

CITY OF BURLINGTON

REGULAR MEETING OF COUNCIL NO. 13-10

**MONDAY, JULY 5, 2010
IN COUNCIL CHAMBERS
LEVEL 2, CITY HALL AT 7:00 P.M.**

AGENDA

CALL TO ORDER:

NATIONAL ANTHEM:

REGRETS:

CONFIRMATION OF MINUTES:

Confirm the minutes of the following meetings of Council:

Regular meeting of Council No. 11-10 held Monday, June 14, 2010 and Special meeting of Council No. 12-10 held Wednesday, June 23, 2010.

DECLARATIONS OF INTEREST:

DELEGATIONS:

Any person, group of persons or organization wishing to appear before City Council must register by noon on the day of the Council meeting either in writing, by fax 905-335-7881, by e-mail cityclerks@burlington.ca or by telephone 905-335-7698 with the Clerks Department. Delegations will only be permitted to register when there is a specific recommendation, motion and/or by-law listed on the Council Agenda. Each delegation is allowed a maximum of five minutes to present their support or opposition to the item. Delegations are encouraged to provide a written brief of their delegation for the official public record.

Information concerning the 2011 Mobility Cup – North America’s largest sailing regatta for sailors with physical challenges and disabilities

See Item ADM-1-10, page 3

- Bob Wercholo, Burlington Sailing & Boating Club/Able Sail Program, will provide information on the 2011 Mobility Cup. (Related to ADM-1-10)

**Approval of the 2011/2012 National Cycling Championships Support
See Item PR-25-10, page 48**

- Terry Harvey, Burlington Youth Soccer Club, 5230 South Service Road, Burlington L7L 5K2, will speak in opposition.

**Approval of the Burlington Inclusivity Advisory Committee's Civic Engagement Forum
recommendations
See Item CC-17-10-01, page 46**

- Arnold Koopman, 1265 Britannia Road, Burlington L7P 0E7, will speak in opposition.

CORRESPONDENCE:

- Correspondence dated May 4, 2010 from Bob Wercholz, Burlington Sailing & Boating Club/Able Sail Program, concerning the 2011 Mobility Cup. (ADM-1-10)

Page 3

- Memorandum dated June 1, 2010 from Christine Swenor, Director of Information Technology, concerning statistics for E-Government. (Related to Item IT-04-10)

Pages 4-5

- Memorandum dated June 28, 2010 from Sandra Neil, Supervisor of Marketing & Sponsorship, providing additional information on the 2011/12 National Road Cycling Championships outcomes. (Related to Item PR-27-10)

Pages 6-17

- Confidential memorandum dated June 21, 2010, from Pam Mulholland, Community Development Planner, concerning the Public Art process. (Related to Item PR-7-10)

Limited distribution under separate cover.

- Confidential memorandum dated June 23, 2010, from Rob Axiak, Manager, Facility Operations & Special Projects, regarding Cafe 426. (Related to Item PR-32-10)

Limited distribution under separate cover.

**SPECIAL BUDGET &
CORPORATE SERVICES
COMMITTEE**

REPORT NO. 10-10

**RECOMMENDATIONS TO
COUNCIL MEETING OF
JULY 5, 2010**

DATE OF MEETING: Thursday, May 20, 2010 and Thursday, June 17, 2010.

PLACE OF MEETING: Council Chambers, Level 2, City Hall, 2:00 p.m. (Public), Recessed at 5:00 p.m., reconvened on June 17, 2010 at 2:00 p.m. (Public).

MEMBERS PRESENT: Councillors John Taylor (Chair), Rick Goldring, Jack Dennison, Rick Craven, Peter Thoem, Carol D'Amelio (arrived at 2:08 p.m. May 20, 2010) and Mayor Cam Jackson (arrived at 2:05 p.m. May 20, 2010, arrived at 2:15 p.m. June 17, 2010).

STAFF PRESENT: Roman Martiuk, Kim Phillips, Leo DeLoyde, Scott Stewart, Steve Zorbas (May 20, 2010), Allan Magi (May 20, 2010), Donna Kell, Roy Male, Christine Swenor (May 20, 2010), Angela Morgan, Deb Caughlin, Cathy Robertson (May 20, 2010), Rob Axiak (May 20, 2010), John Crass (May 20, 2010), Michelle Dwyer, Tom Eichenbaum (May 20, 2010), Sheila Jones (May 20, 2010), Ann-Marie Coulson (May 20, 2010), Blake Hurley (May 20, 2010), Bianca Bielski (May 20, 2010), Jody Wellings (May 20, 2010), Pam Mulholland (June 17, 2010), Mark Covert (June 17, 2010), Rob Hagley, John Lee (ITS) and Danielle Pitoscia (clerk).

DECLARATIONS OF INTEREST: None.

RECOMMENDATIONS:

STAFF DIRECTIONS:

**REFERRAL OF THE SHAPE BURLINGTON REPORT TO THE JUNE 22, 2010
BUDGET & CORPORATE SERVICES COMMITTEE MEETING**

Refer the Shape Burlington report tabled for the Budget & Corporate Services Committee of June 1, 2010 to the Budget & Corporate Services Committee of June 22, 2010 for consideration. (BC-12-10, Councillor Taylor)

Note: Approved as Motion #60 at Council Meeting of May 25, 2010.

**DIRECTION TO REPORT BACK ON RESPONSES TO EDITORIALS AND
LETTERS TO THE EDITOR ON CITY ISSUES**

Direct the Manager of Public Affairs to report back on the pro's and con's of responding to editorials and Letters to the Editor that are published in the Burlington Post or the Hamilton Spectator to fully inform the public of a particular City issue. (BC-17-10, Councillor D'Amelio)

**DIRECTION TO REPORT BACK ON HOSTING A PILOT CIVIC SCHOOL FOR
THE PUBLIC**

Direct the City Clerk to report back on hosting a pilot civic school run by City staff and Council which will educate the public on how various departments, local boards and advisory committees work and how Council meetings are conducted. (BC-18-10, Councillor D'Amelio)

THREE ITEMS FOR RECEIPT:

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

- Powerpoint presentation from Leo DeLoyde, General Manager of Development & Infrastructure, regarding Information Sharing and Community Involvement. (BC-13-10, May 20, 2010)
- Powerpoint presentation from Walter Mulkewich and John Boich, Co-chairs of Shape Burlington, regarding Shape Burlington Report, 'Creating an Engaged Community'. (BC-14-10, May 20, 2010)
- Powerpoint presentation from Sean O'Brady, Communications Advisor, regarding International Association for Public Participation Training. (BC-19-10, June 17, 2010)

STAFF REMARKS:

- Scott Stewart, General Manager of Community Services, commented on the great work done by staff to prepare materials for the Niagara Escarpment Commission regarding New City Park being considered to host the City's portion for the 2015 Pan/Parapan Games.

COMMITTEE REMARKS: None.

ADJOURNMENT: 4:17 p.m. (June 17, 2010).

COMMITTEE OF THE WHOLE

REPORT NO. 5-10

**RECOMMENDATIONS TO
COUNCIL MEETING OF
JULY 5, 2010**

DATE OF MEETING: Monday, June 21, 2010.

PLACE OF MEETING: Council Chambers, Level 2, City Hall at 2:00 p.m. (Public), 3:46 p.m. (Closed), 4:32 p.m. (Public).

MEMBERS PRESENT: Councillors Carol D'Amelio (Chair), Peter Thoen, Rick Craven, John Taylor, Jack Dennison, Rick Goldring and Mayor Cam Jackson (arrived 2:04 p.m.).

STAFF PRESENT: Kim Phillips, Scott Stewart, Leo DeLoyde, Steve Zorbas, Roy Male, Donna Shepherd, Bruce Zvaniga, Chris Glenn, Allan Magi, Shayne Mintz, Deb Caughlin, Jennifer Johnson, Tracie Legg, Donna Kell, Chris Foster, Brian Chire, Greg Simon, Rob Axiak, Ann Marie Coulson, Tracey Burrows, Tony Bavota, Jeff Weber, and Joanne Hyde (clerk).

DECLARATIONS OF INTEREST: None.

