Noise by-laws in connection with construction (CPRM-04-20)

Moved by Councillor Kearns

WHEREAS the Province of Ontario declared a State of Emergency by Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act (the "Act"); and

WHEREAS the temporary closure of places of non-essential business was declared to help protect the health and safety of people in response to the declared emergency; and

WHEREAS on March 24, 2020 Ontario Regulation 82/20, Order Under Subsection 7.0.2 (4) – Closure of Places of non-essential Businesses, Schedule 2 ‘Essential Services’ included Construction, Item 28: Construction work and services, including demolition services, in the industrial, commercial, institutional and residential sectors; and

WHEREAS when the Emergency Order (O.Reg. 82/20) was amended on May 1, 2020, effective May 4, the list of essential businesses was expanded to include additional construction projects and activities, including construction of schools and municipal projects and construction to prepare a site for an institutional, commercial, industrial or residential development; and

WHEREAS the Province of Ontario entered Stage 1 of reopening on May 19, 2020 (Stage 1 framework); and

WHEREAS Stage 1 included all construction activities or projects and related services that support construction activities or projects, including demolition services resume; and

WHEREAS Ontario Regulation 131/20 made under the Municipal Act, 2001 Limitation under Section 451.1 of the Act – Noise By-laws in Connection with Construction provides that a municipality does not have power to prohibit and regulate with respect to noise made in connection with the following:

1. Construction projects and services in a municipality associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space, at any time of the day or night.
2. Any other construction activity in a municipality between the hours of 6 a.m. and 10 p.m.; and

WHEREAS Ontario Regulation 131/20 will be revoked 18 months (October 7, 2021) after the day the Regulation is filed (April 7, 2020). (See: O.Reg. 131/20, s.2); and

WHEREAS on June 19, 2020 Halton Region moved into Stage 2 of reopening permitting restaurants, bars and other food and drink establishments to open outdoor dining areas such as patios, curbside, parking lots and adjacent premises; and

WHEREAS a significant number of Burlington's restaurants, bars and other food and drink establishments and their patios are located in close proximity to several large construction projects; and

WHEREAS Burlington's Ward 2 Councillor and Customer Relationship Manager's records indicate over two dozen opinion/complaints filed in 2020 for construction noise within the Ward 2 boundaries while under the current Provincial emergency order; and

WHEREAS specific concerns have been raised from those residents in near proximity to construction project with extended hours for construction/construction equipment noise while sheltering in place during COVID-19. The concerns include: reported mental health impacts, negative physical impacts (including headaches), challenges in successfully working remotely, difficulty sleeping for individuals working shifts in health care and as first responders and the negative impacts on student ability to learn while homeschooling.

NOW THEREFORE BE IT RESOLVED

THAT the City of Burlington requests that Regulation 131/20 made under the Municipal Act, 2001, Limitation under Section 451.1 of the Act – Noise By-laws in Connection with Construction, be revoked immediately; and

THAT, **failing the foregoing**, the City of Burlington requests that Regulation 131/20 made under the Municipal Act, 2001, Limitation under Section 451.1 of the Act – Noise By-laws in Connection with Construction, be amended setting out the hours when construction is permitted as follows: Monday to Friday, 7 a.m. to 8 p.m., Saturdays, 7 a.m. to 7 p.m., with no construction on Sunday, and that Ontario Regulation 131/20 be revoked as soon as practicable and by no later than January 7, 2021; and

THAT a copy of this resolution be forwarded to the Minister of Municipal Affairs and Housing, Steve Clark, the Premier of Ontario, Doug Ford, MPPs Jane McKenna, Effie Triantafilopoulos and Parm Gill, Halton Region, AMO, LUMCO, **Burlington Economic Recovery Network (BERN) and Team Burlington.**

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

None

8. Information Items:

Moved by Councillor Bentivegna

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

CARRIED

8.1 Confidential correspondence from the Minister of Transportation (CPRM-05-20)

8.2 Correspondence from Jenn Morrison, Development Manager, CLV Group Developments Inc; regarding undelegation of site plan approval (CPRM-03-20)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

1:45 p.m. (recessed), 6:30 p.m. (reconvened), 8:18 (recessed), 8:25 p.m. (reconvened), 8:50 p.m. (recessed), 9:00 p.m. (reconvened)

Chair adjourned the meeting at 10:00 p.m.



Corporate Services, Strategy, Risk and Accountability Committee Meeting

Minutes

Date: July 9, 2020
Time: 9:30 am
Location: Council Chambers - members participating remotely

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

Staff Present: Tim Commisso, Kwab Ako-Adjei, Nick Anastasopoulos, Kevin Arjoon, Mary Battaglia, Joan Ford, Chris Glenn, Scott Hamilton, Sheila Jones, Heather MacDonald, Allan Magi, Angela Morgan, Nancy Shea-Nicol, Christine Swenor, Jamie Tellier, David Thompson (Audio/Video Specialist), Georgie Gartside (Clerk)

1. Declarations of Interest:

Councillor Galbraith declared an interest with:

- L-11-20 confidential update on a litigation matter; and
- L-15-20 Appendix C confidential litigation update Feb. 1 – May 31, 2020

as his home residence is within 50 metres of the subject matter. Councillor Galbraith previously declared a conflict on this matter and as such, did not receive report L-11-20 or Appendix C of L-15-20.

