

# City of Burlington

## Regular Meeting of Council No. 10-15

### Minutes

Date of Meeting: Monday, April 20, 2015

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: Angela Morgan, James Ridge, Brian Kelly, Tara Thorp, Dan Ozimkovic, Kaylan Edgumbe, Amir Aazam and Debbie Hordyk

### Proclamations:

- [First Responders Day](#) May 1, 2015
- [Burlington Gymnastics Club Day](#) May 1, 2015
- [Canada - Netherlands Friendship Day](#) May 5, 2015
- [World Lupus Day](#) May 10, 2015
- [Emergency Preparedness Week](#) May 3 - 9, 2015
- [Nursing Week](#) May 11 - 17, 2015
- [National Public Works Week](#) May 17 - 23, 2015
- [Apeldoorn Month](#) May 2015
- [Multiple Sclerosis Awareness Month](#) May 2015
- [International Building Safety Month](#) May 2015
- [45th Anniversary of Canadian City-Wide Recycling](#) May 2015

**Motion to Confirm Council Meeting Minutes:**

54. Moved by: Councillor Lancaster  
Seconded by: Councillor Meed Ward

Confirm the minutes of the following meetings of Council:

[Regular meeting of Council No. 8-15 held March 23, 2015 and the Special meeting of Council No. 9-15 held April 2, 2015](#)

**MOTION CARRIED**

**Recognitions and Achievements:**

- Yordan Stoyanov a student from Robert Bateman High School was the winner of a bicycle. Yordan participated in a survey regarding active transport sent to high school students in Burlington. 400 active transportation surveys were filled out. They were asked how they feel about walking, cycling and transit. Their completed survey was put into a draw to win a new bicycle. Once the Transportation Department summarizes the results of the survey, they will share the findings with Council.

**Declarations of Interest:** None

**Delegations:**

**Clerks report CL-12-15 regarding the 2014 Municipal Election.**

- Anne and Dave Marsden, Health, Safety and Access Advocates, spoke regarding School Safety when Schools are used as polling stations. They proposed that James Ridge organize and chair a one day work shop with the goal of preparing draft Federal, Provincial and Municipal legislation that will terminate the presence of students in any Canadian school used as a polling station during an election or by-election.

**Consideration of Recommendations from Standing Committees:**

**Development and Infrastructure Committee meeting of March 30, 2015**

ENDORSE THE STAFF RECOMMENDATION TO REFUSE THE OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS FOR 374 MARTHA STREET

Endorse the staff recommendation to refuse the applications for Official Plan and Zoning By-law amendments, submitted by Andrew Ferancik, Walker Nott Dragicevic Ltd., 90 Eglinton Avenue East, Toronto, ON, on

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behalf of ADI Development Group Inc., to permit a mixed use development consisting of 226 residential apartment units and 348 m<sup>2</sup> of ground floor commercial development, on the property located at 374 Martha Street; and

Direct the City Solicitor to provide a confidential legal strategy report to the May 11, 2015 Development & Infrastructure Committee meeting in response to the Ontario Municipal Board appeals filed by ADI Development Group Inc. (PB-23-15)

APPROVAL OF DIRECTION TO REPORT BACK REGARDING PLANS FOR A CANADIAN NATIONAL (CN) INTERMODAL AND LOGISTICS HUB IN MILTON, ONTARIO

Direct the General Manager of Development and Infrastructure to provide a report to the May 11, 2015 Development & Infrastructure Committee meeting with additional information on the potential impacts of the proposed Canadian National (CN) intermodal and logistics hub to the City of Burlington. (DID-5-15)

APPROVAL TO PROCEED WITH DIRECTIONS IN CONFIDENTIAL LEGAL DEPARTMENT REPORT PROVIDING A BURLINGTON AIRPARK UPDATE

Authorize the City Solicitor to act in accordance with the instructions contained in confidential legal department report L-9-15. (L-9-15) and;

**Waive solicitor client privilege with respect to the advice/opinions contained in L-9-15 and its attachments strictly with respect to conveying to the public that:**

**Burlington City Council takes the position that it has full legal authority to enforce the provisions of its Site Alteration By-law as against Burlington Airpark Inc; and**

**The Burlington Airpark Inc. has been given 30 days from March 20, 2015 to comply with the by-law; and**

**Maintain solicitor-client privilege over all other legal advice/opinions contained in L-9-15 and its appendices.**

**A Recorded Vote was requested by Councillor Taylor regarding the resolution to proceed with directions in confidential legal department report L-9-15 resulting in the following:**

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

**(7 in favour)**

**MOTION CARRIED**

APPROVAL TO PROCEED WITH DIRECTIONS IN CONFIDENTIAL LEGAL DEPARTMENT REPORT REGARDING OFFICIAL PLAN AMENDMENT NO. 38 TO THE REGION OF HALTON OFFICIAL PLAN (ROPA 38)