RECOMMENDATIONS:

TEN ITEMS FOR CONSIDERATION:

**APPROVAL OF PUBLIC WORKS AND GOVERNMENT SERVICES CANADA'S
RETROFIT FOR THE BURLINGTON CANAL LIFT BRIDGE PATHWAY**

Approve Public Works and Government Services Canada's recommended alternative to construct a second sidewalk/multi-use path on the east (Lake Ontario) side of the Burlington Canal Lift Bridge. (E-54-10)

APPROVAL OF THE ASSUMPTION OF BRONTE WOODS PHASE 3 SUBDIVISION

Approve the assumption of the subdivision referred to as Bronte Woods Phase 3 (attached sketch) registered as Plan 20M-896, File: 510-08/00-3; and

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

Advise the Regional Municipality of Halton that the Bronte Woods Phase 3 subdivision has been assumed; and

Approve the release of Subdivision Agreement Instrument Number HR268428 except for the following:

- Conditions 39 (a) to (k) inclusive affecting all lots and blocks
- Condition 39 (l) affecting lots 39, 40, 46, 47, 54, 100, 112, 113 and 125
- Condition 39 (m) and (n) affecting lots 55 to 86 inclusive and 140 to 153 inclusive
- Condition 39 (o) affecting lots 71 to 77 inclusive
- Condition 39 (p) affecting lots 33 to 39 inclusive; and

Authorize the City Solicitor to prepare the 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 the works and services of the said plan of subdivision and assume the following streets as public highway:

STREET	PARCEL	PIN NUMBER
Blue Spruce Ave.	20M-896	07184-3644
Page Crescent	20M-896	07184-3646
Cachet Crescent	20M-896	07184-3645; and

Authorize the City Solicitor or her designate to amend the parcel designation in the by-law, if necessary, upon registration of the by-law. (E-18-10)

APPROVAL OF THE ASSUMPTION OF THE ORCHARD PARK SUBDIVISION

Approve the assumption of the subdivision referred to as Orchard Park Subdivision registered as Plan 20M-841 (Appendix A), File 510-11/00; and

Approve all works and services under the jurisdiction of the City within the subdivision be accepted and become the property of the City of Burlington; and

Advise the Regional Municipality of Halton that the Orchard Park subdivision has been assumed; and

Approve the release of Subdivision Agreement Instrument Number HR164501 except for the following:

- Conditions 32 (a), (b), (f), (g), (h), (i) and (j) affecting all lots
- Condition 32 (c) affecting lots 1 to 10 inclusive and the westerly unit in block 48
- Condition 32 (d) affecting lots 1, 4, 5, 19, 20, 21, 24, 31, 35, 36, 40, 41, the westerly units in blocks 47 and 52 and the easterly units in blocks 48, 49, 50 and 51

- Condition 32 (e) affecting all interior units in blocks 47, 48, 49, 50, 51 and 52; and

Authorize the City Solicitor to prepare the 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 the works and services of the said plan of subdivision and assume the following streets as public highway:

STREET	PARCEL	PIN NUMBER
Emerson Drive	20M-841	07184-2672
Norland Drive	20M-841	07184-2670
McCormack Drive	20M-841	07184-2669
Applegarth Drive	20M-841	07184-2668
Haldimand Cresc.	20M-841	07184-2671; and

Authorize the City Solicitor or her designate to amend the parcel designation in the by-law, if necessary, upon registration of the by-law. (E-33-10)

APPROVAL OF THE ASSUMPTION OF THE BRONTE WOODS (DONATO) SUBDIVISION

Approve the assumption of the subdivision referred to as Bronte Woods (Donato) Subdivision (attached sketch) registered as Plan 20M-826, File: 510-02/01; and

Approve all works and services under the jurisdiction of the City within the subdivision be accepted and become the property of the City of Burlington; and

Advise the Regional Municipality of Halton that Bronte Woods (Donato) subdivision has been assumed; and

Approve the release of Subdivision Agreement Instrument Number HR132175 except the following:

- Conditions 34 subsection 1, 2, 3 and 5 to 10 inclusive affecting all lots and blocks
- Condition 34 subsection 11 and 12 affecting all units in block 1, condition 34 subsection 13 affecting all interior street townhouse units in blocks 1 to 5 inclusive
- Condition 34 subsection 14 and 15 affecting all units in blocks 3 and 4
- Condition 34 subsection 16 affecting all corner residential lots within blocks 3, 4 and 5 abutting roads having a 14 meter wide right-of-way; and

Authorize the City Solicitor to prepare the 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 the works and services of the said plan of subdivision and assume the following streets as public highway:

STREET	PARCEL	PIN NUMBER
Scotia Street	20M-826	07184-2526
English Crescent	20M-826	07184-2527; and

Authorize the City Solicitor or her designate to amend the parcel designation in the by-law, if necessary, upon registration of the by-law. (E-13-10)

APPROVAL OF TENDER FOR HARVESTER ROAD RECONSTRUCTION FROM CENTURY DRIVE TO SYSCON ROAD

Approve the tender for Harvester Road Reconstruction - Century Drive to Syscon Road (Contract No.: ENG-10-06), submitted by Associated Paving & Materials Ltd. for a total price of \$1,698,565.50 (pre-tax); and

Direct the City Clerk to notify Associated Paving & Materials Ltd., by letter under the seal of the Corporation of the City of Burlington; and

Approve the Total Project Cost of \$2,376,000, be charged to Capital Order RA0126 and financed as detailed below:

Federal Gas Tax	\$ 2,061,000
Transportation Development Charges	95,000
Reserve Fund	
Future Services Reserve Fund	220,000
Total Project Financing	<u>\$2,376,000; and</u>

Direct the City Clerk to prepare the debenture by-law. (E-57-10)

APPROVAL OF TENDER FOR SPRUCE AVENUE RECONSTRUCTION FROM APPLEBY LINE TO HAMPTON HEATH ROAD

Approve the tender for, Spruce Avenue Reconstruction (Contract No. 10-25), submitted by King Paving and Materials Company, A Division of KPM Industries Ltd., 3385 Harvester Road, Burlington, Ontario, L7R 3Y5, at a total tender price of \$2,663,310.00 (pre-tax); and

Direct the City Clerk to notify King Paving and Materials, by letter under the seal of the Corporation of the City of Burlington; and

Approve the total project cost (Phase 1) of \$2,983,000 be charged to Capital Order RL0145; and

Approve the following financing:

Tax Supported Debt	\$1,212,000
<u>Region of Halton</u>	<u>\$1,771,000</u>
Total financing	\$2,983,000; and

Direct the City Clerk to prepare the debenture by-law. (E-56-10)

APPROVAL OF TENDER FOR ROTHESAY PLACE, ELWOOD ROAD AND HULL COURT REHABILITATION

Approve the tender for Rothesay Place, Elwood Road, & Hull Court Rehabilitation (Contract No.: 10-16), submitted by A. Wesley Paving Ltd., 1032 Winston Churchill Boulevard, Oakville, Ontario, L6J 7Y4 at a total price of \$1,484,647.45 (pre-tax); and

Direct the City Clerk to notify A. Wesley Paving Ltd., by letter under the seal of the Corporation of the City of Burlington; and

Approve the Total Project Cost of \$1,780,000 be charged to Capital Order RL0164 and financed as follows:

Federal Gas Tax	\$ 785,800
Tax Supported Debt	\$ 174,200
<u>Recovery – Region of Halton</u>	<u>\$ 820,000</u>
Total Project Financing	\$1,780,000; and

Direct the City Clerk to prepare the debenture by-law. (E-55-10)

APPROVAL INSTALLATION OF A PRIVATE STORM SEWER ON PUBLIC ROAD ALLOWANCE TO ADDRESS AVONDALE COURT HIGH WATER

Authorize the Mayor and Clerk to execute the necessary documents to facilitate the construction of a private storm sewer subject to the satisfaction of the Director of Engineering. (PB-55-10)

APPROVAL TO ADVISE THE ONTARIO MUNICIPAL BOARD THAT REZONING AND PLAN OF SUBDIVISION APPLICATIONS SUBMITTED BY MC2 HOMES INC. FOR PARKSIDE DRIVE IN WATERDOWN ARE PREMATURE

Approve the recommendation contained in Appendix D of Planning and Building Department report PB-44-10, dated June 2, 2010, regarding the rezoning and plan of subdivision applications submitted by MC2 Homes Inc. for a residential development in the City of Hamilton. (PB-44-10)

APPROVAL OF TENDER FOR FIRE STATION NO. 8

Approve the tender for Fire Station No.8 (Contract 10-34), submitted by Mettko Construction Inc. 277 Lakeshore Road East, #408, Oakville, Ontario L6J 6J3 at a total contract price of \$2,950,000.00 (pre-tax); and

Authorize the City Clerk to notify Mettko Construction by letter under the seal of the Corporation of the City of Burlington; and

Direct the Mayor and City Clerk to sign any related documents; and

Approve the total project cost of \$4,471,600.00 for Fire Station No. 8 as detailed in Table 3 of Fire Department report BFD-04-10, dated June 15, 2010; and

Direct the Manager of Purchasing to issue a Purchase Order for the proposed construction works totaling \$2,950,000.00 (pre-tax). (BFD-04-10-1)

Note: Approved as Motion #80 at Special Council Meeting of June 23, 2010.

ONE STAFF DIRECTION:

DIRECTION TO PURSUE REVISED FIRE STATION NO. 8 COSTS

Direct the Executive Director of Corporate Strategic Initiatives to go back to the Fire Station No. 8 lowest bidder and request a revised cost foregoing the LEEDS certification process and administration costs; and

Direct the City Solicitor to provide Council with a written legal opinion on reducing costs of the awarded tender. (Councillor Dennison) (BFD-04-10-3)

Note: Approved as Motion #80 at Special Council Meeting of June 23, 2010.

