



Regular Meeting of Council

Minutes

Date: March 22, 2022
Time: 1:00 pm
Location: Council Chambers - members participating remotely

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

Member Regrets: Lisa Kearns

Staff Present: Tim Commisso, Allan Magi, Sheila Jones, Enrico Scalera, Nancy Shea-Nicol, Richard Bellemare (Audio/Video Specialist), Kristin Sprukulis, Kevin Arjoon (Clerk)

Note: Due to COVID-19, and public health measures, public attendance was not permitted at this meeting. The Mayor, Councillors, staff and delegations participated remotely.

1. Call to Order:

2. National Anthem:

3. Land Acknowledgement:

4. Regrets:

Councillor Kearns

5. Proclamations:

5.1 MeatOut Day: March 20, 2022

5.2 School Crossing Guard Appreciation Day: March 23, 2022

5.3 Poetry Month: April 2022

5.4 Green Shirt Day: April 7, 2022

5.5 Burlington Cenotaph Centennial Day: April 10, 2022

6. Recognitions and Achievements:

None.

7. Motion to approve Council Minutes:

Moved by: Councillor Galbraith

Seconded by: Councillor Nisan

Confirm the minutes of the following meetings of Council:

CARRIED

7.1 Regular meeting of Council February 15, 2022

7.2 Special meeting of Council February 22, 2022

7.3 Special meeting of Council March 1, 2022

8. Presentations:

None.

9. Declarations of Interest:

9.1 Councillor Galbraith - Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22) as they own properties very close to this development proposal and within the notice area.

10. Delegations:

10.1 Delegation from Trevor Williams regarding Mask and Physical Distancing By-laws (CM-12-22)

10.2 Brittney Rowan did not appear to delegate

10.3 Delegation from Jacob Vujevic regarding Mask and Physical Distancing By-laws (CM-12-22)

10.4 Delegation from Tom Muir regarding Mask and Physical Distancing By-laws (CM-12-22)

11. Petitions:

12. Recommendations from Standing Committees:

12.1 Council Workshop meeting of February 14, 2022

There were no recommendations from this meeting.

12.2 Special Community Planning, Regulation and Mobility Committee of February 22, 2022

The recommendation from this meeting was approved at the Special meeting of Council on [February 22, 2022](#).

12.3 Community Planning, Regulation & Mobility meeting of March 1, 2022

Items a, d and e were voted upon by way of one consent vote.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

a. Zoning By-law Amendment application for 5030-5045 Tico Creek Common (PL-20-22)

Direct staff to continue to proceed with the processing of the submitted Zoning By-law Amendment application for 5030-5045 Tico Creek Common (Wellings Planning Consultants Inc.) including evaluating and incorporating any/all comments received by Committee and public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

CARRIED

d. Staff direction regarding a bylaw to support police in reducing vehicular noise in Burlington (CPRM-01-22, SD-05-22)

Direct the Director of Transportation, Director of Building and Bylaw and Executive Director of Legal Services and Corporation Council to work together with Halton Regional Police Service on the feasibility of a moving vehicle noise bylaw and report back to council in Q2 of 2022. (SD-05-22)

CARRIED

e. Response to the Housing Affordability Task Force recommendation report (PL-27-22)

Direct the Director of Community Planning to submit community planning department report PL-27-22 to the Provincial Ministry of Municipal Affairs and Housing as the City of Burlington's response to the Provincial Housing Affordability Task Force report; and

Direct the Director of Community Planning to monitor any actions emerging from the Housing Affordability Task Force report including:

- the provision of timely draft comments on any Environmental Registry of Ontario postings subject to subsequent Council approval; and
- responding, as appropriate, to incorporate any new information in the development of the City's Housing Strategy.

CARRIED

- b. Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)

Councillor Galbraith declared a conflict on this item.

Direct staff to continue to proceed with the processing of the submitted application for Official Plan and Zoning By-law Amendment for 1029 and 1033 Waterdown Road, including evaluating and incorporating any/all comments received by Committee and public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

IN FAVOUR: (5): Mayor Meed Ward, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (2): Councillor Galbraith, and Councillor Kearns

CARRIED (5 to 0)

- c. Planning Application Fee Review (PL-07-22)

Note: Item C was a referral motion to Council and was dealt with in item 14.5, therefore this item is deemed moot.