2. Delegation(s):

- 2.1 Jim Young spoke in support of a mandatory mask bylaw. (MO-07-20)
- 2.2 Anthony Veres spoke in opposition of a mandatory mask bylaw. (MO-07-20)
- 2.3 Greg Pesic spoke regarding a mandatory mask bylaw, asking that provision be made for those who are unable to wear a mask. (MO-07-20)

3. Consent Items:

3.1 Appointment of auditors for Burlington Enterprises Corporation (F-32-20)

Moved by Mayor Meed Ward

Approve the appointment of the firm of KPMG as corporate auditors for the Burlington Enterprises group of companies for the five fiscal years 2020-2024.

CARRIED

4. Regular Items:

4.1 Mandatory mask bylaw (MO-07-20)

Moved by Councillor Stolte

1. Council approve the following motion:

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization, the City of Burlington has declared a State of Emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

Whereas COVID-19 continues to be present within the City of Burlington and surrounding municipalities, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, multiple organ failure, kidney failure, liver failure, neurological complications, and may result in death; and

Whereas there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

Whereas the wearing of masks and face coverings may act as an ongoing visual clue and reminder that public health measures, including hand-washing and maintaining a safe physical distance from others, are still required, that the COVID-19 pandemic is ongoing and that a resurgence of local disease activity remains an ongoing threat; and

Whereas the Province of Ontario has enacted O. Reg.263/20 (Stage 2 Closures) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

Whereas physical distancing can be difficult to maintain in enclosed, indoor spaces open to the public; and

Whereas the City of Burlington wants to be prepared for the eventual Stage 3 reopenings under the provincial Emergency Management and Civil Protection Act, and use every tool available to protect residents from a resurgence of COVID-19;

Therefore, be it resolved that Burlington City Council enact a temporary bylaw requiring individuals, organizations or corporations that are responsible for the operation of a facility or business, which have indoor, enclosed spaces open to the public, to ensure no member of the public is permitted unless wearing a mask or face covering in a manner which covers their mouth, nose and chin, subject to the exemptions below, to help limit the spread of COVID-19; and

That the operator of such facilities or businesses that are open to the public, shall conspicuously post at all entrances to the facility or business clearly visible signage outlining the requirements and exemptions of this bylaw; and

That that members of the public attending facilities or businesses that are open to the public shall wear a mask or face covering in a manner which covers their mouth, nose and chin, subject to the exemptions below, and unless it is reasonably required to temporarily remove the covering to access services provided by the establishment, or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- a. The person is under three years of age.
- b. The person has an underlying medical condition or developmental disability which inhibits their ability to wear a mask or face covering, or other physical disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others.
- c. Wearing a face covering would inhibit the person's ability to breathe in any way.
- d. The person is unable to place or remove a mask or face covering without assistance.
- e. Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier.

- f. Staff identify any other such exemptions that may be advisable, **including emotional well-being, mental health, summer camps and registered activities**; and

That employees working with members of the public in an enclosed, indoor space must also wear a mask or face covering, unless they are in an area not for public access, or they meet one of the exemptions; and

That employees or members of the public shall not be required to provide proof of any of the exemptions set out herein; and

That the bylaw apply to all City of Burlington indoor facilities open to the public such as community centres, city hall, libraries, art gallery, performing arts centre, and public transit; and

That the bylaw be in force for a temporary period of time, beginning July 20 and expiring September 30, 2020, unless extended or revoked by City Council; and

That the Executive Director of Legal Services & Corporation Counsel be directed to prepare the necessary bylaw for consideration by City Council on July 13, 2020; and

That the Director of Corporate Communications & Government Relations be directed to develop a communications campaign during the first month the bylaw comes into force and effect to assist residents and businesses to understand the bylaw and exemptions, assist with voluntary compliance, and where people can acquire masks; and

That council request that the Region of Halton present a mandatory mask bylaw for consideration by Regional Council at its meeting of July 15, 2020 to ensure consistency across the region; and

That council request the Province of Ontario to enact a mandatory mask order under the Emergency Management and Civil Protection Act for those regions that have entered Stage 2 reopening, and/or will enter Stage 3 reopening; and

That council request the Government of Canada to enact a mandatory mask policy; and

That this report be circulated to the Region of Halton, Towns of Halton Hills, Oakville and Milton, all Halton Members of Provincial Parliament, Members of Parliament, the Federation of Canadian Municipalities, and the Association of Municipalities of Ontario.