SIX ITEMS FOR RECEIPT:

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

- Report providing the results of staff's research on the citizen call in phone number on accessible parking space signage. (TT-03-10, June 3, 2010)
- Report providing information on the Dundas Street Bus Rapid Transit (BRT) system proposal through Burlington. (TT-12-10, June 2, 2010).
- Report providing information outlining key recommendations of the Halton Region Joint Municipal Housing statement. (PB-49-10, June 3, 2010)

- Confidential Parks and Recreation Department report PR-32-10 regarding Café 426. (PR-32-10, May 20, 2010)
- Memorandum from Mike Mueller, Coordinator of Festivals and Events concerning the Canada Day Fireworks Display – Barge Rental. (CW-05-10, June 18, 2010)
- Confidential Appendix A & B of Fire Department report BFD-04-10 regarding the approval to award tender for the Fire Station No. 8. (BFD-04-10-2, June 15, 2010)

STAFF REMARKS: None.

COMMITTEE REMARKS: None.

ADJOURNMENT: 4:34 p.m.

**COMMUNITY DEVELOPMENT
COMMITTEE**

REPORT NO. 9-10

**RECOMMENDATIONS TO
COUNCIL MEETING OF
JULY 5, 2010**

DATE OF MEETING: Monday, June 21, 2010.

PLACE OF MEETING: Council Chambers, City Hall at 6:30 p.m. (Public).

MEMBERS PRESENT: Councillors Peter Thoem (Chair), Jack Dennison, Rick Craven, John Taylor, Rick Goldring, Carol D'Amelio and Mayor Cam Jackson.

STAFF PRESENT: Leo DeLoyde, Paul Smithson, Bianca Bielski, Mike Greenlee, Judy Shields, Fred Gottschling, Vito Tolone, Donna Shepherd, Mariana Iglesias, Jenna Langdale, Brian Smith (ITS) and Jennifer Shaw (clerk).

OTHERS PRESENT: Ian Ross (Burlington Art Centre).

DECLARATIONS OF INTEREST: None.

RECOMMENDATIONS:

SEVEN ITEMS FOR CONSIDERATION:

**APPROVAL OF AN APPLICATION FOR AN OFFICIAL PLAN AMENDMENT TO
MODIFY THE POLICIES OF THE DOWNTOWN CORE PRECINCT ON A SITE SPECIFIC
BASIS - CARRIAGE GATE GROUP INC. (MEDICA ONE)**

Approve the application submitted by The Carriage Gate Group Inc. c/o Millington and Associates, 3380 South Service Road, Burlington, Ontario, L7N 3J5, to amend the Official Plan policies of the 'Downtown Core Precinct' within the Downtown Mixed Use Centre to allow the development of an interconnected office building, parking garage and apartment building, including ground floor retail at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 78 as contained in Appendix I of Planning & Building Department Report PB-15-10, dated June 3, 2010; and

Direct the applicant to arrange to have the appellant request in writing the removal of the deferral affecting these lands in the City's Official Plan Amendment No. 55, prior to the

final approval of Official Plan Amendment No. 78, and that the appeal associated with these lands be withdrawn. (PB-15-10-1)

APPROVAL OF AN APPLICATION FOR A ZONING BY-LAW AMENDMENT TO REZONE LANDS TO PERMIT THE CONSTRUCTION OF A MIXED USE DEVELOPMENT – THE CARRIAGE GATE GROUP INC. (MEDICA ONE)

Approve the application submitted by The Carriage Gate Group Inc. c/o Millington and Associates, 3380 South Service Road, Burlington, Ontario, L7N 3J5, to rezone lands to allow the development of an interconnected office building, parking garage and apartment building, including ground floor retail at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street, from ‘DC1’ to ‘H-DC-Exception’, subject to the conditions contained in Appendix II of Planning & Building Department report PB-15-10, dated June 3, 2010; and

Direct the owner to enter into a Section 37 agreement to provide the requested community benefits prior to the enactment of the zoning by-law permitting the increase in height and floor area ratio and modified regulations in consideration of Section 37 of the Planning Act and Part VI, Section 2.3 of the City’s Official Plan, as they relate to the proposed floor area ratio and height for the Official Plan Amendment and the proposed height for the rezoning applications by the Carriage Gate Group Inc.; and

Prepare, execute and register the necessary Section 37 agreement, as discussed in Planning & Building Department Report PB-51-10, dated May 26, 2010, to the satisfaction of the City Solicitor and Director of Planning & Building; and

Instruct the Director of Planning & Building to prepare the by-law to amend By-law 2020, rezoning lands at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street from ‘DC1’ to ‘H-DC-397’ with the exception number containing the below provisions following the execution and registration of the Development Agreement, Section 37 Agreement and the payment of rezoning fees on a per unit fee basis in accordance with By-law 127-2006, as amended:

1. Permitted Uses

Following the removal of the ‘H’ Holding symbol, the following uses are permitted:

An office building with ground floor retail and service commercial uses located within 40 m of Caroline Street

A parking garage with ground floor retail and service commercial uses located between 29 m and 75 m of Caroline Street

An apartment building with ground floor retail and service commercial uses within 35 m of Maria Street

2. Regulations for Permitted Uses:

Building height:	Office building	Maximum	8 storeys
		Minimum	6 storeys
	Parking garage	Maximum	8 storeys
		Minimum	6 storeys
	Apartment building	Maximum	17 storeys and 55 m
		Minimum	12 storeys

Yards:

Caroline Street

Floors 1 and 2	2 m
Floors 3 and greater	4 m

Underground parking garage no minimum

Elizabeth Street

Office building	
Floors 1 and 2	0.1 m
Floor 3 and greater	1.5 m

Underground parking garage	no minimum
Parking structure ramp	1 m
Parking garage	0.1 m

Residential building	
Floors 1-3	0.1 m
Floors 4-15	2 m
	1 m adjacent to

	the parking garage
Floors 16 and 17	4 m

John Street

Office building	
Floors 1 and 2	0.1 m
Floor 3 and greater	1.5 m

Underground parking garage	no minimum
Parking structure ramp	2 m
Parking garage	0.1 m

Residential building	
Floors 1-3	0.1 m

Floors 4-15	2 m	
	1 m adjacent to	
		the parking
garage		
Floors 16-17	4 m	
Maria Street		
Floors 1-3	0.75 m	
Floors 4-15	2 m	
Floors 16-17	3.8 m	
Mechanical Penthouse	6.5 m	
Underground parking garage no minimum		

Part 1, Subsection 2.11 Daylight Triangles, does not apply.

Part 1, Subsection 2.12 Visibility Triangles, does not apply.

Floor Area Ratio: 6.7:1

Part 6, Subsection 4.6 Landscape and Buffer, does not apply.

Additional Apartment Regulations:

Part 6, Subsection 4.11 Amenity Area, does not apply.

Balcony area per unit 6 m²

Balconies: Permitted to project 2 m into any yard

Additional amenity area 1000 m² of green roof located above the adjacent parking garage

Maximum floor area: Floors 2- 3: 945 m²
 Floors 4-15: 855 m²
 Floors 16-17: 700 m²

Notwithstanding Part 6, Subsection 4.7 (a), required parking for apartment dwelling units is 1.25 spaces per unit

Additional Office Building Regulations:

Any building located on the south side of Caroline Street and within 40 m of Caroline Street is required to have a minimum of one functional, publicly accessible pedestrian door located on each of the Caroline, Elizabeth and John Street elevations. The doors located on John Street and Elizabeth Street shall be a

maximum 20 m from Caroline Street and all doors shall be the width of double doors with an attractive streetscape design.

3. Refer to Part 11, holding Zones, Appendix A, Number 59, for 'H' removal requirements.
4. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is revised as follows:
 - i) The Holding symbol shall be removed from the zoning designation within 75 m of Caroline Street by way of an amending by-law when the following conditions are fulfilled:
 - a) Complete the following to the satisfaction of the Director of Planning and Building:
 - i) completion of the land sale between the applicant and the City involving City Parking Lot No. 9
 - b) Complete the following to the satisfaction of the Director of Planning and Building, Director of Engineering, Executive Director of Finance and Burlington Hydro:
 - i) agree to pay for and complete all work associated with burying hydro adjacent to the property. Note: the location of any switch stations and transformers associated with this development shall be within the property limits.
 - c) Complete the following to the satisfaction of the Region of Halton:
 - i) submit a Ministry of Environment acknowledged Record of Site Condition for all lands to be zoned "DC-397".
 - ii) The Holding symbol shall be removed from the zoning designation within 35 m of Maria Street by way of an amending by-law when the following conditions are fulfilled:
 - a) Complete the following to the satisfaction of the Director of Planning and Building:
 - i) following the issuance of a building permit for the development of an office building and parking garage within 75 m of Caroline Street in accordance with the "DC-397" zone provisions.
5. Community Benefits Pursuant to Section 37 of the Planning Act:
 - a) Providing an additional 269 parking spaces.
 - b) Apartment to be constructed to LEED certified environmental standard.

- c) Parking garage will contain a green roof design.
- d) Residential component will have over 70% affordable housing units.