Authorize the City Solicitor to proceed in accordance with the instructions requested in confidential legal department report L-6-15. (L-6-15)

**DIRECTION TO REPORT BACK REGARDING THE FEASIBILITY OF A COMMUNITY VIDEO BOARD**

**Direct the Director of Planning and Building to report back to committee on the feasibility, desirability, location and process of procuring and installing a community video board in the City. (DI-4-15) (SD-19-15)**

**DIRECTION TO EVALUATE FEASIBILITY OF JOINT VENTURE PARKING**

Direct the General Manager of Development & Infrastructure to complete a preliminary evaluation of the feasibility of partnering with a private developer to construct public underground parking in a proposed downtown development. The evaluation will include a financial assessment including the costs per space, impact on the current parking reserve fund and the impact on future parking supply, as well as the legal considerations of any partnership including operating, maintenance and liability. (DI-5-15) (SD-20-15)

**DIRECTION TO CONSIDER AMENDMENTS TO TRAFFIC BYLAW AND PARKS BYLAW WITH RESPECT TO ELECTRIC BICYCLES**

Direct the Director of Transportation Services and the Executive Director of Capital Works to consider amendments to each the traffic and parks bylaws to specifically prohibit pedal electric bicycles and non-pedal or throttle-only vehicles on city sidewalks, bike paths and trails, and

Direct the Director of Transportation Services and the Executive Director of Capital Works to incorporate amendments as appropriate to the traffic and parks bylaws prior to the end of 2015. (SD-21-15)

Fifteen Items for Receipt:

- Report providing the Burlington Sustainable Development Committee 2014 year-end report and 2015 objectives. (CW-3-15)
- Correspondence from John M. Alati, Davies Howe Partners, regarding the Orchard Community East Cost Sharing Agreement. (DI-03-15)
- Report providing an update regarding the Burlington Executive Airpark. (CW-6-15)
- Report providing an update regarding enterprise corporations. (DID-3-15)
- Report providing information regarding plans for a Canadian National (CN) intermodal and logistics hub in Milton, Ontario. (DID-5-15)
- Memorandum from Mayor Goldring and Councillor Meed Ward regarding the feasibility of a downtown community video board. (DI-4-15)
- Memorandum from Councillor Meed Ward regarding potential joint venture parking. (DI-5-15)
- Memorandum from Councillor Dennison regarding potential amendments to traffic bylaw and parks bylaw with respect to electric bicycles. (DI-6-15)
- Delegation material from Ron Young, Young Project Management, regarding the Orchard Community East Cost Sharing Agreement. (DI-03-15)
- Presentation from Rosa Bustamente, Planner, regarding the Official Plan and Zoning By-law amendment applications for 374 Martha Street. (PB-23-15)
- Correspondence from Nancy Beiman, ward 2 resident, regarding the Official Plan and Zoning By-law amendment applications for 374 Martha Street. (PB-23-15)
- Delegation material from Carol Wiebe, MHBC Planning Urban Design & Landscape Architecture, representing 395 Martha Street, regarding the Official Plan and Zoning By-law amendment applications for 374 Martha Street. (PB-23-15)
- Correspondence from Deby Morrison, representing Core Residents Group, regarding the Official Plan and Zoning By-law amendment applications for 374 Martha Street. (PB-23-15)

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- Correspondence from Vanessa Warren, Rural Burlington GreenBelt Coalition, regarding the Burlington Executive Airpark. (CW-06-15)
- Correspondence from Gene Wasik, regarding potential amendments to traffic bylaw and parks bylaw with respect to electric bicycles. (DI-6-15)

**Community and Corporate Services meeting of March 31, 2015**

APPROVAL FOR THE APPOINTMENT OF BURLINGTON HYDRO EXTERNAL AUDITORS

Extend the contract with the firm of KPMG LLP as external auditors for the Burlington Hydro group of companies for the fiscal year January 1 – December 31, 2015.  
(F-31-15)

APPROVAL OF THE 2015 PROPOSED BUDGET AND TAX LEVY FOR THE BURLINGTON DOWNTOWN BUSINESS IMPROVEMENT AREA

Approve the 2015 proposed budget for the Burlington Downtown Business Improvement Area (BIA) as presented in Appendix A of finance department report F-19-15 incorporating a Burlington Downtown BIA members' levy of \$713,390; and

Authorize the Director of Finance to incorporate the resulting Burlington Downtown BIA tax rates into the 2015 Tax Levy By-Law. (F-19-15)