With the exception of the Official Plan Amendment (OPA), Zoning Bylaw Amendment (ZBA), Draft Plan of Condominium (Regular,

Conversion and Vacant Land), Minor Variance and Combined Application Fee categories as it relates to both community planning department report PL-07-22 recommendation and update to By-Law 61-2021, which are to be referred back to staff for further review (see rationale below) and report back at the March 22, 2022 Council meeting;

Approve the proposed Planning Application Fees contained within the report titled "Planning Applications Fees Review – City of Burlington – Final Report" prepared by Watson and Associates Economists Ltd., dated December 22, 2021 and attached as Appendix "A" to community planning department report PL-07-22; and

Approve the proposed update to By-Law 61-2021, attached as Appendix "B" to community planning department report PL-07-22, effective April 1, 2022.

Rationale for Referral of OPA, ZBA Categories, Minor Variance and Draft Plan of Condominium (Regular, Conversion and Vacant Land)

- To review in further detail the determination of proposed OPA, ZBA, Draft Plan of Condominium (Regular, Conversion and Vacant Land), and Minor Variance fees including justification of the proposed 2022 fee increase in relation to the recent changes to direct and indirect costs and comparison to the 2013 development fees review.
- To consider further options for combined application fees to be applied for both OPA, ZBA, Draft Plan of Condominium (Regular, Conversion and Vacant Land), and Minor Variance fees.

12.4 Corporate Services, Strategy, Risk & Accountability meeting of March 2, 2022

Items a to k and m were voted upon by way of one consent vote.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

- a. Development Charges By-law amendment (F-06-22) (SD-06-22)

In accordance with section 12 of the Development Charges Act, 1997, as amended, the Corporate Services, Strategy, Risk and Accountability Committee held a public meeting on March 2, 2022.

Approve the City of Burlington Development Charges Update Study dated January 21, 2022 and attached as appendix A to finance department report F-06-22; and

Approve the capital project listings set out in chapter 3 of the City of Burlington Development Charges Update Study dated January 21, 2022; and

Direct the Chief Financial Officer to ensure that the future excess capacity identified in the City of Burlington Development Charges Update Study dated January 21, 2022 be paid for by development charges or other similar charges; and

Enact a by-law to amend Development Charges By-law 29-2019 with an effective date of April 1, 2022, as included in appendix A of finance department report F-06-22; and

Declare no further public meetings are required in accordance with Section 12 of the Development Charges Act, 1997; and

Approve the development charges rates, indexed in accordance with the Statistics Canada Quarterly construction price statistics, as outlined in finance department report F-06-22 with an effective date of April 1, 2022; and

Direct the Chief Financial Officer to review and report back, as part of the 2024 development charges background study, on the feasibility of development charges as a tool to incent affordable housing units in consideration of recommendations from the approved Housing Strategy, the Ontario Housing Affordability Task Force report and discussion and feedback from the Region of Halton. (SD-06-22)

CARRIED

- b. Financial status report as at December 31, 2021 (F-01-22)

Receive and file finance department report F-01-22, financial status report as at December 31, 2021.

CARRIED

- c. 2022 proposed budget and tax levy for the Burlington Downtown Business Improvement Area (F-07-22)

Approve the 2022 proposed budget for the Burlington Downtown Business Improvement Area (BIA) as presented in appendix A of finance department report F-07-22 incorporating a Burlington Downtown BIA members' levy of \$827,000; and

Authorize the Chief Financial Officer to incorporate the resulting Burlington Downtown BIA tax rates into the 2022 Tax Levy By-Law.

CARRIED

- d. 2022 proposed budget and tax levy for the Aldershot Village Business Improvement Area (F-08-22)

Approve the 2022 proposed budget for the Aldershot Village Business Improvement Area (ABIA) as presented in appendix A of finance department report F-08-22 incorporating an Aldershot Village BIA members' levy of \$240,000; and

Authorize the Chief Financial Officer to incorporate the resulting Aldershot Village BIA tax rates into the 2022 Tax Levy By-Law.