Except as amended herein, all other relevant provisions of By-law 2020, as amended shall apply; and

Council certifies that the amending Zoning By-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 78 is adopted; and

Zoning By-law 2020.280 will not be enacted until Official Plan Amendment No. 78 is adopted. (PB-15-10-2)

APPROVAL OF COMMUNITY BENEFITS RELATING TO THE DEVELOPMENT OF A MIXED USE DEVELOPMENT AT 501, 503, 511 AND 515 JOHN STREET, 2020-2028 CAROLINE STREET, 500 ELIZABETH STREET AND 2027 MARIA STREET

Accept a package of community benefits, in relation to the development of a mixed use development consisting of an office building, parking garage and apartment building with ground floor retail proposed at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street, consisting of both direct and indirect benefits as outlined in Planning & Building Department report PB-51-10, dated May 26, 2010; and

Instruct the Director of Planning & Building to prepare and execute an Agreement pursuant to Section 37 of the *Planning Act* securing the benefits as agreed to, to the satisfaction of the Director of Planning & Building and the City Solicitor; and

Ensure that such Agreement be registered on title to the lands to secure these community benefits in a manner satisfactory to the City Solicitor; and

Ensure that the owner enter into such agreement prior to enactment of the zoning by-law permitting the increase in height and floor area ratio and modified regulations. (PB-51-10)

REFERRAL OF HERITAGE PLANNING WORKSHOP REPORT

Refer the report providing a summary of the Heritage Planning Workshop and comments received and recommended revisions to the current process addressing requests for removal from the Municipal Heritage Register to a Special Community Development Committee meeting to be scheduled prior to the July 5, 2010 Council meeting. (PB-43-10-1)

REFERRAL OF REQUEST TO REMOVE THE NON-DESIGNATED PROPERTY AT 372/374 BRANT STREET FROM THE MUNICIPAL HERITAGE REGISTER.

Refer the report recommending refusal of the owner's request to remove the non-designated property at 372/374 Brant Street from the Municipal Heritage Register

to a special Community Development Committee meeting to be scheduled prior to the July 5, 2010 Council meeting. (PB-04-10-1)

REFERRAL OF REQUEST TO REMOVE THE NON-DESIGNATED PROPERTY AT 380 BRANT STREET FROM THE MUNICIPAL HERITAGE REGISTER

Refer the report recommending refusal of the owner's request to remove the non-designated property at 380 Brant Street from the Municipal Heritage Register to a special Community Development Committee meeting to be scheduled prior to the July 5, 2010 Council meeting. (PB-05-10-1)

REFERRAL OF REQUEST TO REMOVE THE NON-DESIGNATED PROPERTY AT 4140 INGLEWOOD DRIVE FROM THE MUNICIPAL HERITAGE REGISTER.

Refer the report recommending refusal of the owner's request to remove the non-designated property at 4140 Inglewood Drive from the Municipal Heritage Register to a Special Community Development Committee meeting to be scheduled prior to the July 5, 2010 Council meeting. (PB-06-10-1)

STAFF DIRECTIONS: None.

NINE ITEMS FOR RECEIPT:

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

- **Powerpoint Presentation from Mike Greenlee, Senior Planner, regarding the report recommending approval of site specific Official Plan and Zoning By-law amendments to permit a mixed use development on the lands located at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street. (PB-15-10-3, June 21, 2010)**
- **Correspondence from Brian Dean and Robert Martin, Burlington Downtown Business Association, Board of Management, regarding the report recommending approval of site specific Official Plan and Zoning By-law amendments to permit a mixed use development on the lands located at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street. (PB-15-10-4, June 17, 2010)**
- **Delegation notes from Anne and Robert Wingfield, regarding the report recommending approval of site specific Official Plan and Zoning By-law amendments to permit a mixed use development on the lands located at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street. (PB-15-10-5, June 21, 2010)**
- **Delegation notes from Marianne Meed Ward, regarding the report recommending approval of site specific Official Plan and Zoning By-law amendments to permit a mixed use development on the lands located at 501, 503, 511, 515 John Street, 2020-**

2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street. (PB-15-10-6, June 21, 2010)

- **Correspondence from the Burlington Property Owners Group, regarding the report providing a summary of the Heritage Planning Workshop and comments received and recommended revisions to the current process addressing requests for removal from the Municipal Heritage Register. (PB-43-10-2, June 21, 2010)**
- **Correspondence from Jane Ann Newson, Chair, Heritage Burlington, regarding the report providing a summary of the Heritage Planning Workshop and comments received and recommended revisions to the current process addressing requests for removal from the Municipal Heritage Register. (PB-43-10-3, June 21, 2010)**
- **Delegation notes from Michael Head, regarding the report providing a summary of the Heritage Planning Workshop and comments received and recommended revisions to the current process addressing requests for removal from the Municipal Heritage Register. (PB-43-10-4, June 21, 2010)**
- **Delegation notes from Bill Pittman, regarding the report providing a summary of the Heritage Planning Workshop and comments received and recommended revisions to the current process addressing requests for removal from the Municipal Heritage Register. (PB-43-10-5, June 21, 2010)**
- **Correspondence from Robert and Dianne Peeling, regarding the report recommending refusal of the owner's request to remove the non-designated property at 4140 Inglewood Drive from the Municipal Heritage Register. (PB-06-10-3)**

DELEGATIONS:

Report providing a summary of the Heritage Planning Workshop and comments received and recommending revision to the current process addressing requests for removal from the Municipal Register. (PB-43-10, May 10, 2010)

- Michael Head, 3306 Lakeland Crescent, Burlington, L7N 1B8, reported that he recently found his property listed on the Municipal Register and has since requested the removal of it. Head noted that many property owners are angered and distressed by the fact that their properties have been included on the Register without their consent. Head advised that the heritage program is in need of many adjustments and refinements and requested it be put on hold until a thoughtful evaluation of the process can be completed between City staff, Heritage Burlington and the owners of heritage properties. Head indicated that the listing of properties would lead to financial loss for owners as these properties cannot provide what buyers of today demand in a home. Head added that the required sixty day waiting period would impact home sales by either preventing a potential sale or resulting in a reduction in the selling price. Head concluded that many listed properties are in poor condition and do not have up-to-date insulation, proper vapor barriers and ventilation systems and require expensive renovations. (64-CD)

- Terence J. Lamping, President, Masonic Corporation, 518 Karen Drive, Burlington, reported that he is the owner of the property at 459-463 Brant Street. He has submitted several letters to the City since 2005 requesting the removal of his property from any heritage lists. Lamping noted that he recently had a new roof put on the building and has no immediate plans to sell the property. Lamping questioned why the property was considered to be a heritage property and how such an assessment was made. Lamping advised that being on the Municipal Register would affect the Corporation's future philanthropic endeavors with the property. (65-CD)
- Jeff Sutcliffe, Burlington, reported that he has concerns about the authority given to staff to recommend designation of a property when property owners make a request for the removal of their properties from the Municipal Register. Sutcliffe noted that a less visible process was followed for adding properties to the Register than was used for the proposed Heritage District in 2005. In April 2010 staff were asked to reconsider the process for removing properties from the Register and he is disappointed with the approach that was taken. The subject report, if approved, would give staff even greater control. Sutcliffe indicated the terms "serious threat", "significant", "inappropriate", and "perceived threat" as used in the staff report are too far reaching and do nothing to preserve old buildings. Sutcliffe concluded there is no legal requirement for any non-designated properties to be on the Municipal Register and recommended a redraft of the removal policy. (66-CD)
- Sandra and Jason Longworth, Burlington **did not** speak to this item.
- Bill Pitman, Burlington, reported that he is the owner of a heritage property in the downtown area that has been put on the Register despite several requests to have it removed. Pitman noted that at his own cost, he has made complementary maintenance, repair, and improvement work to the house. Pitman advised that the recommendations of the subject report attempt to intrude on the free choice of what owners do with their private property. Pitman recommended a new approach to heritage conservation be initiated, which will be more inclusive and voluntary and does not include Heritage Burlington or heritage planning staff. (67-CD)
- Luther Holton, 47 Glenfern Avenue, Hamilton, L8P 2T6, representing the owner of a property on the Heritage Registry, reported that the process of listing properties on the Municipal Register should be voluntary and done in cooperation with the property owners. (68-CD)
- Catherine Gonnsen, Burlington, L7R 3T2, reported that she is the owner of two properties in Burlington, one being the listed property at 2290 Queensway Drive. Gonnsen noted that she does not see an impediment to being included on the Register, adding that there is fear-mongering occurring that is causing undo concern among heritage property owners. Gonnsen stressed the importance of recognizing properties that have special status within a community and questioned whether built heritage had importance in Burlington anymore. Gonnsen advised that listing a property on the Register provides staff and Heritage Burlington a "heads up" so that a thorough investigation of the property can be done. Gonnsen indicated that she had received a letter from the Burlington Property Owners Group, which was misleading and challenged

the experience of trained City staff. Gonnson concluded that staff recommendations are not arbitrary. (69-CD)

