

City of Burlington

Regular Meeting of Council No. 21-14

Minutes

Date of Meeting: Monday, September 22, 2014

Place of Meeting: Council Chambers, Level 2, City Hall at 6:30 p.m.

Members Present: Mayor Rick Goldring and Councillors Rick Craven, Marianne Meed Ward, John Taylor, Jack Dennison, Paul Sharman and Blair Lancaster

Staff Present: Pat Moyle, Scott Stewart, Jackie Isada, Angela Morgan, Amir Aazam and Jo-Anne Rudy

Proclamations:

- [Legion Week](#) September 21 - 27, 2014
- [Rotary Week](#) September 22 - 26, 2014
- [Culture Days](#) September 26 - 28, 2014
- [Open Doors](#) September 27, 2014
- [National Seniors Day](#) October 1, 2014
- **Lupus Awareness Month** **October 2014**
- **Fire Prevention Week** **October 5 – 11, 2014**
- **English as a Second Language Week** **October 13 – 19, 2014**
- **Spiritual and Religious Care Awareness Week** **October 13 – 19, 2014**
- **180th Anniversary of St. Luke's Parish** **October 18, 2014**
- **Waste Reduction Week in Canada** **October 20 – 26, 2014**

- **United Nations Day** **October 24, 2014**
- **Child Care Worker & Early Childhood Educator Appreciation Day** **October 29, 2014**
- **Lung Month** **November 2014**

Motion to Confirm Council Meeting Minutes:

127. Moved by: Councillor Lancaster
Seconded by: Councillor Sharman

Confirm the minutes of the following meeting (s) of Council

[Regular meeting of Council No. 19-14 held Monday, July 14, 2014 and special meeting of Council No. 20-14 held Thursday, August 14, 2014.](#)

MOTION CARRIED

Declarations of Interest:

The following members declared an interest and refrained from discussion and voting on the relevant item:

- Councillor Dennison declared an interest on planning and building department report PB-83-14 regarding the Community Heritage Fund - Item #4, as he resides in a heritage home.
- Mayor Goldring declared an interest on planning and building department report PB-85-14 regarding a program to assist homeowners with cost of building fees related to flood prevention work – Item # 12, as his residence experienced flooding on August 4, 2014.

Delegations:

Memorandum from Councillor Sharman requesting a reconsideration of the resolution to oppose the construction of a Nuclear Waste Repository in the Great Lakes Basin. (Item ADM-12-14)

- Anne and Dave Marsden, Community Health, Safety and Accessibility Advocates, expressed concern with the lack of debate on this issue at the November 4, 2013 Council meeting and supported the reconsideration so members of the community can delegate and provide comment.

Approval to revise the Site Alteration By-law (Related to Item E-10-14)

- Albert Faccenda, Coral Gables Homes, advised that he spoke with Scott Stewart and his concerns have been put to rest.
- Brad Reeve, Rosedale Properties, did not speak.
- Cameron Brown, Pioneer Family Pools, advised that he has many questions regarding this by-law but will speak to Scott Stewart to receive clarification.

Consideration of Recommendations from Standing Committees:

Development & Infrastructure Committee meeting of September 8, 2014

APPROVAL OF A SUBDIVISION ASSUMPTION FOR BURL 9 DEVELOPMENTS LIMITED PHASE 1A, REGISTERED PLAN 20M-1054

Assume the Burl 9 Developments Limited Phase 1A Subdivision, registered as Plan 20M-1054, File 510-01/07-1A; 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 HR752231; 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>
Thomas Alton Blvd	20M-1054	07202-2638
Thomas Alton Blvd	20M-1054	
	Block 153	07202-2629
Murvel Avenue	20M-1054	07202-2643
Murvel Avenue	20M-1054	07202-2644

Murvel Avenue	20M-1054	
	Block 155	07202-2631
Murvel Avenue	20M-1054	
	Block 156	07202-2632
Adobe Gate	20M-1054	07202-2642
Adobe Gate	20M-1054	
	Block 157	07202-2633
Ryan Lane	20M-1054	07202-2641
Ryan Lane	20M-1054	
	Block 158	07202-2634
Velebit Park Blvd	20M-1054	07202-2648
Velebit Park Blvd	20M-1054	
	Block 159	07202-2635
Cole Crescent	20M-1054	07202-2640
Fuller Crescent	20M-1054	07202-2645
Tim Dobbie Drive	20M-1054	07202-2639
Rossini Road	20M-1054	07202-2646
Rossini Road	20M-1054	07202-2647; and