CARRIED

- e. Operating budget performance as at December 31, 2021 and summary of year-end financial position (F-09-22)

Receive and file finance department report F-09-22 reporting on the 2021 year-end financial position.

CARRIED

- f. Remuneration and expenses paid to Council and appointees for 2021 (F-11-22)

Receive and file finance department report F-11-22 regarding remuneration and expenses paid to Council and appointees for 2021.

CARRIED

- g. Highlights from Rural Ontario Municipal Association (ROMA) virtual conference 2022 (MO-01-22)

Receive and file office of the mayor report MO-01-22 providing an update on the Mayor and staff members' attendance at the annual Rural Ontario Municipal Association (ROMA) virtual conference that took place between January 23 and 25, 2022.

CARRIED

- h. Mayor's conferences for 2022 (MO-02-22)

Receive and file office of the mayor report MO-02-22 as information on the Mayor's planned conference attendance and potential travel in 2022 on behalf of the City of Burlington.

CARRIED

- i. Corporate project status report – November and December 2021 (CM-05-22)

Receive and file city manager's office report CM-05-22 providing status reports for designated corporate projects for the period November through December 2021 as detailed in appendix A.

CARRIED

- j. 2021-2022 City Manager objectives (CM-06-22)

Receive and file city manager's office report CM-06-22 including appendix A - 2021/22 City Manager objectives.

CARRIED

- k. City of Burlington recommended governance framework changes/Integrity Commissioner RFP (CM-08-22)

Direct the City Manager to proceed with recommended changes as outlined in city manager's office report CM-08-22 to enhance the alignment and effectiveness of the City of Burlington's governance accountability framework as follows:

1. Direct the City Clerk to proceed with a request for proposal (RFP) for a new five- year contract retainer for an independent

City of Burlington Integrity Commissioner effective August 1, 2022 to July 31, 2027;

2. In conjunction with the above noted RFP process, include the following additional policy-related advisory services to be completed by the Integrity Commissioner:
 - a. update of the City of Burlington Code of Good Governance to align with and achieve compliance with anticipated future changes to Province of Ontario legislation governing Municipal Codes of Conduct (target date for completion to be confirmed based on completion of province-wide review);
 - b. update of City of Burlington Council/Staff Relations Policy including integration with an updated City of Burlington Code of Good Governance (target date to be confirmed);
 - c. update of City of Burlington Respect in the Workplace Policy to fully integrate and align with the role and function of the Integrity Commissioner (target date for completion – Q3 2022);
3. Direct the Chief Financial Officer to allocate one-time funding for completion of the above-noted additional policy development advisory services in the upset amount of \$75,000 with funding provided from the contingency reserve fund; and

Direct the City Clerk to report back to the Corporate Services, Strategy, Risk and Accountability Committee on July 4, 2022 with the recommended award of the five-year retainer for the Integrity Commissioner; and

Direct the City Clerk to work with the Chief Financial Officer to include the estimated funding to cover the ongoing cost for the Integrity Commissioner contract retainer directly within the 2023 and future operating budgets for the Office of the City Clerk.

CARRIED

- m. Confidential insurance renewal (L-04-22)

Receive and file confidential legal department report L-04-22 providing a status update on the 2022-2023 insurance renewal.