Report recommending refusal of owner's request to remove the non-designated property at 372/374 Brant Street from the Municipal Register. (PB-04-10, December 16, 2009)

- John Lawson, Emshih Developments Inc., 895 Brant Street, Suite 7, Burlington, L7R 2J6, reported that in January 2010 he had made a request for Council to defer its decision on the subject recommendation pending further details on the property. In April 2010 a heritage workshop was held, but none of the recommendations were incorporated into the revised process. Lawson recommended committee not approve the subject staff recommendation and that instead implement a new process for dealing with heritage properties. Lawson concluded that 372/374 Brant Street has been incorrectly included on the Register and requested its removal. (70-CD)

Report recommending refusal of owner's request to remove the non-designated property at 380 Brant Street from the Municipal Register and that Council state its intention to designate the property. (PB-05-10, December 15, 2009)

- David Thompson, Scarfone Hawkins LLP, Solicitor for Emshih Developments Inc., reported that his clients have asked to have the subject property removed from the Register, noting that they entered into an agreement to purchase the property in May 2004. An application was made to the City and pre clearance for demolition was granted. In September 2004 a letter was issued from the City to his clients that included the response from Heritage Burlington. Thompson indicated that the response noted that the building had gone through many changes over the years and saw no reason to oppose the request for a demolition permit. Thompson advised that none of this information was included in the subject staff report and added that more alternations have been made to the property since 2004. Thompson stated that it is unfair to his clients to keep the property on the Register given the process that occurred, further noting that his clients proceeded with the purchase of the property on the basis of the information received from the City. Thompson recommended the removal of the property from the Register. (71-CD)

Report recommending refusal of owner's request to remove the non-designated property at 4140 Inglewood Drive from the Municipal Register. (PB-06-10, December 18, 2009)

- Dr. Robert Peeling, Owner, 4140 Inglewood Drive, Burlington, L7L 1E2, requested that his house be removed from the Register, noting that the process of adding properties should be done with cooperation and not confrontation. Peeling recommended starting over with the heritage process. (72-CD)

PUBLIC MEETING:**PUBLIC MEETING NO. 5-2010 – AMENDMENTS TO OFFICIAL PLAN AND ZONING BY-LAW – CARRIAGE GATE GROUP INC. (MEDICA ONE)**

The Community Development Committee, in accordance with Sections 21 and 34 of the *Planning Act*, as amended, held Public Meeting No. 5 on June 21, 2010, to approve site specific Official Plan and Zoning By-law amendments to permit a mixed use development on the lands located at 501, 503, 511, 515 John Street, 2020-2028 Caroline Street, 500 Elizabeth Street and 2027 Maria Street. Having considered the oral and written comments from staff and the delegations, the Community Development Committee approved recommendations PB-15-10-1 through -6 for consideration by Council, as noted above.

Staff Overview:

Mike Greenlee, Senior Planner, reported that the subject lands occupy an entire block bounded by Caroline Street, Elizabeth Street, Maria Street and John Street. The property currently contains four buildings: Tudor Square retail stores on Caroline Street, offices in converted houses at 501 and 511 John Street, and retail stores and medical office at 500 Elizabeth Street. City Parking Lot No. 9 is located mid-block. To the north of the site are former dwellings converted to office uses on Caroline Street and single-family homes on Emerald Crescent. To the east are properties identified as culture heritage resources. To the south is a heritage building and to the west is Smith's Funeral Home and commercial development front onto Brant and Carline Streets. In July 2009, Council approved the removal of two converted houses from the Municipal Register to permit their demolition and to allow the proposed development to proceed. In February 2009, Council approved the sale of Parking Lot No. 9 to the proponent of the subject applications who already owned the abutting lands. Greenlee advised that in December 2008, applications were submitted by the applicant for a mixed use development consisting of an eight storey office building adjacent to Caroline Street, a seventeen storey apartment building adjacent to Maria Street and an eight storey parking garage in the centre with three levels of underground parking and ground floor retail within all three buildings. The applications propose to rezone the property from 'DC1' to "H-DC-Exception". Greenlee noted that significant modifications and improvements have been made to the applications due to an in-depth review, with particular attention to urban design. Greenlee concluded that the subject proposal will bring needed office development to the core to achieve a better mix of land uses and will be the first office development downtown since Sims Square in the late 1980s. The subject block is an appropriate location for intensification given the mix of apartment buildings and other housing forms located within this area. Greenlee recommended approval of the subject applications.

For the purposes of the *Planning Act* requirements, the following person(s) made oral submissions:

- Nick and Fausto Carnicelli, Carriage Gate Group, 421 Brant Street, Suite 201, Burlington, L7R 2G3, reported that the proposal is the product of three years worth of work, which has involved very detailed and exhaustive meetings with City Planning staff. The project has changed dramatically since its inception. The development will bring many benefits to Burlington, including a medical clinic and parking. (73-CD)

- Dr. Joseph Berlingieri, 2951 Walker's Line, 3rd Floor, Burlington, L7M 4Y1, representing Jozaz Holdings, William Nisker Holdings and Urgent Enterprises Inc., **did not** speak to this item.
- Brian Dean, General Manager and Robert Martin, Past Chair, Board of Directors, representing Burlington Downtown Business Association (BDBA), report that the BDBA is supportive of the plan to bring needed office development to the downtown core. The proposed office/medical component of the development will contribute to the vibrancy of Burlington's downtown not only improving the balance of jobs but introducing a welcomed influx of potential customers and patrons. Dean stated that the BDBA anticipates that innovative partnerships will result from having skilled medical workers in the core and that there is the potential for synergies with Joseph Brant Memorial Hospital. Dean advised that the BDBA is supportive of the plans to include affordable housing units as part of the development, noting Burlington's downtown is well positioned to support more affordable housing units. The applicant's provision of sixty public parking spaces is an important short-term positive development and the BDBA looks forward to working with the applicant to align rates, fees and operations with the existing municipally owned stalls. Dean recommended committee approve the staff recommendations. (74-CD)
- Ed Keenleyside, President, Halton Condominium Corporation No. 504, 399 Elizabeth Street, Burlington, L7R 0A4, reported that the proposed development will bring more benefits than challenges to downtown adding doctors to an area where many residents do not have family doctors. Keenleyside advised that the population of downtown Burlington is growing and there is a need for more doctors to serve this area. Keenleyside noted that the development will bring needed parking to the downtown area for both residents and employees and will provide affordable housing options geared toward lower income residents. Keenleyside recommended committee approve the applications. (75-CD)
- Anne Wingfield, 2095 Caroline Street, Burlington, L7R 1L6, reported that she has concerns about the adequacy of parking for the proposed medical clinic, noting that 278 of the spaces are reserved for apartment parking requirements. Wingfield questioned whether 184 of the remaining parking spaces would be adequate for an eight floor medical clinic, given that each medical office has staff parking requirements in addition to the parking required to handle patient flow and wait time. Wingfield stated that there is not enough parking in the vicinity of the proposed development to accommodate any significant amount of overflow parking from the clinic. Wingfield concluded that the report offers no evidence of adequate parking for the clinic requirements and recommended committee direct that parking studies be done before the applications are approved. (76-CD)
- Marianne Meed Ward, 497 Martha Street, Burlington, L7R 2R1, reported on concerns with the public process related to the proposed development, noting that while one public meeting was held in March 2009, no further opportunity was given to the community to comment before the staff report was prepared. Ward advised that through the SHAPE Burlington initiative, a higher standard of public engagement is being sought. Ward indicated she has six specific concerns about the proposed development including that it

is out of scale with the existing neighbourhood, does not follow best practices in planning, does not provide for greenspace, will add significantly more traffic on Caroline Street, does not conform to the overall vision for the downtown and is a significant departure from the Official Plan. Ward recommended committee not approve the proposal, and that a more balanced proposal for developing the block be sought that will include full public input. (77-CD)

- Jeff Sutcliffe, 1435 Caroline Street, Burlington, L7S 1H7, questioned whether any consideration was given to relocating the buildings currently on the development site to an alternative location. (78-CD)
- Dr. Sonny Kohli, Oakville-Trafalgar Memorial Hospital, 327 Reynolds Street, Oakville, L6J 3L7, reported that he is a resident of Burlington but physician in the intensive care unit at Oakville-Trafalgar Hospital. Kohli noted that a recurring theme with patients is the inability to access his clinic due to parking limitations. Kohli advised that the proposed development will provide parking for patients and recommended committee approve the staff recommendation. (79-CD)
- Ed Taylor, 78 Flatt Road, R.R. #2, Burlington, L7R 3X5, noted that reference had been made within the staff report to the building having a canopy over the street. Taylor questioned whether this would be a permanent, year round canopy. (80-CD)
- Dr. Sara Rudge, Medica One, 2019 Caroline Street, Burlington, L7R 1L1, reported that she recently moved her family practice to Burlington because of the proposed facility. Rudge noted the benefits of having doctors in a single facility including ease of accessibility for elderly patients. Rudge advised that many patients come by taxi or have relatives drop them off for their appointments. Rudge stated that more doctors are needed in south Burlington and that the proposed facility will help to bring them to the area. Rudge recommended approval of the applications, adding that the facility will be an asset to the community. (81-CD)
- Dr. Shawn Warden, 399 Elizabeth Street, Burlington, L7R 0A4, reported that there are three other doctors that reside in his building who walk to their downtown Burlington offices. Warden noted that physicians will be attracted to the proposed development as a place to both live and run their practices out of. Warden advised that many patients come from outside of Burlington and will shop in the downtown area. Warden concluded there is sufficient parking for the proposed facility. (82-CD)
- Vanessa Lokos, 495 Martha Street, Burlington, L7R 2R1, requested that committee carefully consider the traffic issues that will accompany the proposed development before approving it and noted that the development would be more suited to the north Burlington area where it could be located on a major road. (83-CD)

For the purposes of the *Planning Act* requirements, the following person(s) made written submissions:

- Brian Dean and Robert Martin (See recommendation PB-15-10-4)
- Anne Wingfield (See recommendation PB-15-10-5)
- Marianne Meed Ward (See recommendation PB-15-10-6)

STAFF REMARKS: None.