2. Direct the Chief Financial Officer to establish an initial grant of \$10,000 to provide non-medical masks free of charge for community members funded from the city's COVID-19 account, and direct the City Manager's Office to report back to the August 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee on a plan for providing masks to in-need community members including **the consideration of** such additional options as:

- a. seeking a sponsor to fund or procure/provide masks that would be supplied free of charge to the public, with the sponsor and/or city logo displayed on the mask, and distributed by the city or through the sponsor;
- b. issuing a request for proposals to local businesses to provide a quote on the cost to supply the city with masks that can be distributed to the public, either by the city or by the business, then billed to the city;
- c. purchasing masks that can be distributed to members of the public, on a request basis, or made available at the entry to city facilities, once opened;
- d. providing grant funding to residents to purchase their own mask, subject to quantity and cost limitations, and an application process;
- e. other options as they may arise.

3. Direct the City Manager to report back to the August 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee on potential grant funding for businesses and commercial establishments to assist with the cost of signage and masks as mandated by this bylaw, retroactive to the effective in-force date of the bylaw, subject to appropriate criteria.

4. That City Council seek matching funding from Halton Region at 50% or more of total costs to implement assistance to residents and businesses, given the Region's role in health care delivery, social service delivery and business supports.

The following friendly amendments were made to the above motion:

1. from Councillor Kearns and Mayor Meed Ward - add the words "including emotional well-being, mental health, summer camps and registered activities" as shown in bold above.

2. from Councillor Kearns - remove the words "who lack the financial mean to purchase them, via application and submission of receipts" from paragraph 2.
3. from Councillor Nisan - add the words "the consideration of" to paragraph 2 as shown in bold.

CARRIED

4.2 Diversity and inclusivity update (HR-03-20)

Moved by Mayor Meed Ward

Receive and file human resources department report HR-03-20 regarding a diversity and inclusivity update.

CARRIED

4.3 Investigation report from Burlington Ombudsman MUN-472-0819 (CL-13-20)

Moved by Mayor Meed Ward

Receive the investigation report from ADR Chambers, Ombudsman for the City of Burlington.

CARRIED

4.4 COVID-19 emergency response verbal update (CSSRA-05-20)

Note: this item was approved at the Special Council meeting of July 9, 2020.

Moved by Councillor Galbraith

Direct the Executive Director of Environment, Infrastructure and Community Services to implement the short-term strategy to manage beach user capacity and parking at Beachway Park as part of the City of Burlington COVID-19 emergency response, charging the associated costs to the COVID-19 account; and

Direct the Executive Director of Environment, Infrastructure and Community Services to work with the Region of Halton to investigate opportunities to implement reserved, paid parking at Beachway Park and report to council by March 2021 on options.

CARRIED

4.5 Service re-design interim modifications and resumptions (CM-18-20)

Note: this item was approved at the Special Council meeting of July 9, 2020.

Moved by Councillor Kearns

Direct the City Manager to proceed with implementing the interim service delivery program recommendations as outlined in Appendix A and B of city manager's office report CM-18-20 related to adult and older adult programming and festival and events – recreation services respectively; and

Receive and file Appendix C of city manager's office report CM-18-20 providing interim service delivery modifications approved by the Burlington Leadership Team, Emergency Control Group and/or service leads for park ambassadors – recreation services; and

Receive and file Appendix D of city manager's office report CM-18-20 providing interim service delivery modifications approved by the library board for the Burlington Public Library; and

Receive and file Appendix E and F of city manager's office report CM-18-20 providing interim service delivery modifications for the Burlington Art Gallery and the Burlington Performing Arts Centre respectively; and

Direct the Chief Financial Officer to track and monitor the financial implications of the above service delivery program changes in the ongoing COVID-19 financial impact reporting to Council.

CARRIED

4.6 Establishment of a lobbyist registry (CSSRA-06-20)

Moved by Mayor Meed Ward

Refer memorandum from Councillor Lisa Kearns regarding the establishment of a lobbyist registry to the July 13, 2020 City Council meeting. (CSSRA-06-20)

CARRIED

5. Confidential Items:

- 5.1 Confidential legal advice respecting a planning matter (L-18-20)

Moved by Councillor Galbraith

Authorize the Executive Director of Legal Services or her designate to proceed in accordance with the instructions given in confidential legal department report L-18-20.

CARRIED

- 5.2 Confidential COVID-19 emergency response verbal update (if required)

Moved by Mayor Meed Ward

Refer confidential COVID-19 emergency response verbal update (if required) to the July 13, 2020 City Council meeting.

CARRIED

- 5.3 Confidential organizational update (verbal)

Moved by Mayor Meed Ward

Refer the confidential organizational update to the July 13, 2020 City Council meeting.

CARRIED

- 5.4 Confidential contingency report - May 31, 2020 (F-31-20)

Moved by Mayor Meed Ward

Refer confidential finance department report F-31-20 regarding the reserve for contingencies as at May 31, 2020 to the July 13, 2020 City Council meeting.

CARRIED

- 5.5 Confidential update on a litigation matter (L-11-20)

Moved by Mayor Meed Ward

Refer confidential legal department report L-11-20 regarding a litigation matter to the July 13, 2020 City Council meeting.