APPROVAL OF THE 2015 PROPOSED BUDGET AND TAX LEVY FOR THE ALDERSHOT VILLAGE BUSINESS IMPROVEMENT AREA

Approve the 2015 proposed budget for the Aldershot Village Business Improvement Area (BIA) as presented in Appendix A of finance department report F-20-15 incorporating an Aldershot Village BIA members' levy of \$95,650; and

Authorize the Director of Finance to incorporate the resulting Aldershot Village BIA tax rates into the 2015 Tax Levy By-Law. (F-20-15)

APPROVAL OF THE STOPPING UP AND CLOSING PART OF ROAD ALLOWANCE AND PROPOSED SALE OF CLOSED ROAD ALLOWANCE FOR 1497 OLD PLAINS ROAD WEST

Approve the stopping up and closure of part of the road allowance between Concessions 1 and 2 lying between Old Plains Road and Plains Road West shown as part 6 on Plan 20R-11671; and

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Authorize the City Clerk to give notice of Council's intent to stop up and close and convey the said lands pursuant to the City's Sale of Real Property policy; and

Authorize the transfer of the land described as part 6 on Plan 20R-11671 to Lanwell Property Management Limited following the enactment and registration of the by-law to stop up and close the part of the said road allowance and the execution of an Agreement of Purchase and Sale between Lanwell Property Management Limited and the City in a form approved by the City Solicitor; and

Authorize the City Solicitor to prepare the necessary by-law; and

Authorize the Mayor and Clerk to execute any documents that in the opinion of the City Solicitor are necessary to complete the transfer of the land. (L-2-15)

### APPROVAL OF THE SENIORS' ADVISORY COMMITTEE ANNUAL REPORT

Approve the Burlington Seniors' Advisory Committee's revised terms of reference attached as Appendix A to clerks department report CL-14-15; and

Receive the Burlington Seniors' Advisory Committee's 2014 annual report attached as Appendix B to clerks department report CL-14-15. (CL-14-15)

### APPROVAL FOR THE INTEGRATED TRANSPORTATION ADVISORY COMMITTEE TERMS OF REFERENCE

Approve the Integrated Transportation Advisory Committee terms of reference attached as Appendix A to clerks department report CL-16-15. (CL-16-15)

### APPROVAL OF BURLINGTON'S BEST TERMS OF REFERENCE

Approve the revised terms of reference for the Burlington's Best Committee as outlined in Appendix A of clerks department report CL-11-15. (CL-11-15)

### APPROVAL OF THE BMA MANAGEMENT CONSULTING INC. ASSESSMENT

Approve the updated Financial Policies 1 through 6 as described in finance department report F-15-15; and

Authorize the Director of Finance to update the City of Burlington Financial Condition Assessment every four years with the new term of council. (F-15-15)

### APPROVAL OF ONE TIME GRANT TO THE LIGHTHOUSE CHURCH

Approve a one time grant for the City's portion of the requested amount for 2012/2013 totaling \$3,082.34. (F-09-15)

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APPROVAL OF RESOLUTION REGARDING THE 2014 BURLINGTON MUNICIPAL ELECTION

Receive and file clerks department report CL-12-15 regarding the 2014 Municipal election; and

Request the Mayor to prepare correspondence to Ted McMeekin, Minister of Municipal Affairs and Housing requesting that the Ministry consult with municipalities and school boards on options for amendments to the Municipal Elections Act that allow the use of schools for election purposes while ensuring compliance with the Safe Schools Act; options to be considered are:

- Moving Election Day to the last Saturday in October
- Mandate all school boards to hold a professional development day on Election Day; and

Direct the City Clerk to circulate this resolution to the Halton Region, Town of Oakville, Town of Halton Hills, Town of Milton, Halton District School Board and Halton Catholic School Board for their endorsement, with information copies sent to MPPs

Eleanor McMahon and Indira Harris-Naidoo, the Association of Municipal Clerks and Treasurers of Ontario, and Elections Ontario.

APPROVAL OF A ZONING BY-LAW AMENDMENT APPLICATION FOR 2267 LAKESHORE ROAD

Approve the Zoning By-law Amendment application, submitted by Tony Millington, Millington and Associates, 3380 South Service Road, Burlington, ON, on behalf of Roseland Properties; and

Direct Director of Planning and Building, following execution and registration of a Residential Development Agreement, to prepare a By-law rezoning lands at 2267 Lakeshore Road from R3.2 to R5 – Exception with the exception number containing the following provisions; and

Visitor Parking	0 spaces
Maximum Lot Coverage for entire site	35% for all dwelling types
Yard abutting a rear building elevation	6.0 m
Driveway setback from a wall containing a window of a habitable room	2.0 m minimum
Landscape buffer abutting R1, R2, R3 zones	1.0 m along western property line



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Certify that the amending Zoning By-law conforms with the Official Plan of the City of Burlington. (PB-22-15)