COMMITTEE REMARKS: None.

ADJOURNMENT: 11:00 p.m.

**BUDGET & CORPORATE
SERVICES COMMITTEE**

REPORT NO. 12-10

**RECOMMENDATIONS TO
COUNCIL MEETING OF
JULY 5, 2010**

DATE OF MEETING: Tuesday, June 22, 2010.

PLACE OF MEETING: Council Chambers, Level 2, City Hall, 9:30 a.m. (Public), 12:30 p.m. (Closed), 1:01 p.m. (Public).

MEMBERS PRESENT: Councillors John Taylor (Chair), Rick Goldring, Jack Dennison, Rick Craven, Peter Thoem, Carol D'Amelio and Mayor Cam Jackson.

STAFF PRESENT: Roman Martiuk, Kim Phillips, Scott Stewart, Tom Eichenbaum, Christine Swenor, Nancy Shea Nicol, Allan Magi, Ann Marie Coulson, Rena Badjwa, Elisabeth Lewis, Cameron Gosse, Scott Hamilton, Michelle Dwyer, Roy Male, Leo DeLoyde, Francis Grano, Donna Kell, Steve Zorbas, Deb Caughlin, Angela Morgan, Sheila Jones, Rob Hagley and Danielle Pitoscia (clerk).

DECLARATIONS OF INTEREST: None.

RECOMMENDATIONS:

FIVE ITEMS FOR CONSIDERATION

APPROVAL OF THE E-GOVERNMENT POLICY AND PRINCIPLES

Approve the e-Government Policy and Principles, attached as Appendix A to Information Technology Services Department report IT-04-10, dated May 14, 2010. (IT-04-10)

APPROVAL TO DIRECT STAFF TO PREPARE THE 2011 BUDGET

Direct staff to prepare the 2011 budget consistent with the following principles:

- Maintain core services, **including a review of programs outside of our core responsibilities,**
- Find efficiencies to help offset cost pressures,
- Minimize requests for major service enhancements,
- Present enhanced asset management information within the capital budget, and
- Include current budget options for the new council's consideration, **including a wage freeze for 2011.**(EBC-03-10)

APPROVAL OF RECOMMENDATIONS REGARDING THE SHAPE BURLINGTON REPORT

That the Shape Burlington Report be approved in principle; and

That staff be asked to report back on the Report's findings and recommendations; and

That Council direct staff to develop in consultation with the Executive Director of Corporate Strategic Initiatives, community relations staff and the public a revised Strategic Plan process for Council in 2011, as recommended by the Report, that "obtains better and more effective public input at the earliest stages" and a revised Strategic Plan which "includes sufficiently specific and measurable goals to be effective".

(MO-03-10-4)

ENDORSEMENT OF ACTIONS REGARDING QUARTERLY LITIGATION UPDATE

Endorse the actions of the City Solicitor in respect of Litigation matters #11, 12, 13 and 18 of Confidential Legal Department report L-22-10 dated June 1, 2010 providing an update on the status of litigation, prosecution, tribunal and property matters. (L-22-10)

APPROVAL OF DIRECTIONS REGARDING A BURLINGTON PUBLIC LIBRARY MATTER

Approve the staff directions as outlined in Confidential Burlington Public Library report BC-16-10, dated June 4, 2010. (BC-16-10)

ONE STAFF DIRECTION:

AUTHORIZATION TO NEGOTIATE AN INTER-FUND LOAN WITH THE BURLINGTON PUBLIC LIBRARY BOARD

Direct the Executive Director of Finance to negotiate an inter-fund loan with the Burlington Public Library Board as per the confidential report regarding a Library matter discussed at Budget and Corporate Services Committee on June 22, 2010 and direct staff to review other library capital projects that may assist in reducing the amount of the inter-fund loan. (Councillor D'Amelio) (BC-16-10-3)

TWO ITEMS FOR RECEIPT:

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

- Report providing an update on the Engineering best practices review. (E-51-10, May 14, 2010)
- Confidential Financial Information regarding a Burlington Public Library matter. (BC-16-10-2, June 4, 2010)

DELEGATIONS:

Memorandum from Danielle Pitoscia, Committee Clerk, regarding the SHAPE Burlington Report. (MO-03-10-4, June 11, 2010)

- Walter Mulkewich and John Boich spoke in support of the SHAPE Burlington Report and encouraged Committee to approve the recommendations in the report.

Confidential report on a Burlington Public Library matter. (BC-16-10, June 4, 2010)

- Nancy Douglas, Vice Chair of Burlington Public Library Board reported on a confidential library matter and spoke in support of the directions for the Burlington Public Library.

STAFF REMARKS: None.

COMMITTEE REMARKS: None.

ADJOURNMENT: 1:03 p.m.

**COMMUNITY
SERVICES COMMITTEE**

REPORT NO. 10-10

**RECOMMENDATIONS
TO COUNCIL MEETING
JULY 5, 2010**

DATE OF MEETING: Wednesday, June 23, 2010.

PLACE OF MEETING: Council Chambers, Level 2, City Hall at 6:30 p.m. (Public).

MEMBERS PRESENT: Councillors Carol D'Amelio (Chair), Peter Thoem, John Taylor, Jack Dennison, Rick Goldring and Mayor Cam Jackson.

MEMBERS ABSENT: Councillor Rick Craven.

STAFF PRESENT: Roman Martiuk , Scott Stewart, Leo DeLoyde, Steve Zorbas, Chris Glenn, Donna Shepherd, Cathy Robertson, Bruce Zvaniga, Nancy Shea Nichol, Tony Bavota, Jeff Weber, Allan Magi, Cindy Mercanti, Mike Spicer, John Crass, Mark Covert, John Duncan, Deb Caughlin, Sandra Maxwell, Judi Lytle, Pete Peebles, Chris Foster, Carla Marshall, Pam Mulholland, Rita Hardy, Brian Smith, Rob Hagley and Joanne Hyde (clerk).

DECLARATIONS OF INTEREST: None.

RECOMMENDATIONS:

TEN ITEMS FOR CONSIDERATION:

APPROVAL OF THE BURLINGTON INCLUSIVITY ADVISORY COMMITTEE'S CIVIC ENGAGEMENT FORUM RECOMMENDATIONS

Approve the City of Burlington to immediately expand its modes of communicating and sharing information with the public in the following three ways:

- expand the modes of communicating with residents to include social media (e.g. may include Facebook, Twitter, blogs).
- partner with private sector businesses (e.g. malls) to facilitate information sharing about City of Burlington and Not-for-Profit programs, services and events at places where people frequently go using methods such as electronic signage and brochure racks.
- partner with the Local Integration Planning Network, a new networking group facilitated by the Halton Multicultural Council, to raise awareness in newcomer communities about the services, facilities and programs available in Burlington and the broader Halton Region that are provided by local government, arms-length

agencies and not-for-profits. Language barriers need to be addressed as part of this process

; and

Mandate that all boards and citizen committees funded by the City of Burlington have diverse representation that reflects the Burlington community’s demographics in their governance structures, starting with the newest board - the Burlington Performing Arts Centre; and

Approve the BIAC to investigate and report back on the development of a training program and recruitment database for diverse agency/committee/ board membership for use by all Burlington non-profit organizations, similar to the onBoard program provided by the Maytree Foundation for the GTA; and

Approve city councillors to hold workshops on what is involved in running for and holding elected office with a focus on educating and increasing the participation of under-represented demographic groups in politics, for example: youth, women, seniors, and newcomers to Canada; and

Direct the Director of Parks & Recreation to do a review of City of Burlington’s municipal indoor and outdoor spaces to determine if there are spaces that could be offered at reduced or free rates to not-for-profits and community groups to provide for their democratic assembly. The report to Council should identify what times, what fees and how often those spaces could be made available; and

Direct the City Clerk to distribute this report to the local surrounding municipalities, Region of Halton, provincial and federal governments to ensure they are aware of the information put forward by the Forum participants that relates to non-municipal roles and responsibilities including affordable housing, health care, education and lack of employment opportunities. (CC-17-10-1)

APPROVAL OF T-INTERSECTION AMENDMENTS TO PARKING BY-LAW 87-2007

Approve new short form wording for this offence to address the issue, to provide clarity on the actual offence and to draw more attention to the T intersection parking issue

Park Within (6) Meters of Any Intersection	Part VII	Section 31.1(o)	\$40.00
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; and

Amend Parking By-Law 87-2007 as amended to include the following:

In:

Section 31. PARKING PROHIBITIONS
 Subsection 1) SIGNS NOT ON DISPLAY

Add:

o) Within six (6) metres of any intersection.