CARRIED

5.6 Confidential litigation update February 1 to May 31, 2020 (L-15-20)

Moved by Mayor Meed Ward

Refer confidential legal department report L-15-20 providing the litigation update - February 1 to May 31, 2020 to the July 13, 2020 City Council meeting.

CARRIED

5.7 Confidential human resources matter (verbal)

Moved by Mayor Meed Ward

Refer the confidential human resources matter to the July 13, 2020 City Council meeting.

CARRIED

6. Procedural Motions:

6.1 Motion to proceed into closed session

Moved by Mayor Meed Ward

Move into closed session in accordance with the following provisions under the Municipal Act, sections 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to confidential legal department report L-18-20 regarding legal advice respecting a planning matter.

CARRIED

7. Information Items:

Moved by Councillor Kearns

Receive and file the following ten items, having been given due consideration by the Corporate Services, Strategy, Risk and Accountability Committee.

CARRIED

- 7.1 Delegation material from Jim Young regarding mandatory mask bylaw (MO-07-20)
- 7.2 Delegation material from Anthony Veres regarding mandatory mask bylaw (MO-07-20)
- 7.3 Delegation material from Greg Pesic regarding mandatory mask bylaw (MO-07-20)
- 7.4 Correspondence from Wayne Bertoia regarding mandatory mask bylaw (MO-07-20)
- 7.5 Correspondence from Jennifer Keenan regarding mandatory mask bylaw (MO-07-20)
- 7.6 Correspondence from Julie regarding mandatory mask bylaw (MO-07-20)
- 7.7 Correspondence from Drew Bertoia regarding mandatory mask bylaw (MO-07-20)
- 7.8 Correspondence from Dr. Hamidah Meghani, Region of Halton's Medical Officer of Health, regarding mandatory mask bylaw (MO-07-20)
- 7.9 Correspondence from Michelle regarding mandatory mask bylaw (MO-07-20)
- 7.10 Staff presentation regarding COVID-19 emergency response verbal update (CSSRA-05-20)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

10:51 a.m. (recessed), 11:02 a.m. (reconvened), 12:55 p.m. (recessed), 2:01 p.m. (reconvened), 2:02 p.m. (closed), 2:56 p.m. (public), 4:05 p.m. (recessed), 4:12 p.m. (reconvened)

Chair adjourned the meeting at 5:35 p.m.



SUBJECT: Service Re-design Interim Modifications and Resumptions

TO: Mayor and Members of Council

FROM: City Manager's Office

Report Number: CM-21-20

Wards Affected: All

File Numbers: 155-03-01

Date to Committee: July 13, 2020

Date to Council: July 13, 2020

Recommendation:

Receive and file Appendix A of city manager's office report CM-21-20 providing interim service delivery modifications approved by the Burlington Leadership Team, Emergency Control Group and/or service leads for resumption of fare collection and revised bus schedule effective September 1 in Transit Operations and Transit Bus Terminal re-opening effective mid-August – both within Transit Services; and

Direct the Chief Financial Officer to track and monitor the financial implications of the above service delivery program changes in the ongoing COVID-19 financial impact reporting to Council.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

City Manager's Office report CM-12-20 (CSSRA May 14, 2020) contained the City's service re-design strategy outlining a responsive and highly measured approach to

resuming delivery of City services and operations considering the Province's direction for continued protections for vulnerable populations and continued practice of physical distancing, hand washing, respiratory hygiene and significant mitigation plans to limit health risks.

This strategy was necessary to address the fundamental principle that the way we interact with our community and customers to deliver services in the post-pandemic environment will not be the same way we delivered our services pre-pandemic.

The service re-design strategy report (CM-12-20) included direction for the City Manager to bring service re-design interim modifications to Committee, as required, in accordance with the following criteria:

- Service Level impacts (each stage)
 - Increase and/or decrease of service levels – longer-term
 - Commission and/or decommission of services
- Financial Impacts
 - 2020 operating and capital budget implications
- Corporate policy impacts
- Community Impacts
- Reputation and other risks

Service resumption within the authority of the Burlington Leadership Team, Emergency Control Group, and/or service leads are reported CSSRA Committee for information purposes.

Strategy/process

Through implementation of this strategy, management and staff are realizing opportunities to advance the way we deliver services to continue to protect the health and safety of our community and staff and do our part to limit the spread of COVID-19. With the community and customer in mind, taking advantage of these opportunities to improve service delivery and identification and mitigation of risk are key to successful re-design.

Every service is different; yet there are common processes and areas of work. As such, the degree of change will vary service to service. For some services, there may be cycles of change dependent on the Province's staged re-opening and the guidelines provided under their orders.

In keeping with the need to re-design and to be agile to respond to the time-sensitive nature of some decisions, this report serves as a template for bringing decisions and

information to the CSSRA Committee. As such, it is beneficial to provide an overview of how and what is expected in this report format.

Recommendations and Appendices

Recommendations are either one of or both “approval” and “receive and file”, depending on the nature of the information being brought forward. Regardless of the type of recommendation, each recommendation has a reference to appendices where Committee will find details supporting the recommendation.