I. Use of Corporate Resources During an Election Policy (CL-05-22)
(SD-07-22)

Approve the Use of Corporate Resources During an Election Policy attached as appendix A to office of the city clerk report CL-05-22 with the following amendments:

1. Delete section 2(a) and replace it with the following:

a. Municipally operated facilities/properties can only be used for any election related purpose if there is a rental fee established corporately and the rental is available to all candidates and third parties. No facility/property shall be rented or used for any municipal election related purpose during any day that voting is taking place on the property including set-up, hosting or take-down activities.

b. Use of rentals are subject to the following conditions:

i. all election campaign materials must only be displayed within the allotted rental period in the allotted rented area designated in the rental agreement; and

ii. rentals for campaign related activities are not permitted from the first date of advance voting to the day after voting day; and

iii. the City reserves the right to refuse or cancel a rental contract at any time, in accordance with the terms of the contract, should it conflict with the City's corporate values or established policies or procedures, or presents a health and safety concern; and

iv. no rentals permitted under the Lobby rental category; and

2. Delete section 3(h) regarding cell phones and the city's Bring Your Own Device program; and

3. Delete section 4(a)(ii) and replace it with the following:

- ii. City business cards and promotional materials prepared by Creative and Digital Services shall not be used for any campaign purposes or at any campaign events, and can only be distributed in the normal course of a candidate's performance of their official duties (eg. distributed during an AMO or FCM conference a member is attending in their official capacity); and

4. Add the words "to City staff" after "Media requests" in section 4(b)(i)(i); and

5. Add the following clauses to Media Requests under section 4(b)(i):

- ii. Sitting council members will continue to be available to media at all times to comment on matters related to the performance of their duties and decision-making, respecting their obligations under the Code of Good Governance Sec 11: "We will communicate information to the public in ways that are accurate, timely, and in the interest of the corporation. We will respect that the Mayor, as head of council, is the primary spokesperson for Council.

- iii. Official city press releases will not feature quotes from any member of council during the election blackout period from midnight the day of the last council meeting of the term, until midnight of election day, except in an emergency situation or in exceptional circumstances as determined by Communications, Clerks, and the City Manager; and

6. Delete section 4(b)(iii)(ii) and replace it with the following:

- ii. Printing and distribution of hard copy newsletters for members of Council will be discontinued from the day nominations open to midnight of Election Day unless utilizing the City of Burlington approved and adopted campaign period newsletter template; and

7. Add the following clause to City Talk Issues and Newsletter under section 4(b)(iii):

iii. Printed and electronic newsletters whose printing and distribution is paid for with city resources shall not contain campaign information, other than links to general election information (eg. voting locations, key election dates, links to registered candidates); and

8. Delete section 4(c)(i) and replace it with the following:

i. Council advertising of ward meetings will not include the council member's name and photo, and will only include the generic ward contact information starting nomination day until midnight on election day; and

9. Add the following sentence to the end of clause 4(c)(i):

Any meetings hosted by members of Council and paid for by the city must be regarding City business only and may not include any campaigning or distribution of campaign materials; and

10. Replace the words "owned or leased" with the word "branded" in section 5(d); and

11. Delete section 4(b)(ii)(i) and replace it with the following:

i. Members of Council are required to remove the city logo, crest, official photo or title from their social media bio, but can say they are running for re-election; and

12. Add the words "or at Civic Square at City Hall" to end of clause 2(b)(iv); and

Direct the City Clerk to work with the Integrity Commissioner to review and report back by the end of Q2 on the feasibility of aligning the policies governing advisory committees or local boards with the Use of Corporate Resources during an Election Policy for city staff and council, so there is a single policy applicable to staff, council and volunteers. (SD-07-22); and

Repeal the Use of Corporate Resources During an Election Policy, adopted on October 30, 2017, attached as appendix B to office of the city clerk report CL-05-22.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

n. Confidential update on a litigation matter (L-13-22)

Moved by: Councillor Stolte

Seconded by: Councillor Sharman

Instruct the Executive Director of Legal Services & Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal department report L-13-22, and

That Council waive solicitor client privilege to Appendix B of Report L-13-22, the planning rationale for the site plan application at 2243, 2269 Fairview Street and 864 Drury Lane (Brookfield Properties, InterRent REIT and CLV Group inc.), and that solicitor client privilege continue to apply for all purposes for the balance of the report L-13-22.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

Moved by: Councillor Stolte

Seconded by: Councillor Sharman

That Council waive solicitor client privilege to Appendix B of Report L-13-22, the planning rationale for the site plan application at 2243, 2269 Fairview Street and 864 Drury Lane (Brookfield Properties, InterRent REIT and CLV Group inc.), and that solicitor client privilege continue to apply for all purposes for the balance of the report L-13-22.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