; and

Expand existing information provided on the City Website to include information on all of the unsigned Parking By-Law Offences and this information also be communicated to Burlington residents through publications such as City Talk and a new information flyer to be made available at the Transportation Counter at City Hall; **and**

Direct the Director of Transportation Services to enforce the “Park exceeding 3-hour limit” offence within “T” intersections, and the “Park Obstructing Traffic” offence within 6 metres of all approaches to an intersection; and

Direct the Director of Transportation Services to waive the first offence for anyone found in violation of parking within 6 metre zone – as an opportunity to educate the violator of the importance of keeping this area free for responding emergency vehicles. (CC-18-10-1)

Note: Staff were requested to start informing the by-law officers of this new process as of June 24, 2010.

APPROVAL TO EXTEND THE 2010 RIBFEST EVENT FOR A FIREWORKS DISPLAY

Approve the Rotary Club of Burlington Lakeshore’s application for a one-time, **25 minute (Friday, Sept. 3)** event extension to mark the 15th anniversary of Ribfest **with fireworks at 11pm**, subject to the terms and conditions outlined by the Special Event Team; and

Approve a one-time exemption to the City of Burlington Parks By-law Number 45-1988 as amended, Section 6(b) for an extension to remain in a city park beyond 11 p.m. for the one-time 25 minute event extension for Ribfest. (PR-46-10)

APPROVAL OF THE 2011/2012 NATIONAL CYCLING CHAMPIONSHIPS SUPPORT

Approve the City’s funding of \$30,000 each year for the next two years conditional upon an additional \$20,000 commitment from the Burlington Hotel Association each year for the next two years with the profits to be shared pro-rata fifty cents on the dollar with the City and the Burlington Hotel Association subject to final approval of the routes by Council; and

Direct the Director of Parks & Recreation to assist with connecting the Mid Week Cycling Club with the Halton Regional Police Services; and

DIRECT the Director of Parks & Recreation to begin to charge-back for additional in-kind support, above the standard level of Special Event Team support to Midweek Cycle Club, as outlined in Parks & Recreation Department report PR 25-10. (PR-25-10-1)

APPROVAL OF THE SPORT EVENTS REVIEW AND INTERNATIONAL HOSTING POLICY

Receive and file Parks & Recreation Department report PR-12-10, dated February 9, 2010; and

Approve the City of Burlington International Sport Events Hosting Policy as outlined in Appendix C of Parks & Recreation Department report PR-27-10, dated May 3, 2010; and

Approve the draft Sport Event Hosting Guidelines as outlined in Appendix D of Parks & Recreation Department report PR-27-10, dated May 3, 2010 as a resource document; and

Authorize the Director of Parks & Recreation to conduct a review of issues and opportunities associated with the City's involvement in sport event bidding and hosting, including a review of related current departmental policies, based on the framework outlined in Parks & Recreation report PR-27-10, dated May 3, 2010 and in conjunction with sport stakeholders report to Council through the Community Services Committee no later than September 2011; and

Authorize that \$25,000 from the Tax Rate Stabilization Fund be used to support the sport and policy review and related consultations, as outlined in Parks & Recreation report PR-27-10; and

Authorize the funds of the Burlington International Games (B.I.G.) Reserve be used to support sport events at Council's discretion in 2010 and 2011 to an upset limit of \$3,000 each year, with the remaining funds held in reserve pending outcomes of the sport and policy review. (PR-27-10)

REFERAL OF THE 2010 TRANSIT VISION ACTION REPORT

Refer the report recommending the approval of the 2010 Transit Vision Action to the next cycle of regular standing committee meetings. (TT-19-10)

APPROVAL OF THE 2010-2014 SPECIALIZED TRANSIT REVIEW

Receive the 2010-2014 Specialized Transit Service Review report submitted by IBI Group, Appendix A of Transit and Traffic Department report TT-05-10, dated June 3, 2010 completing the requirements of the Terms of Reference; and

Increase Handi-van service by 40 hours per week effective July 6, 2010 including the hiring of one regular full time Handi-van operator at an annualized net cost of \$52,200; and

Increase supplemental taxi service effective July 6, 2010 in the net amount of \$18,800; and

Purchase one expansion Handi-van vehicle in 2010 in the amount of \$225,000; and

Eliminate the fare for personal care attendants effective July 6, 2010; and

Implement recommendations regarding Handi-van administration policies as described in Transit and Traffic Department report TT-05-10, dated June 3, 2010. (TT-05-10-1)

REFERRAL OF THE CONVENTIONAL TRANSIT REPLACEMENT VEHICLES REPORT

Refer report recommending the approval of the conventional transit replacement vehicles to a special committee meeting to be held on July 5, 2010. (TT-17-10)

REFERRAL OF GRAFFITI REMOVAL STRATEGY FOR PRIVATELY OWNED SOUND WALLS REPORT

Refer report recommending the approval of graffiti removal strategy for privately owned sound walls to a special committee meeting to be held on July 5, 2010. (RPM-07-10)

APPROVAL OF THE URBAN FOREST MANAGEMENT PLAN

Approve the proposed Urban Forest Management Plan, Appendix A of Roads and Parks Maintenance Department report RPM-10-10, dated June 4, 2010; and

Refer the funding and staffing requirements associated with recommendations in the Urban Forest Management Plan to 2011 budget deliberations; **and**

Direct the Director of Roads and Parks Maintenance to identify the inspection of mature trees on a bi-annual basis as a priority. (RPM-10-10-1)

STAFF DIRECTIONS: None.

FOURTEEN ITEMS FOR RECEIPT:

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

- **Power point presentation by Ancilla Ho-Young, Chair, Burlington Inclusivity Advisory Committee, requesting the approval of the Burlington Inclusivity Advisory Committee's Civic Engagement Forum recommendations. (CC-17-10-2, June 23, 2010)**
- **Fire truck demonstration map regarding memorandum from John Crass, Manager of Traffic Services, regarding vehicles parked in T-intersections. (CC-18-10-2, June 23, 2010)**

- **Power point presentation by Robert Narejko, Oakville Cycling Club, regarding the report recommending the approval of the 2011/2012 National Road Cycling championships outcomes. (PR-25-10-2, June 23, 2010)**
- **Delegation notes from Craig Fagan, Mid Week Cycling, regarding the report recommending the approval of the 2011/2012 National Road Cycling championships outcomes. (PR-25-10-3)**
- **Delegation notes from Gene Wasik, Burlington Cycling Committee, regarding the report recommending the approval of the 2011/2012 National Road Cycling championships outcomes. (PR-25-10-4)**
- **Report recommending approval of the International Sports Events Hosting Policy and Interim Sport Event Hosting guidelines. (PR-12-10-1, February 9, 2010)**
- **Memorandum from Pam Mulholland, Community Development Planner, providing information regarding destination marketing fee support for sports events. (CC-19-10, March 5, 2010)**
- **Power point presentation by Steve Wilks, IBI Group, regarding the report recommending approval of the 2010-2014 specialized transit review. (TT-05-10-2, June 23, 2010)**
- **Correspondence from Marilyn Turner, Chairperson, Burlington Accessibility Advisory Committee, regarding the report recommending approval of the 2010-2014 specialized transit review. (TT-05-10-3, June 23, 2010)**
- **Delegation notes from Dianne Watkins and Amy Schnurr, BurlingtonGreen Environmental Association, regarding the report requesting the approval of the Urban Forest Management Plan. (RPM-10-10-2, June 23, 2010)**
- **Power point presentation regarding the report requesting the approval of the Urban Forest Management Plan. (RPM-10-10-3, June 23, 2010)**
- **Correspondence from the Burlington Sustainable Development Committee, regarding the report requesting the approval of the Urban Forest Management Plan. (RPM-10-10-4, June 23, 2010)**
- **Correspondence from David McKay regarding the report requesting the approval of the Urban Forest Management Plan. (RPM-10-10-5, June 23, 2010)**
- **Correspondence from Bill Gaines, Forestry Coordinator, Conservation Halton, regarding the report requesting the approval of the Urban Forest Management Plan. (RPM-10-10-6, June 23, 2010)**

DELEGATIONS:

Report requesting approval of the Burlington Inclusivity Advisory Committee's Civic Engagement Forum recommendations. (CC-17-10, June 9, 2010)