Approval: the recommendation(s) is specific to the service and references the relevant appendix with an executive summary and information related to service level impacts, financial impacts, human resource implications, community impacts, corporate policy impacts and reputation and other risks.

Receive and file: the recommendation references the relevant appendix where Committee will find the executive summary(ies) of the service re-design plan(s) for identified services. Demonstrate your thorough review, discuss other options beyond recommendation.

Financial Matters:

The full financial impact of service re-design will not be understood until all stages of the Province’s re-opening framework have been implemented and the City has had the time to implement the necessary changes it has identified. Where possible, incremental or comparative financial information will be provided with the understanding this information is subject to change.

Other Resource Impacts

Similar to the financial impact, the impact on human resources may not be fully known until all stages of the Province’s re-opening framework have been implemented and the City has had the time to implement the necessary changes it has identified. Where possible, information on redeployment and other resource measures will be provided.

With respect to financial and human resource impacts, an underlying assumption for service re-design and resumption is the unknown nature of customer behaviour. It is assumed there will be slow uptake of programming (e.g. recreation programs) and services (e.g. transit, development applications, etc.) during, and potentially after, the

Province's re-opening. This slow uptake may affect both revenue and costs and human resource requirements.

Climate Implications

The effect of the actions taken by the City as it re-designs services to ensure the continued protection of the health and safety of the Burlington community and City of Burlington staff and to limit the spread of CoVID-19 pandemic may result in reductions of fossil fuel use and other environmental impacts of facility and vehicle/equipment operations.

Engagement Matters:

A principle of the service re-design strategy is the customer's perspective. During the course of service re-design, the City will engage with internal and external stakeholders and partners. Notwithstanding, the Provincial guidelines serve as our basis for re-design and re-opening. It is possible the changes needed to meet these guidelines will have an impact on the customer experience and City staff will do what is possible to minimize the impact.

Conclusion:

These service re-design recommendations address the fundamental principle that the way we interact with our community and customers to deliver services in the post-pandemic environment are not the same way we delivered our services pre-pandemic. Management and staff are realizing opportunities to advance the way we deliver services to continue to protect the health and safety of our community and staff and do our part to limit the spread of COVID-19.

Respectfully submitted,

Sheila M. Jones
Executive Director, Strategy,
Accountability

Sue Connor
Director, Transit

905-335-7600 ext. 7872

ext. 7845

Appendices:

- A. CM-21-20 Appendix A: Service Re-design Interim Program Changes and Modifications – Transit Operations and Transit Bus Terminal - Transit Services

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council.

Appendix A

CM-21-20

Service Re-design Interim Program Changes and Modifications

Transit Operations – Transit Service
Transit Bus Terminal – Transit Service

Transit Operations

Transit Services

Executive Summary

This plan will highlight the key initiatives that have taken place (Phase 1) and review short term initiatives and requirements. The plan will also consider long term goals to ensure safety among staff and customer, while ensuring transit remains a viable option for residents who require mobility and transportation within the City of Burlington.

Stage 1: Transit has been operating as an essential service since the onset of the emergency declaration. In March 2020 at the start of the emergency declaration, Burlington Transit responded rapidly to changing conditions in order to ensure the safety of the transit operators. This included rear door boarding, discontinuation of fare collection, and roping off the seats behind the driver. These measures were introduced to minimize interaction between the passengers and drivers, and to ensure physical distancing. In addition, in response to decreased ridership, Burlington Transit introduced a modified service that decreased the frequency and number of buses required. Burlington Transit continued to redeploy spare operators to extensive bus cleaning which involved a thorough clean and disinfecting of high traffic areas, vacuuming and scrubbing all areas of the bus

Stage 2:

Burlington Transit continues to monitor the direction provided from the province, as well as evaluating what peers are doing in other communities. Opportunities for information sharing exist at the provincial (Ontario Public Transit Association) and national (Canadian Urban Transit Association) level.

Although the economic plans encourage people to return to work, Burlington Transit is assuming that over the next 2 months (July and August); ridership levels will stay consistent with late May/June levels. We anticipate that a 40-50% return of riders will take place. The assumptions are based on the following:

Transit Operations

Transit Services

Executive Summary

- Many Burlington residents will continue to work from home in July/August, this impacts many of the GO Transit riders who would use Burlington Transit to get to the GO Station
- Transit usage typically declines in July/August due to vacations and fewer students using the bus
- A general fear of using transit during the pandemic still exists (Burlington Transit has issued a survey to understand the impact of COVID-19 and Transit)

Stage 3:

Resumption of fare collection on September 1, 2020 will be accompanied by the launch of a revised bus schedule. Fare collection resumption is dependent on the installation of driver shields to protect drivers during front door boardings. The revised bus schedule will increase frequency on some of the busier routes (to and from Hamilton); focus on travel within the City of Burlington; focus on corridors with historically high levels of riders; and improve travel options in the industrial areas.