12.5 Environment, Infrastructure & Community Services meeting of March 3, 2022

Items a, b and d to f were voted upon by way of one consent vote.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

a. Home Energy Efficiency Retrofit program (EICS-01-22)

Receive and file appendix A of environment, infrastructure and community services report EICS-01-22– Better Homes Burlington: Recommendations report for City of Burlington Home Retrofit Program; and

Direct the Executive Director of Environment, Infrastructure and Community Services to bring forward a business case as part of the 2023 budget process for the resources required to support implementation of a small-scale home energy efficiency retrofit program including a virtual delivery centre/support for homeowners, and loans through a Local Improvement Charge (LIC) mechanism for Burlington homeowners to improve home energy efficiency and a lower carbon footprint as outlined in environment, infrastructure and community services report EICS-01-22; and

Direct the Executive Director or Environment, Infrastructure and Community Services to report back in 2023 with recommended program design elements, including a by-law to support the LIC loan, application, review and approval process, and loan agreement.

CARRIED

b. COVID-19 emergency response verbal update (EICS-C-02-22)

Receive and file the March 3, 2022 staff presentation providing the COVID-19 emergency response verbal update.

CARRIED

- d. Loose Leaf Collection Pilot evaluation and program options (RPF-02-22)

Direct the Director of Roads, Parks and Forestry to implement a three-week Loose Leaf Collection Program as outlined in option 2 in roads, parks and forestry department report RPF-02-22.

CARRIED

- e. Staff direction to waive municipal consent permit fees broadband projects in Burlington (EICS-C-03-22)(SD-10-22)

Direct the Director of Engineering Services to waive the one-time fees for the City of Burlington Municipal Consent Permits related to any rural broadband project in the city of Burlington including the current Internet Access Solutions and Bell Canada applications in the amounts of \$24,471.44 and \$9,360.54 respectively. (SD-10-22)

CARRIED

- f. Provision of free menstrual hygiene products in city facilities (RCC-02-22)

Direct the Director of Recreation, Community and Culture to implement option 1 for the provision of free menstrual hygiene products in city facilities as outlined in recreation, community and culture department report RCC-02-22, and report back on the results of the program to the Environment, Infrastructure and Community Services Committee in Q4 2022.

CARRIED

- c. Private Tree By-law update (RPF-03-22)(SD-08-22)(SD-09-22)

Approve the recommended changes to the city's existing Private Tree By-law as detailed in the recommendations section of roads, parks and forestry department report RPF-03-22; and

Authorize the Executive Director of Legal Services and Corporation Counsel to prepare for Council approval a by-law repealing and

replacing the Private Tree By-law to implement changes outlined in roads, parks and forestry department report RPF-03-22; and

Authorize the Executive Director of Legal Services and Corporation Counsel to prepare for Council approval a by-law amending the Rates and Fees By-law No. 61-2021 to implement new fees as outlined in roads, parks and forestry department report RPF-03-22; and

Direct the Director of Roads, Parks, and Forestry to provide a status update on the Private Tree By-law to the Environment, Infrastructure and Community Services Committee in Q2 2023; and

That staff be directed to proceed with incorporating a one to one replacement ratio recommended for dead, dying and diseased trees within the online tree application form, with trees to be supplied by the City as a voluntary recommendation outside of the By-law, as outlined in the supplemental memorandum from the Manager of Urban Forestry dated March 22, 2022, and;

Amend the report RPF-03-22, to support option 1 with the following changes:

- The flat fee permit for up to 3 trees
- The flat fee changes to \$325
- For each subsequent tree, the fees will be as follows: \$225 for the 4th tree, \$125 for five and over

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

That staff be directed to proceed with incorporating a one to one replacement ratio recommended for dead, dying and diseased trees within the online tree application form, with trees to be supplied by the City as a voluntary recommendation outside of the

By-law, as outlined in the supplemental memorandum from the Manager of Urban Forestry dated March 22, 2022.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

That staff be directed to proceed with Option 3 permit per application single stream as outlined in the supplemental memorandum from the Manager of Urban Forestry dated March 22, 2022.

