CITY OF BURLINGTON

REGULAR MEETING OF COUNCIL NO. 9-11

MINUTES

DATE OF MEETING:	Tuesday, May 3, 2011.
PLACE OF MEETING:	Council Chambers, Level 2, City Hall at 7:00 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:	Roman Martiuk, Frank McKeown, Bruce Krushelnicki, Deb Caughlin, Amir Aazam and Jo-Anne Rudy.

PROCLAMATIONS:

• Royal Canadian Navy Week	April 29 – May 6, 2011
• Apeldoorn Month	May 2011
• Foot Health Month	May 2011
• Huntington Disease Awareness Month	May 2011
• International Building Safety Month	May 2011
• Stroke Awareness Month	May 2011
• Canada-Netherlands Friendship Day	May 7, 2011
• Burlington Gymnastics Club Day	May 13, 2011

MOTION TO CONFIRM COUNCIL MEETING MINUTES:

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

Confirm the minutes of the following meeting of Council:

Regular meeting of Council No. 7-11 held Monday, April 11, 2011 and special meeting of Council No. 8-11 held Tuesday, April 19, 2011.

MOTION CARRIED

DECLARATIONS OF INTEREST: None.

DELEGATIONS:

Approval of Official Plan Amendment, Zoning By-law Amendments and Plan of Subdivision Applications for 2360, 2366, 2374 Queensway and 2359, 2365 and 2373 Glenwood School Drive – 1066834 Ontario Limited
See Item PB-28-11, page 9

1. Ramona Canney, 2339 Brinell Avenue, Burlington, stated that she is not in opposition to the development but is concerned about the change in zoning. Canney expressed disappointment with the process and noted that the community wants to be involved to help their neighbourhood grow in a positive way.

2. Richard Szymczyk, Cleta Street, Burlington, representing Queensway residents, indicated that he supports improvement in the community but noted that in his opinion, the process is faulty due to a number of reasons including the outdated information contained in the studies. Szymczyk requested that the application be deferred until after the strategic plan has been approved.

3. Franco Romano, Action Planning Consultants, advised that there has been a 22% reduction from the original application and seeks to introduce a variety of dwellings. Romano noted that there is no significant adverse impact on the community and that this application satisfies the Official Plan.

4. Don Anderson, Glenwood School Drive, Burlington, advised that he is not in opposition to the redevelopment provided it is within the current zoning. Anderson stated that the community is very discouraged with the public process and noted that they were not given appropriate time to review information. Anderson asked that the site plan process be undelegated so that the community can fully participate.

Report recommending approval for Protecting Escarpment Rural Land (PERL) Proposed Niagara Escarpment Plan Amendment – Niagara Escarpment Commission (NEC)
See Item PB-21-11, Motion No. 51

5. Roger Goulet, representing Protecting Escarpment Rural Land (PERL), provided some clarification to correspondence received from Nelson Aggregate at the Special Community Development Committee meeting of April 29, 2011 and stated the importance of reviewing the entire NEC staff report documents. Goulet noted that the Region of Halton, Conservation Halton, Sustainable Development Committee and the Community Development Committee have provided their support for this amendment and asked that Council do the same.

CONSIDERATION OF RECOMMENDATIONS FROM STANDING COMMITTEES:

Committee of the Whole Meeting of April 18, 2011

APPROVAL TO ASSUME BRONTE WOODS PHASE 2 SUBDIVISION, REGISTERED PLAN 20M-927

Assume the subdivision registered as Plan 20M-927, File 510-05/95-2; and

Accept all works and services under the jurisdiction of the City to become the property of the City of Burlington; and

Notify the Region of Halton of this assumption; and

Release Subdivision Agreement Instrument Number HR345959 except for the following:

Condition 44 (a) to (g) inclusive, affecting all lots, blocks and units; and

Condition 44 (h) and (i) affecting lots 11, 12, 60, 61, 75, 76, 94, 95, 96, 97, 98, 120, 149, 150, 164, 165, 175, 176, 205, 206, 228, 229, 239, 240, 246, 247 and 256; and

Condition 44 (j) affecting lots 11, 60, 61, 67, 68, 75, 76, 84, 85, 94, 95, 98, 108, 109, 120, 132, 135, 149, 150, 164, 165, 175, 176 190, 193, 205, 206, 216, 221, 228, 229, 239, 240, 246, 247, 250, 256, the southernmost units in blocks 257, 259, 260 and the southernmost and northernmost units in block 258; and

Condition 44 (k) affecting all interior street townhouse units in blocks 257 to 261 inclusive; and

Condition 44 (l) affecting lots 36, 37 and 52 to 60 inclusive; and

Condition 44 (m) affecting lots 11, 12, 60, 61, 75, 76, 94 to 98 inclusive, 120, 149, 150, 164, 165, 175, 176, 205, 206, 228, 229, 239, 240, 246, 247 and 256; and

Condition 44 (n) affecting lots 28 to 37 inclusive; and

Authorize the City Solicitor to prepare any necessary documents and authorize the Mayor and City Clerk to sign them; and

Direct the City Clerk to present the necessary by-law to Council to accept all the works and services of the said plan of subdivision and assume the following streets as public highways:

STREET	PARCEL	PIN NUMBER
Sutton Drive	20M-927	07184-4197
Whitehorn Drive	20M-927	07184-4198