It is anticipated that GO Transit will continue to have significantly decreased ridership in September, as office buildings in downtown Toronto, will limit the number of people commuting. Therefore, the goals of this service change will be to add passenger capacity on buses that are on busier routes; and rebuild ridership.

Transit Bus Terminal

Transit Services

Executive Summary

This plan will highlight the key initiatives that have taken place (Phase 1) and review short term initiatives and requirements. The plan will also consider long term goals to ensure safety among staff and customer, while ensuring transit remains a viable option for residents who require mobility and transportation within the City of Burlington.

Stage 1: On March 18, 2020 Burlington Transit closed the John Street Terminal as was directed by the City's Emergency. The terminal remains closed until fare payment commences. During the emergency closure, planned renovations occurred as there would be no impact to the customers. Renovations included the repair of the foundation and entrance door, and the repair of the exterior downspout. Other renovations are occurring over the summer months including the repair of the air conditioning unit, roof repairs and interior painting. To accommodate physical distancing for staff in, cubicle configurations will be updated at the end of July.

Stage 2: Based on Burlington Transit fare collection resuming on September 1, the terminal would need to be ready to receive customers in mid-August to support customers who will need to load PRESTO cards and obtain SPLIT passes. Access to the Terminal will be restricted to Customer Service staff and two customers at any time and be managed by signage and staff monitoring capacity within the building.

Payment for PRESTO services will be by credit or debit however, only when absolutely required, staff will accept cash. Changes to workspaces and customer areas will occur.

Transit Bus Terminal

Transit Services

Executive Summary

Modifications to existing space include installation of plexiglass dividers between staff, and between staff and customers.

Thorough cleaning of regularly used devices (Moneris pin pads, PRESTO machine, door handles etc.), will also be in practiced.

Prior to the state of emergency, Burlington Transit offered monthly passes and ePurse Loyalty programs. Both programs provided customers with the same maximum fare costs per month. The Loyalty program allows a customer to pay less than a monthly pass if they use less and pay only the monthly pass cost if they use transit more. **The Loyalty program is the better program and the monthly pass program will be discontinued.** This is to mitigate the potential of offering refunds to monthly pass holders in the event there is another shut down due to a second wave.



. . . Memo

To: Chair and Members of the Corporate Services, Strategy, Risk and Accountability Committee

From: Councillor Lisa Kearns, Ward 2

Cc: Kevin Arjoon, City Clerk
Tim Commisso, City Manager

Date: June 25, 2020

Re: Establishment of a Lobbyist Registry as an Accountability and Transparency Tool

Motion:

Direct the City Clerk to bring forward a staff report to implement a Lobbyist Registry for the City of Burlington, in accordance with the *Municipal Act* section 223.9.

Background:

In 2006 the Municipal Act was amended to include provisions aimed at addressing the issue of greater accountability in municipal government. The amendments included provision for the establishment of a Lobbyist Registry.

The Province's Office of the Integrity Commissioner includes a Lobbyist Registry however this Registry does not extend to municipalities.

In 2012 Council considered a Lobbyist Registry by way of Report CL-11-12 which recommended that the City of Burlington not support the establishment of a Lobbyist Registry at either the municipal or regional level, however the City was not strongly opposed to the idea.

In 2018, The city of Burlington Council Code of Good Governance was established and approved by Council. The Code of Good Governance is designed to achieve excellence in governance and promote public trust and confidence in Council and the City (Burlington's Strategic Plan 2015-2040, An Engaging City: 4.1 Good Governance).

In December 2018, I met with Andrea Holland, Acting City Clerk, to discuss the implementation of a city-wide Lobbyist Registry. At that time, it was agreeable that, to expedite, only a Ward 2 'Business Registry' be created with a city Lobbyist Registry to follow. The Ward 2 Business Registry has been in place since March 1, 2019 and has received positive feedback.

June 25, 2020

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In March 2019, my Councillor's office held a meeting with Angela Morgan, City Clerk to request the financial and human resource requirements for the implementation of a Lobbyist Registry for consideration by Committee.

The City of Hamilton, Toronto, Vaughn, Brampton, Ottawa and Montreal all have some form of a Lobbyist Registry. The City of Burlington is considered a Large Urban Municipality of over 100,000 population and is considered the Best Place to Live in Canada.

The city's website states that the role of the Mayor and Councillors includes to "ensure the accountability and transparency of the operations of the municipality". Significant concerns from the public about development pressures (as quantified at the February 13, 2020 Corporate Services, Strategy, Risk and Accountability Committee Meeting, Item 4.2 - 2019 Community Survey Results, Report CC-01-20, Appendix B) have presented an opportunity for increased transparency about Council interactions with the development community and beyond. Whereas observed growth pressures have increased interest in Burlington by the development community and other parties that would benefit from decisions of Council. Examples may include but are not limited to downtown growth, Nelson Quarry and Millcroft Greens, whereby the constituents' sense of trust and transparency could be improved through an established Lobbyist Registry.