IN FAVOUR: (3): Councillor Galbraith, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (3): Mayor Meed Ward, Councillor Nisan, and Councillor Stolte

Absent (1): Councillor Kearns

LOST (3 to 3)

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

Defer the Private Tree By-law update (RPF-03-22)(SD-08-22)(SD-09-22) to the Special meeting of Council on April 12, 2022.

IN FAVOUR: (3): Councillor Galbraith, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (3): Mayor Meed Ward, Councillor Nisan, and Councillor Stolte

Absent (1): Councillor Kearns

LOST (3 to 3)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

That staff be directed to proceed with Option 1 permit per application single stream as outlined in the supplemental memorandum from the Manager of Urban Forestry dated March 22, 2022

Moved by: Councillor Nisan
Seconded by: Councillor Stolte

Motion to Amend

Amend Option 1 - That there be a flat fee for 1-5 trees, and that a sliding scale be applied for 6+ trees, per application.

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Motion to amend the amendment

Amend the amendment to change 5 trees to 3 trees and the start of the scaling scale from 6+ trees per application to 4+.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

Moved by: Councillor Stolte
Seconded by: Councillor Nisan

Note: Following a short recess both Councillors Stolte and Nisan agreed to withdraw the motion and put an alternative motion forward.

Amend the report RPF-03-22, to support option 1 with the following changes:

- The flat fee permit for up to 3 trees
- The flat fee for up to 3 trees is \$325
- For each subsequent tree, the fees will be as follows: \$225 for the 4th tree, \$125 for five and over

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith,
Councillor Nisan, Councillor Stolte, Councillor Sharman, and
Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

13. Motion to Approve Standing Committee Minutes:

Moved by: Councillor Nisan

Seconded by: Councillor Stolte

Approve the following minutes:

CARRIED

13.1 Council Workshop meeting of February 14, 2022

13.2 Special Community Planning, Regulation and Mobility Committee meeting
of February 22, 2022

13.3 Community Planning, Regulation and Mobility Committee meeting of
March 1, 2022

13.4 Corporate Services, Strategy, Risk and Accountability Committee meeting
of March 2, 2022

13.5 Environment, Infrastructure and Community Services Committee meeting
of March 3, 2022

14. Urgent Business:

14.1 Motion to move into closed session

Moved by: Councillor Nisan

Seconded by: Councillor Sharman

Burlington City Council moved into closed session for items 14.1 and 14.2
at 3:15 p.m. in accordance with the following provisions under the
Municipal Act:

Pursuant to section 239(2)(f) advice that is subject to solicitor-client
privilege, including communications necessary for that purpose. Item 14.1
Confidential Advice Respecting Contract Negotiations: ERP
Implementation (L-18-22)

And

Pursuant to section 239(2)(k) of the Municipal Act, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
14.2 ERP Implementation Partner Procurement Recommendation (IT-01-22)

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.2 Motion to move into open session

Moved by: Councillor Galbraith

Seconded by: Councillor Stolte

Burlington City Council moved into public session at 3:42 p.m.

CARRIED

14.3 Confidential Advice Respecting Contract Negotiations: ERP Implementation (L-18-22)

Moved by: Councillor Galbraith

Seconded by: Councillor Sharman

Receive and file item L-18-22 from the Executive Director of Legal Services and Corporation Counsel, dated March 22, 2022

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.4 ERP Implementation Partner Procurement Recommendation (IT-01-22)

Moved by: Councillor Nisan

Seconded by: Councillor Bentivegna

Instruct city staff or their designates to proceed in accordance with the direction approved in confidential Information Technology report IT-02-21 at Council on March 22, 2022; and

The ERP Implementation Partner award be made public, when it satisfies the criteria, and in the manner described in the Procurement By-law 04-2022.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.5 Planning Application Fee Review (PL-07-22)

Moved by: Councillor Galbraith

Seconded by: Councillor Stolte

Approve the proposed Planning Application Fees contained within the report titled “Planning Applications Fees Review – City of Burlington – Final Report” prepared by Watson and Associates Economists Ltd., dated December 22, 2021 and attached as Appendix “A” to community planning department report PL-07-22; and

Approve the proposed update to By-Law 61-2021, attached as Appendix “B” to community planning department report PL-07-22, effective April 1, 2022.