### Nine Items for Receipt:

Receive and file the following nine items, having been given due consideration by the Community and Corporate Services Committee:

- Report providing information regarding insurance litigation as of January 31, 2015. (F-22-15)
- Report providing information regarding budget performance report as of December 31st, 2014. (F-21-15)
- Report recommending approval of the Burlington Accessibility Advisory Committee annual report. (CL-04-15)
- Report providing information regarding Burlington Cycling Advisory Committee 2014 year-end report. (CL-05-15)
- Presentation titled City of Burlington Financial Condition Assessment, March 2015 by BMA Management Consulting Inc. (F-15-15)
- Report providing an update regarding an extension agreement with Geraldo's at LaSalle. (PR-06-15)
- Report providing information on Canada's 150th anniversary. (PR-04-15)
- Planning and Building presentation regarding a zoning by-law amendment application for 2267 Lakeshore Road. (PB-22-15)
- Correspondence from Cheryl De Lugt, resident, regarding the 2014 Burlington municipal election review report. (CL-12-15)

### **Committee of the Whole meeting of April 02, 2015**

### Four Items for Receipt:

Receive and file the following four items, having been given due consideration by the Committee of the Whole:

- Presentation from Bruce Krushelnicki, Director of Planning and Building, regarding intensification in the City of Burlington. (COW-5-15)

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- Overview of official plan amendments approved by Council from March 1997 to December 2014. (COW-5-15)
- Facts Sheets: official plan amendments. (COW-5-15)
- Map identifying privately-initiated official plan amendments approved by Council, 1997-2014. (COW-5-15)

**Motion to Adopt Recommendations from Standing Committees:**

55. Moved by: Councillor Lancaster  
Seconded by: Councillor Meed Ward

Adopt the following reports:

[Development and Infrastructure meeting of March 30, 2015](#) Report No. 4-15  
**As amended**

[Community and Corporate Services meeting of March 31, 2015](#) Report No. 7-15  
As presented

[Committee of the Whole meeting of April 2, 2015](#) Report No. 4-15  
As presented

**MOTION CARRIED**

**Motion to Receive and File Council Information Packages:**

56. Moved by: Councillor Craven  
Seconded by: Councillor Meed Ward

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

[March 20 & 27, 2015 and April 2 & 10, 2015](#)

**MOTION CARRIED**

**Motion to Receive and File Items Received by Council:**

57. Moved by: Councillor Sharman  
Seconded by: Councillor Meed Ward

Receive and file the following items, having been considered by Council:



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By-law No. Title

33-2015	<a href="#"><u>A by-law to amend By-law 9-2007, as amended by By-law 13-2008, to update the reasons for designation of 3215 Settlement Court, (formerly 4083 Thomas Alton Boulevard) "The Thomas Alton Farmhouse", in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990, chapter 0.18, as amended.</u></a> <a href="#"><u>File: 501-06-2 (PB-31-15)</u></a>
34-2015	<a href="#"><u>A by-law to exempt the Royal Canadian Legion from municipal taxation, Ward 2.</u></a> <a href="#"><u>File: 435-01 (F10-15)</u></a>
35-2015	<a href="#"><u>A by-law to exempt the Halton Navel Veteran's Association from municipal taxation, Ward 3.</u></a> <a href="#"><u>File: 435-01 (F10-15)</u></a>
36-2015	<a href="#"><u>A by-law to exempt the Navy League of Canada from municipal taxation, Ward 2.</u></a> <a href="#"><u>File: 435-01 (F-10-15)</u></a>
37-2015	<a href="#"><u>A by-law to appoint municipal law enforcement officers for the City of Burlington. All Wards</u></a> <a href="#"><u>File: 745-06 (CL-18-15, DA-31-15)</u></a>
38-2015	<a href="#"><u>A by-law to stop up and close part of the road allowance between Concessions 1 and 2 lying between Old Plains Road and Plains Road West shown as part 6 on Plan 20R-11671 and to convey the soil and freehold thereof to the abutting owner, Ward 1.</u></a> <a href="#"><u>File: 575-09-141 (L-2-15)</u></a>
39-2015	<a href="#"><u>A by-law to amend By-law 38-2014, being a by-law to regulate administrative penalties and fees for parking infractions</u></a> <a href="#"><u>File: 745-03, 435-04 (F-42-14)</u></a>
40-2015	<a href="#"><u>A by-law to amend By-law 40-2014, being a by-law to regulate parking and idling infractions</u></a> <a href="#"><u>File: 745-03, 435-04 (F42-14)</u></a>
2020.355	<a href="#"><u>A by-law to amend By-law 2020, as amended; to permit three residential condominium lots and a shared driveway at 2267 Lakeshore Road, Ward 2.</u></a> <a href="#"><u>File: 520-01/14 (PB-22-15)</u></a>