A Lobbyist Registry can ensure that interactions between staff, elected officials and lobbyists are a matter of public record and accessible to all citizens. Generally, identified lobbyists are required to provide information about the organization for which they work, the individuals or departments / agencies they are lobbying, and the outcomes they are seeking to achieve. The establishment of a Lobbyist Registry is a tool to ensure greater integrity, accountability and transparency.

To: Mayor and Members of Burlington City Council

From: Kevin Arjoon, City Clerk

Date: July 10, 2020

Re: July 9 CSSRA, Mandatory Mask by-law

Attached is a draft by-law regarding the Mayor's report Mandatory mask by-law (MO-07-20) from the July 9, 2020 Corporate Services, Strategy, Risk & Accountability Committee meeting.

The Corporation of the City of Burlington

City of Burlington By-law 62-2020

A by-law to Impose Regulations Requiring the Wearing of Masks or Other Face Coverings Within Enclosed Spaces Open to the Public

WHEREAS on March 11, 2020 the World Health Organization declared a worldwide pandemic regarding the Novel Coronavirus 19 ("COVID-19 Pandemic"); and,

WHEREAS on March 17, 2020, the Province of Ontario declared an emergency relating to the COVID-19 Pandemic under the provisions of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9 ("*Emergency Management Act*") and on March 21, 2020 an emergency was declared by the Mayor of the City of Burlington, under the provisions of the *Emergency Management Act*, relating to the COVID-19 Pandemic;

WHEREAS COVID-19 continues to be present within the City of Burlington and surrounding municipalities, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, multiple organ failure, kidney failure, liver failure, neurological complications, and may result in death; and

WHEREAS there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

WHEREAS the wearing of masks and face coverings may act as an ongoing visual clue and reminder that public health measures, including hand-washing and maintaining a safe physical distance from others, are still required, that the COVID-19 pandemic is ongoing and that a resurgence of local disease activity remains an ongoing threat; and

WHEREAS the Province of Ontario has enacted O. Reg.263/20 (Stage 2 Closures) under Subsection 7.0.2 (4) of *Emergency Management Act* to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS physical distancing can be difficult to maintain in enclosed, indoor spaces open to the public and the Medical Officer of Health is supportive of temporary regulations requiring businesses and organizations that have enclosed spaces open to the public adopt a policy to ensure that persons wear a mask or face covering as it is a practicable and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the City of Burlington; and

WHEREAS the City of Burlington wants to be prepared for the eventual Stage 3 reopenings under the provincial *Emergency Management Act*, and use every tool available to protect residents from a resurgence of COVID-19; and

AND WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the City of Burlington to pass by-laws necessary and desirable for municipal purposes, and in particular, paragraphs 5, 6, and 8 of subsection 11(2) authorize by-laws respecting public assets of the municipality, the economic, social and environmental well-being of City, the health, safety and well-being of persons, the protection of persons and property;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART 1: DEFINITIONS

1. In this By-law, the following terms shall have the following meanings:

"By-law" means this By-law;

"City" means The Corporation of the City of Burlington;

"COVID-19 Emergency" means the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by the Head of Council under sections 4 of the *Emergency Management Act* in relation to the COVID-19 Pandemic has been terminated.

"Emergency Management Act" means the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9

"Establishment" or **"Establishments"** means any of the following:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, and includes a mall or similar structure which contains multiple places of business;
- (b) churches, mosques, synagogues, temples, or other places of worship;
- (c) City indoor facilities open to the public, community centres including indoor recreational facilities and City Hall;
- (d) libraries, art galleries, performing arts centre, museums, aquariums, zoos and other similar facilities;
- (e) community service agencies providing services to the public;

- (f) banquet halls, convention centres, arenas, stadiums, and other event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) private transportation for hire, including taxis, limousines and rideshare services;
- (i) public transportation;
- (j) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities; and
- (k) concert venues, theatres, cinemas, casinos, and other entertainment facilities,

The following are not considered Establishments for the purpose of this By-law:

- (a) schools, post-secondary institutions, and child care facilities and indoor/outdoor day camps;
- (b) premises or any portion thereof (including City indoor facilities and community centres) used for City run recreational programs that require registration;
- (c) court facilities;
- (d) professional offices where clients receive purchased services (such as lawyer or accountant office) that are not open to members of the public except by appointment;
- (e) indoor areas of a building accessible to only employees;
- (c) hospitals, independent health facilities and offices of regulated health professionals.

"Head of Council" means the Mayor of the City;

"Mask or Face Covering" means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping.

"Municipal Act, 2001" means the *Municipal Act, 2001*, S.O. 2001, c. 25

"Officer" means:

- (a) a police officer;
- (b) a person appointed by Council of the City as a municipal law enforcement officer;
- (c) a by-law enforcement officer of the City while in the discharge of their duties;
or
- (d) an officer, employee or agent of the City whose responsibilities include the enforcement of this By-law.

"Operator" means a person or organization which is responsible for or otherwise has control over the operation of an Establishment.