Amend the proposed by-law to include:

Delete:

“COMBINED APPLICATION FEES*"

100% OPA fee, 75% ZBA fee. 100% Subdivision fee, 75% ZBA fee.
100% OPA fee, 75% ZBA fee, 75% Subdivision fee.”

Replace With:

“COMBINED APPLICATION FEES*"

100% ZBA fee, 75% OPA fee. 100% Subdivision fee, 75% ZBA fee.
100% ZBA fee, 75% OPA fee, 75% Subdivision fee.”

Delete:

“OFFICIAL PLAN AMENDMENT (OPA)“

Replace With:

“OFFICIAL PLAN AMENDMENT (OPA)* – Fee for a standalone OPA shall be 75% of Base Rate”

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

CARRIED (6 to 0)

Moved by: Councillor Sharman

Seconded by: Councillor Galbraith

Amend the proposed by-law, to:

Delete:

“COMBINED APPLICATION FEES*

100% OPA fee, 75% ZBA fee. 100% Subdivision fee, 75% ZBA fee.
100% OPA fee, 75% ZBA fee, 75% Subdivision fee.”

Replace With:

“COMBINED APPLICATION FEES*

100% ZBA fee, 75% OPA fee. 100% Subdivision fee, 75% ZBA fee.
100% ZBA fee, 75% OPA fee, 75% Subdivision fee.”

Amend the proposed by-law to:

Delete:

“OFFICIAL PLAN AMENDMENT (OPA)”

Replace With:

“OFFICIAL PLAN AMENDMENT (OPA)* – Fee for a standalone OPA shall be 75% of Base Rate”

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.6 Appointment to Downtown Parking Advisory Committee (CL-07-22)

Moved by: Councillor Bentivegna

Seconded by: Councillor Nisan

Approve the appointment to the Burlington Downtown Parking Advisory Committee as outlined in confidential appendix A of Office of the City Clerk report CL-07-22 and following approval from Council, make the recommended name for appointment, public.

Approve the following external institution appointment to the Burlington Downtown Parking Advisory Committee for a term to expire on December 31, 2022:

- Vaughn Davis, representing Burlington Performing Arts Centre

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.7 Mask and Physical Distancing By-laws (CM-12-22)

Moved by: Councillor Galbraith

Seconded by: Councillor Sharman

Approve by-law 29-2022, as attached in CM-12-22 Appendix A, to repeal the City of Burlington Mask By-law, By-law 62-2020 as amended, as the Province has repealed its mask mandated effective March 21, 2022.

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (1): Councillor Nisan

Absent (1): Councillor Kearns

CARRIED (5 to 1)

Moved by: Councillor Bentivegna

Seconded by: Councillor Stolte

Approve by-law 30-2022, as attached in CM-12-22 Appendix B, to repeal the City of Burlington Physical Distancing By-law 17-2020, as amended.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna
Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.8 Hybrid Council Meetings (CL-11-22)

Moved by: Councillor Stolte
Seconded by: Councillor Bentivegna

Approve the hybrid City Council and standing committee plan as outlined in office of the city clerk report CL-11-22.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna
Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.9 Repealing COVID-19 Volunteer Vaccination Policy (CC-02-22)

Moved by: Councillor Sharman
Seconded by: Councillor Galbraith

Repeal the COVID-19 Volunteer Vaccination Policy, attached as appendix A to corporate communications and engagement department report CC-02-22.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna
Absent (1): Councillor Kearns

CARRIED (6 to 0)

14.10 COVID State of Emergency (CM-13-22)

Moved by: Councillor Bentivegna
Seconded by: Councillor Stolte

Approve the recommendation to terminate the City of Burlington's state of emergency effective immediately.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna
Absent (1): Councillor Kearns

CARRIED (6 to 0)

15. Motions of Members:

None.