Authorize the City Solicitor to amend the parcel designation in the by-law, if necessary, upon registration of the by-law. (PB-46-14)

APPROVAL OF A SUBDIVISION ASSUMPTION FOR MATTAMY (RICHARDSON) LIMITED PHASE 1, REGISTERED PLAN 20M-968

Assume the Mattamy (Richardson) Limited Phase 1 Subdivision, registered as Plan 20M-968, File 510-03/04-1; 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 HR444491; 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; and

<u>STREET</u>	<u>PARCEL</u>	<u>PIN NUMBER</u>
Rotary Way	20M-968	07202-0179
Thomas Alton Blvd	20M-968	07202-0180
Thomas Alton Blvd	20M-968	
	Block 77	07202-0170
Donnic Drive	20M-968	07202-0176
Gunby Crescent	20M-968	07202-0178
Edgar Avenue	20M-968	07202-0177
Cole Crescent	20M-968	07202-0175
Cole Crescent	20M-968	
	Block 78	07202-0171
Walker's Line	20M-968	
	Block 75	07202-0168
Walker's Line	20M-968	
	Block 76	07202-0169
Walker's Line	20M-968	
	Block 79	07202-0172
Walker's Line	20M-968	
	Block 80	07202-0173
Dundas Street	20M-968	
	Block 74	07202-0164
Dundas Street	20M-968	
	Block 81	07202-0174; and

Authorize the City Solicitor to amend the parcel designation in the by-law, if necessary, upon registration of the by-law. (PB-19-14)

APPROVAL OF SIGN VARIANCE FOR 1800 APPLEBY LINE

Approve a variance to Sign By-law 34-2007 to permit a ground sign with a reduced setback from the front property line at 1800 Appleby Line; and

Approve the application by Habitat for Humanity Halton, 1800 Appleby Line – Suite 10, L7L 6A1, Burlington, Ontario, to allow the following variance to Sign By-law 34-2007 for the property known as 1800 Appleby Line:

1. A ground sign with a setback of 3.5 metres instead of the minimum required 5.65 metre setback; and

Approve the application having had regard for Section 99, of the Municipal Act, 2001, S.O. 2001, c.25 as amended, and find the variance request to be minor; to be desirable; and maintaining the intent of the said By-law, subject to the following condition:

1. The variance applies to the proposed ground signage only and is valid only for the duration of its existing use on site. (PB-76-14)

APPROVAL TO AMEND A BY-LAW REGARDING THE COMMUNITY HERITAGE FUND

Amend By-law 16-1993 by deleting the following paragraph:

“4: That, as a condition of any grant from the Burlington Community Heritage Fund, the owner agrees to provide, at no charge, a heritage conservation easement”; and

Amend By-law 16-1993 by adding the following paragraph:

“4: That as a condition of any grant from the Burlington Community Heritage Fund, the owner agrees to provide, at no charge, a heritage conservation agreement, subject to the satisfaction of the City Solicitor and the Director of Planning and Building.” (PB-82-14)

APPROVAL TO REMOVE TWO TREES AT 241 PLAINS ROAD EAST

Approve the request by Millington & Associates to remove two city owned trees (two 30cm black walnut) from the city’s road allowance at 241 Plains Road East to allow access to a proposed parking lot; and

Instruct Millington & Associates to provide compensation for the tree removal

by providing monetary or replanting compensation with a total value of \$4200.00; and

Direct that all associated costs with respect to the removal of the trees will be the responsibility of Millington & Associates, and the contractor hired to remove the trees will be approved by the City Arborist. (PB-83-14)

WITHDRAWAL OF REPORT REGARDING BANNERS ON STREET LIGHT POLES

Withdraw roads and parks maintenance department report RPM-17-14 providing information regarding the installation of banners on street light poles. (RPM-17-14)

APPROVAL OF DIRECTION TO REPORT BACK ON THE CITY'S RETAINED SAVINGS STRATEGY

Direct the Director of Finance to report back to the Community and Corporate Services Committee on the city's retained savings strategy upon confirmation of the 2014 year end actual budget performance. (F-35-14)

APPROVAL OF OPEN AIR BURNING BY-LAW

Approve by-law 63-2014 to establish an open air burning by-law for the City of Burlington, attached as Appendix C to Burlington Fire Department report BFD-01-14. (BFD-01-14)