"Provincial Offences Act" means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33

PART 2: APPLICATION OF THIS BY-LAW

2. This By-law applies to all Establishments in the City of Burlington.
3. Despite section 2, this By-law does not apply to any Officer, City employee, or a person hired or engaged by the City to do work or perform services within an Establishment for the specific purposes of performing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this By-law, or the provisions of an act of Parliament or the Legislature, or an order made under an act of Parliament or the Legislature.
4. Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation or *Emergency Management Act* order and this By-law, the federal or provincial legislation or *Emergency Management Act* order prevails.

PART 3: GENERAL OBLIGATIONS AND PROHIBITIONS

- 5.(1) The Operator of an Establishment that is open to the public, shall adopt a policy as required under this By-law to ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the Establishment unless the member of the public is wearing a Mask or Face Covering, in a manner which covers their mouth, nose and chin.
- (2) The Operator of the Establishment shall, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
- 6.(1) The Operator of an Establishment shall ensure that the policy contains the following exemptions from the requirement to wear a Mask or Face Covering:
 - (i) the person is under three years of age either chronologically or developmentally, and they refuse to wear a mask or face covering and cannot be persuaded to do so by their caregiver;
 - (ii) the person has an underlying medical condition where wearing a Mask or Face Covering would inhibit the person's ability to breathe in any way;

- (iii) the person has a mental health condition or developmental disability which inhibits their ability to wear a mask or face covering;
 - (iv) the person has a disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others or otherwise present a hardship for the person or persons assisting the individual;
 - (v) the person is unable to place or remove a Mask or Face Covering without assistance; and
 - (vi) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier.
- (2) Every Operator of an Establishment shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of receiving services, or while actively engaging in an athletic or fitness activity.
 - (3) Every Operator of an Establishment, subject to the exemptions in section 6.(1), shall require that employees wear a Mask or Face Covering when working in the enclosed public space.
 - (4) Every Operator of an Establishment shall not require employees or members of the public to provide proof of any of the exemptions set out in section 6.(1).
7. The Operator shall conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

**ALL PERSONS ENTERING OR REMAINING IN THESE PREMISES
SHALL WEAR A MASK OR FACE COVERING WHICH COVERS
THE NOSE, MOUTH AND CHIN AS REQUIRED UNDER CITY OF
BURLINGTON BY-LAW 62-2020**

The following persons are exempt from the requirement to wear a Mask or Face Covering:

- (i) the person is under three years of age either chronologically or developmentally, and they refuse to wear a mask or face covering and cannot be persuaded to do so by their caregiver;
- (ii) the person has an underlying medical condition where wearing a Mask or Face Covering would inhibit the person's ability to breathe in any way;
- (iii) the person has a mental health condition or developmental disability which inhibits their ability to wear a mask or face covering;
- (iv) the person has a disability whereby the wearing of a mask or face covering would limit their ability to reasonably communicate with others or otherwise present a hardship for the person or persons assisting the individual;

- (v) the person is unable to place or remove a Mask or Face Covering without assistance; and
 - (vi) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier.
- 8.(1) The Operator shall ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law and shall maintain a record of all training.
- (2) The Operator of the Establishment shall, upon request, provide a copy of all training records for inspection by any person authorized to enforce this By-law.

PART 4: ENFORCEMENT AND INSPECTION

General

9. This By-law may be enforced by an Officer.

Entry and Inspections

10. An Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a. an order or other requirement made under this By-law; or
 - b. an order made under section 431 of the *Municipal Act, 2001*,
11. An Officer, for the purposes of the inspection under section 10 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection; and,
 - d. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
12. An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been

prevented or is likely to be prevented from carrying out an inspection under section 10.

PART 5: PENALTIES

13. Any person or operator who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
14. All contraventions of any provision of this By-law are designated as multiple offences and continuing offences pursuant to subsections 429(2) and (5) of the *Municipal Act, 2001*.
15. Upon conviction of an offence under this By-law pursuant to Part III of the *Provincial Offences Act*, a person or operator shall be liable to a fine in accordance with section 429 of the *Municipal Act, 2001*, as follows:
 - a. a minimum of \$500 and a maximum fine of \$100,000.00;
 - b. in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum of \$500 and a maximum fine of \$10,000.00, and the total of all daily fines for the offence is not limited to \$100,000.00; and
 - c. in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500, and a maximum fine of \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00.
16. Where a person or operator has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:
 - a. prohibiting the continuation or repetition of the offence by the person or operator convicted; and,
 - b. requiring the person or operator convicted to correct the contravention in the manner and within the period that the court considers appropriate.
17. Where any person or operator contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.

PART 6: GENERAL PROVISIONS

18. This By-law may be referred to as the “COVID-19 Mask By-law”.
19. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-

law and it is the intention of Council that the remainder of this By-law shall continue to be in force.

20. This By-law comes into force on July 20, 2020 and shall remain in effect until 12:01 a.m. on September 30, 2020, unless extended or revoked by City Council.

PASSED this 13th day of July, 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____