16. Council Information Package:

- 16.1 Council Information Package February 18, 2022
- 16.2 Council Information Package February 25, 2022
- 16.3 Council Information Package March 4, 2022
- 16.4 Council Information Package March 11, 2022
- 16.5 Council Information Package March 18, 2022

17. Motion to Receive and File Information Items:

Moved by: Councillor Sharman
Seconded by: Councillor Nisan

Receive and file the information items, having been considered by Council.

CARRIED

- 17.1 Memo from Kevin Arjoon, City Clerk, regarding Use of Corporate Resources During an Election Policy (CL-05-22) (SD-07-22)
- 17.2 Memo from Steve Robinson, Manager of Urban Forestry, regarding Private Tree By-law update (RPF-03-22)(SD-08-22)(SD-09-22)
- 17.3 Correspondence from BARAAC regarding Staff direction to waive municipal consent permit fees broadband projects in Burlington (EICS-C-03-22)(SD-10-22)
- 17.4 Confidential Supplementary Legal memo to L-13-22
- 17.5 Delegation material from Brittney Rowan regarding Mask and Physical Distancing By-laws (CM-12-22)
- 17.6 Correspondence from Tom Muir regarding Mask and Physical Distancing By-laws (CM-12-22)

18. Motion to Consider Confidential Items:

None.

19. Notice of Motion:

None.

20. Motion to Approve By-Laws:

Moved by: Councillor Stolte

Seconded by: Councillor Galbraith

Items 20.1 to 20.3, and 20.5 to 20.6, were voted upon by way of one consent vote.

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

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

20.1 26-2022- A By-law to amend Development Charges By-law 29-2019

20.2 27-2022- A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for Autumn Hill Crescent Area and Palmer Drive Minor Reconstruction

20.3 28-2022- A by-law to amend By-law 61-2021, being a by-law to impose rates and fees, specifically as it relates to the Community Design and Development Review service

20.5 30-2022- A by-law to repeal By-law 17-2020 being a by-law to Promote and Regulate Physical Distancing During the COVID-19 Pandemic State of Emergency

20.6 31-2022- A by-law to appoint Livestock Valuers and Weed Inspectors and Repeal By-law 58-2010

20.4 29-2022- A by-law to repeal By-law 62-2020 being a by-law to Impose Regulations Requiring the Wearing of Masks or Other Face Coverings Within Enclosed Spaces Open to the Public

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

IN FAVOUR: (5): Mayor Meed Ward, Councillor Galbraith, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

OPPOSED: (1): Councillor Nisan

Absent (1): Councillor Kearns

CARRIED (5 to 1)

20.7 32-2022- A by-law to Regulate the Requirement of Wearing of Masks or Other Face Coverings on Public Transit Services, including Vehicles, Transit Terminals and Transit Shelters

This by-law was not voted on, therefore the by-law number was re-allocated to the confirming by-law, item 21.

21. Confirmatory By-law:

Note: In the agenda, the confirming by-law was labelled as By-law 33-2022. Due to item 20.7 not being approved, the confirming by-law will be labelled as By-law 32-2022 in the minutes.

Moved by: Councillor Nisan

Seconded by: Councillor Galbraith

Enact and pass By-law Number 32-2022, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, March 22, 2022, being read a first, second and third time.

IN FAVOUR: (6): Mayor Meed Ward, Councillor Galbraith, Councillor Nisan, Councillor Stolte, Councillor Sharman, and Councillor Bentivegna

Absent (1): Councillor Kearns

CARRIED (6 to 0)

22. Statements by Members:

23. Motion to Adjourn:

Moved by: Councillor Sharman

Seconded by: Councillor Bentivegna

2:57 pm. (recessed), 3:10 p.m. (reconvened), 3:15 p.m. (move into closed session), 3:42 p.m. (move into open session)

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

4:47 p.m.

CARRIED

Kevin Arjoon

City Clerk

Marianne Meed Ward

Mayor