APPROVAL TO DESIGNATE 241 PLAINS ROAD EAST UNDER THE *ONTARIO HERITAGE ACT*

Approve the owner's request to designate 241 Plains Road East under the *Ontario Heritage Act*; and

State an intention to designate the property at 241 Plains Road East, Burlington, pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, Section 29; and

Authorize the City Clerk to present the designation by-law to Council designating the property at 241 Plains Road East, Burlington, under Part IV of the *Ontario Heritage Act*, if there are no public objections in accordance with Section 29(6) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18; and

Authorize the City Clerk to take the necessary action if there are public objections to the designation of 241 Plains Road East, in accordance with

Section 29(7) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18.
(PB-79-14)

APPROVAL TO REVISE THE SITE ALTERATION BY-LAW

The following amendment was moved by Councillor Dennison and seconded by Councillor Sharman:

That Item E-10-14 of the Development & Infrastructure Committee Report No. 10-14 be amended by adding the following after the words “Appendix B” in the first sentence “with the exception of Schedule B” and add the following paragraph to the end of the resolution:

“Direct the Executive Director of Capital Works to continue with the current fee structure and report back to the Development & Infrastructure Committee at a future meeting with a proposed fee structure.”

AMENDMENT LOST

Approve the proposed Site Alteration By-law, attached as Appendix B to capital works department report E-10-14, which is to replace current By-law 6-2003, which was established to protect and conserve topsoil and for prohibiting the alteration of property within the City of Burlington; and

Direct the Executive Director of Capital Works to reassess the site alteration bylaw on an annual basis, for the first 3 years, and report back to the development and infrastructure committee. (E-10-14)

A Recorded Vote was requested by Councillor Meed Ward on the above recommendation resulting in the following:

IN FAVOUR: Councillors Craven, Meed Ward, Taylor, Sharman, Lancaster and Mayor Goldring

OPPOSED: Councillor Dennison

(6 in favour, 1 opposed)

MOTION CARRIED

APPROVAL OF DIRECTIONS TO ENSURE AIRPARK COMPLIANCE WITH THE CITY’S SITE ALTERATION AND DRAINAGE BY-LAWS

Support the Executive Director of Capital Works in the continued efforts to ensure that a complete risk assessment of the Burlington Executive Airpark site is undertaken under the city’s Site Alteration By-law; and

Support the Executive Director of Capital Works in the effort to assess any storm water impacts that may be occurring as a result of drainage from the Burlington Executive Airpark site onto neighbouring properties under the city's Drainage By-law; and

Implement a plan of remediation and/or mitigation if and where may be necessary to ensure compliance with the city's by-laws. (DID-5-14)

DIRECTION TO ORGANIZE ACTIVITIES TO REMEMBER WORKERS KILLED OR INJURED DUE TO WORK-RELATED INCIDENTS

Direct the Executive Director of Human Resources to organize activities for the Day of Mourning on April 28, 2015 that include the following:

- Distribute an educational email broadcast to all City employees that explains the purpose of the National Day of Mourning; and
- Lower City Flags to half mast; and
- Re-assign the annual health and safety training and recognition day held for all City Joint Health and Safety Committee members from National Safety week in mid-May to April 28, 2015.
(SD-31-14) (Councillor Craven)

DIRECTION TO REPORT BACK ON THE EXPANSION PLANS OF VARIOUS TELECOMMUNICATIONS COMPANIES IN BURLINGTON

Direct the Executive Director of Capital Works to provide a report on the expansion plans of various telecommunication companies in Burlington, especially Bell and Cogeco. This report should address a range of issues including:

- the extent of the growth plans
- issues related to rights of way
- responsibility for restoration of disturbed sites and communications with the public. (SD-32-14)
(Councillor Craven)

DIRECTION TO SEEK FEDERAL FUNDING OPPORTUNITIES TO SUPPORT BURLINGTON FLOOD RELIEF

Direct the City Manager to prepare a formal request to Burlington's Member of Parliament, Mike Wallace, to request his assistance in seeking further opportunities that may be available at the federal government level to support the Burlington flood disaster relief.
(SD-33-14) (Mayor Goldring)

**DIRECTION TO REPORT BACK REGARDING A BY-LAW RELATED TO
DOWNSPOUTS CONNECTED TO WEEPING TILES**

Direct the Director of Planning and Building to report back on a by-law requiring removal of downspouts from weeping tile as part of a more comprehensive report regarding the August 4, 2014 flood in Burlington. (SD-34-14) (Councillor Dennison)

Ten Items for Receipt:

Receive and file the following **ten** items, having been given due consideration by the Development & Infrastructure Committee:

- Report providing the financial status as at June 30, 2014. (F-33-14)
- Report providing an update on insurance litigation as of July 31, 2014. (F-37-14)
- **Report providing information on a program to assist homeowners with the cost of building permit fees for flooding prevention work. (PB-85-14)**
- Confidential appendices A and B to finance department report providing an update on insurance litigation. (F-37-14)
- Presentation by Pat Moyle, Interim City Manager and Scott Stewart, General Manager of Development and Infrastructure providing a Burlington flood update. (DI-16-14)
- Report providing an update on the Burlington Executive Airpark. (DID-5-14)
- Confidential legal department report providing an update on the Burlington Executive Airpark. (L-3-14)
- Presentation by Cary Clark, Manager of Development and Environmental Engineering regarding the report recommending revisions to the site alteration by-law. (E-10-14)

Motion to Adopt Recommendations from Standing Committees:

128. Moved by: Councillor Lancaster
Seconded by: Councillor Sharman

Adopt the following reports:

[Development and Infrastructure Committee meeting of September 8, 2014](#)

Report No. 10-14
As presented

MOTION CARRIED

Reports of Municipal Officers:

APPROVAL OF PROGRAM TO ASSIST HOMEOWNERS WHO EXPERIENCED FLOODING WITH THE COST OF BUILDING PERMIT FEES

Approve a grant program pursuant to S. 107(1) of the *Municipal Act, 2001* to provide financial assistance equivalent to the cost of the building permit fee to qualified Burlington residents for:

- Restoration work required as a result of the flooding and water damage of August 4, 2014
- Eligible basement flooding prevention work in accordance with the criteria set out in this report; and

Use the Tax Rate Stabilization Reserve fund for this grant program; and

Receive and file planning and building department report PB-85-14. (PB-90-14)

APPROVAL OF APPOINTMENTS TO BURLINGTON'S CITIZEN COMMITTEES

Approve the appointment to Burlington's boards and citizen committees as outlined in Confidential Appendix A of clerk's department report CL-20-14 and make public the name of the successful candidate following Council approval; and

Approve the following member for appointment to the Burlington Accessibility Advisory Committee for a three-year term to expire on September 22, 2017 or until a successor is appointed:

- a) Sallie Morrison. (CL-20-14)

- Delegation notes from Dave and Anne Marsden, Community Health, Safety and Accessibility Advocates, concerning the reconsideration of the resolution to oppose the construction of a Nuclear Waste Repository in the Great Lakes Basin. (Related to ADM-12-14)

MOTION CARRIED

Consideration of By-laws:

132. Moved by: Councillor Craven
 Seconded by: Councillor Lancaster

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

By-law No.	Title
62-2014	A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington. File: 745-06 (CL-18-14, DA-83-14)
63-2014	A by-law to regulate the setting of open air fires and the time during which open fires may be set. File: 755-04 (BFD-01-14)
64-2014	A by-law to prohibit and regulate the placing, dumping, cutting or removal of fill or the altering of grades or drainage on any lands. Files: 110-04-01, 815-01 (E-10-14)
65-2014	A by-law to assume Burl 9 Developments Limited Phase 1A Subdivision, Ward 6. File: 510-01/07-1A (PB-46-14)
66-2014	A by-law to assume Mattamy (Richardson) Limited Phase 1 Subdivision, Ward 6. File: 510-3/04-1 (PB-19-14)
67-2014	A by-law to amend By-law 16-1993, a by-law to amend By-law 128-1985, being a by-law to establish a Community Heritage Fund. File: 501-06-07 (PB-82-14)

2020.351	<u>A by-law to amend Zoning By-law 2020, as amended, to remove the "H" (holding symbol) prefix for a portion of the property located at 1028 Waterdown Road, Ward 1. File: 520-06/14 (DA-84-14, PB-88-14)</u>
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MOTION CARRIED

Motion to confirm the proceedings of the Council meeting:

133. Moved by: Councillor Sharman
Seconded by: Councillor Craven

Enact and pass By-law Number 68-2014, being a by-law to confirm the proceedings of Council at its meeting held Monday, September 22, 2014, being read a first, second and third time.

MOTION CARRIED

Motion to Adjourn:

134. Moved by: Councillor Taylor
Seconded by: Councillor Lancaster

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

Time: 7:51 p.m.

MOTION CARRIED

Angela Morgan
City Clerk

Rick Goldring
Mayor