- Ancilla Ho-Young, Chair, Burlington Inclusivity Advisory Committee (BIAC), appeared to speak in support of BIAC's Civic Engagement Forum results and recommendations. Ho-Young summarized the report and provided a power point presentation on the general findings from the Civic Engagement forum. Ho-Young requested that the six recommendations presented to the committee be supported. (31-CC)

Memorandum from John Crass, Manager of Traffic Services, regarding vehicles parked in T-intersections. (CC-18-10, June 9, 2010)

- Dave Gent, 2347 Coldstream Drive, Burlington, L7P 3T2, appeared to speak to the memorandum from John Crass. Gent stated that the changes worked for him and appreciated the efforts made by staff. (32-CC)

Report recommending the approval to extend the 2010 Ribfest event by one day. (PR-46-10, June 10, 2010)

- Bill Pittman, Ward 4, appeared to speak in support of the amendment. Pittman stated that 2010 marks the fifteenth anniversary of the rib fest and the original request was to have the event extended by one day in order to have a fireworks presentation. Pittman asked that committee refer to the amendments that were made to not extend the event as requested and stated that the fireworks presentation will happen on the Friday evening. (33-CC)

Report recommending the approval of the 2011/2012 National Road Cycling championships outcomes. (PR-25-10, June 9, 2010)

- Robert Narejko, Oakville Cycling Club, 4176 Millcroft Park Drive, Burlington, L7M 3V2 appeared to speak in opposition of staff's report to defer approval until race routes are determined. Narejko provided a brief power point presentation and encouraged committee to support the National Road Cycling championships to the amount that was originally requested by the Mid Week Cycling Club. (34-CC)
- Leigh Hargrove, Oakville, appeared to speak in opposition of staff's recommendation to defer approval of the 2011/12 National Road Cycling Championships. Hargrove stated that the championships would give cyclists an opportunity to compete in Ontario. Hargrove provided her insight into the benefits the city would gain in hosting the event as well as promoting Burlington as a cycling friendly city. (35-CC)
- Craig Fagan, Midweek Cycling Club, 502-41 Lake Shore Drive, Toronto, M8V 1Z3, appeared to speak in opposition of staff's recommendation to defer approval until race routes are determined. Fagan provided committee with two main points for his opposition to the report. The first point be committee reject the report stating that by deferring the decision potential sponsorship requests will diminish. Secondly, deferring

the report would also mean that grants cannot be applied for. Fagan asked that committee abide by the terms that were discussed during the first meetings that occurred in 2008 and 2009. (36-CC)

- Jim Crosscombe, Ontario Cycling Association 3-307 Concorde Gate, Toronto, M3C 3N7 appeared to speak in opposition. Crosscombe understands that the City is going through budget constraints, but asks that the committee work through the constraints and support the event. Crosscombe pointed out that the event will showcase many great local athletes. (37-CC)
- Gene Wasik, Vice-Chair, Burlington Cycling Committee, appeared to speak in opposition. Wasik opposed the recommendations made in the report and focused on how the event will promote the city, benefit local cyclists and encourage young people. Wasik mentioned that by bringing this event to Burlington, it will encourage other events to be hosted here. (38-CC)
- Pam Belgrade, Executive Director, Tourism Burlington, appeared to speak to the report. Belgrade outlined the benefits of the event from a tourism perspective. Belgrade mentioned that it took four years to get here and the event supports the Parks and Recreation master plan. The cycling routes would connect many of the major tourist attractions and urged the committee to promote the cycling event. (39-CC)
- Matt Costanza, Burlington Hotel Association (BHA), appeared to support the other speakers and stated that the cycling championships would provide the highest return to the BHA. Costanza believes that the championships would be an outstanding event for the city, provide many economic benefits and hopes that a decision will be made as soon as possible. (40-CC)
- Susan Palmer-Komar, Canadian Cycling Association, appeared to speak in opposition. Palmer-Komar stated that her accomplishments would not have been possible without these types of events close to home and encourages families to make healthy lifestyle choices. The loss of city support would jeopardize sponsorship opportunities and urges committee to support the event. (41-CC)

Report approving the Sports Events Review and International Sport Events Hosting Policy. (PR-27-10, June 3, 2010)

- Betty Tate, Burlington Gymnastics Club, 710 Maple Ave, Burlington, L7S 1M6, withdrew her delegation.
- Mary Nichol, the Burlington Sport Alliance, appeared to speak in support of approving the sports event hosting policy. Nichol stated that the need for audited financial statements from groups are costly and recommends that year end statements are sufficient. Nichol was interested in who was approving the applications, who would be sitting on the committee and hopes that the sports policy be approved. (42-CC)

Report requesting the approval of the Urban Forest Management Plan. (RPM-10-10, June 4, 2010)

- Dianne Watkins and Amy Schnurr, BurlingtonGreen Environmental Association, 3281 Myers Lane, Burlington, L7N 1K6 appeared to speak in support of staff's recommendation to approve the Urban Forest Management Plan. Schnurr and Watkins were pleased in participating in the workshops and offered their thoughts on the Urban Forest Master Plan. Their delegation notes were received and filed. (43-CC)
- Paul Toffoletti, Chair, Burlington Sustainable Development Committee, did not speak to this item.

STAFF REMARKS: None.

COMMITTEE REMARKS: None.

ADJOURNMENT: 11:34 p.m.

MOTION TO ADOPT STANDING COMMITTEE MINUTES:

Adopt the following reports:

Special Budget & Corporate Services Committee Meetings of May 20 and June 17, 2010.	Report No. 10-10 As amended/presented
Committee of the Whole Meeting of June 21, 2010	Report No. 5-10 As amended/presented
Community Development Committee Meeting of June 21, 2010.	Report No. 9-10 As amended/presented
Budget & Corporate Services Committee Meeting of June 22, 2010.	Report No.12-10 As amended/presented
Community Services Committee Meeting of June 23, 2010.	Report No. 10-10 As amended/presented

MOTION TO CONSIDER RECOMMENDATIONS ARISING FROM THE SPECIAL JOINT COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES COMMITTEE MEETING OF JULY 5, 2010.

REPORT OF MUNICIPAL OFFICERS:

- Report recommending appointments to Burlington's Citizen Committees (CL-12-10, June 24, 2010).
File: 130-01

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Note: Limited distribution of Confidential Appendix A under separate cover.

MOTION TO RECEIVE AND FILE COUNCIL INFORMATION PACKAGES:

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

June 18 and 25, 2010.

MOTION TO RECEIVE AND FILE ITEMS RECEIVED BY COUNCIL:

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

- Items received at Council

CONSIDERATION OF BY-LAWS:

Council makes decisions by enacting by-laws. I will now read a motion to approve a number of by-laws, referring to the numbers of the by-laws. If viewers are interested in further detail about the specifics of any by-law, each one is listed in the meeting agenda. By-laws that are not published within the Council agenda are available for review in the City Clerk's Office.

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

By-law No.	Title
65-2010	A by-law to assume Orchard Park Subdivision, Registered Plan 20M-841, Ward 5. File: 510-11/00 (E-33-10)
66-2010	A by-law to assume Bronte Woods (Donato) Subdivision, Registered Plan 20M-826, Ward 5. File: 510-02/01 (E-13-10)
67-2010	A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Harvester Road Reconstruction, Century Drive to Syscon Road, Ward 5. File: 570.02-387 (E-57-10)
68-2010	A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Spruce Avenue Reconstruction, Ward 5. File: 570.02-457 (E-56-10)
69-2010	A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Rothesay Place, Elwood Road and Hall Court rehabilitation, Ward 4. File: 570.02-442 (E-55-10)

- 70-2010 A by-law to assume Bronte Woods Phase 3 Subdivision, Registered Plan 20M-896, Ward 5.
File: 510-08/00-3
- 71-2010 A by-law to authorize the execution of the Dedicated Gas Tax Funds for Public Transportation Program with the Ministry of Transportation.
File: 770-21 (TT-25-09)
- 72-2010 A by-law to appoint certain Municipal Law Enforcement Officers for the City of Burlington.
File: 745-06 (CL-13-10, DA-60-10)
- 73-2010 A by-law to amend By-law 87-2007, being a by-law for the regulation of parking, to prohibit parking between “4 p.m. and 6 p.m., Monday to Friday” in the two, 10-Minute on-street parking spaces on the west side of Brant Street from 26 metres north of Lakeshore Road to 38 metres north of Lakeshore Road, to regulate municipal parking property and to allow on-street parking on a portion of Fairview Street from Oval Court to the Sherwood Forest Park entrance, Wards 2, 4, 5.
File: 110-04-01 (TT-11-10, DA-13-10, TT-20-10, DA-48-10, E-47-10)

CONFIRMATION BY-LAW:

Enact and pass By-law Number 74-2010, being a by-law to confirm the proceedings of Council at its meeting held Monday, July 5, 2010, and is read a first, second and third time.

STATEMENTS BY MEMBERS (non-debatable):

ADJOURNMENT:

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