



Regular Meeting of Council
Agenda

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

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

- 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

- 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.

10.3 Corporate Services, Strategy, Risk & Accountability Committee meeting of July 9, 2020

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)

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)

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

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.