Jacada Road	20M-927	07184-4190
Robjen Road	20M-927	07184-4195
Sundial Road	20M-927	07184-4196
Kindos Street	20M-927	07184-4191
Kindos Street	20M-927	07184-4192
Langford Road	20M-927	07184-4193
Langford Road	20M-927	07184-4194
Greer Drive	20M-927	07184-4188
Greer Drive	20M-927	07184-4189
Easton Road	20M-927	07184-4186
Curtis Road	20M-927	07184-4185
Emerson Drive	20M-927	07184-4187; and

Approve amendment of the parcel designation in the by-law, if necessary, by the City Solicitor or her designate upon registration of the by-law. (E-15-11)

APPROVAL TO AWARD TENDER FOR THE HOLTBY AVENUE AND CROSBY AVENUE RECONSTRUCTION, CONTRACT NUMBER ENG-11-10

Approve the tender for Contract No. 11-10, Holtby Avenue & Crosby Avenue Reconstruction, submitted by Howlett Development & Construction Services Ltd., 101-3600 Billings Court, Burlington, Ontario, L7N 3N6; at a total price of $824,786.18 (HST included), subject to the approval of the Region of Halton; and

Direct the City Clerk to notify Howlett Development & Construction Services Ltd., by letter under the seal of the Corporation of the City of Burlington; and

Direct the City Clerk to issue the debenture by-law; and

Approve the Total Project Cost of $916,000 to be charged as follows:

Holtby Avenue & Crosby Avenue Reconstruction	
Account Number RL0169	
Tax Supported Debt	$264,160
Capital from Current- Infrastructure Renewal	$345,840
Beaver & Pepper Reconstruction Account RL0144	$85,000
Recovery – Region of Halton	$221,000
Total Project Financing	$916,000

(E-17-11)

APPROVAL TO AWARD TENDER FOR THE FAIRVIEW STREET IMPROVEMENTS AND THE PLAINS ROAD EAST / QEW TO BRANT STREET RECONSTRUCTION, CONTRACT NUMBER ENG-11-03

Approve the tender for Contract No.: 11-03, Fairview Street Improvements, Plains Road East/QEW to Brant Street, submitted by Coco Paving Inc., 139 Windermere Road, Hamilton, Ontario L8H 3Y2; at a total price of $2,570,107.31(HST included); and

Direct the City Clerk to notify Coco Paving Inc., by letter under the seal of the Corporation of the City of Burlington; and

Approve the resurfacing of Maple Avenue from Fairview Street to Plains Road East at a Cost of $200,000; and

Direct the City Clerk to issue the debenture by-law; and

Approve the Total Project Cost of $3,713,000 to be charged to Capital Order RA0159 and financed as follows:

Transportation Development Charges Reserve Fund	$350,000
Federal Gas Tax	$1,971,401
Tax Supported Debt	$757,000
Capital From Current	$434,599
Move Ontario	$200,000
Total Project Financing	$3,713,000

(E-18-11)

APPROVAL TO AWARD TENDER FOR THE ELGIN STREET RECONSTRUCTION AND PARKING LOT 2 RENEWAL, CONTRACT NO. ENG-11-01

Approve the tender for Contract No. 11-01, Elgin Street Minor Reconstruction and Parking Lot #2 Renewal from Locust Street to Burlington Avenue, submitted by A-1 Asphalt Maintenance Ltd., 2233 Harold Road, Burlington, Ontario, L7P 2J6; at a total price of $869,861.95 (HST included); and

Authorize and Direct the City Clerk to so notify A-1 Asphalt Maintenance Ltd., by letter under the seal of the Corporation of the City of Burlington; and

Direct the City Clerk to issue the debenture by-law; and

Approve the Total Project Cost of $1,121,000 to be charged as follows:

Part 1: Elgin Street Reconstruction	
Account Number BD0034	
Tax Supported Debt	335,000
Capital Purposes Reserve Fund	465,000
Subtotal	$800,000
Part 2: Parking Lot#2 Renewal	
Account Number MB0119	
Tax Supported Debt	134,000
Infrastructure Renewal Reserve Fund	40,000
Subtotal	$174,000
Part 3: Maintenance Works	

Various Capital and Operating Accounts	
Infrastructure Renewal Reserve Fund –	
ST0005-Street Lighting	25,000
Tax Supported Debt-	
RI0171- Resurfacing	116,000
Operating Budget -	
552310 – Tree Plant & Replace	6,000
Subtotal	$147,000
Total Project Financing	$1,121,000

(E-20-11)

APPROVAL OF THE PROPOSED 2011-2012 FESTIVALS AND EVENTS PROGRAM

Approve the Updated Festivals and Events held between May 2011 and April 2012 as outlined in Parks and Recreation Department report PR-15-11; and

Approve a request from the Burlington Radio Control Modellers Inc. for a one-time exemption to the City of Burlington Park By-law Number 35-1976, for overnight parking Section 5(c) and camping Section 4(f), subject to the terms and conditions of the Special Event Team; and

Approve a request from the Sound of Music Festival Inc., for an on-going exemption to the City of Burlington Park By-law Number 35-1976, for overnight parking Section 5(c) and camping Section 4(f) for the carnival operations related to the festival, subject to parking lot space availability and the terms and conditions of the Special Event Team; and

Approve a request from the Sound of Music Festival Inc., for festival expansions to include an extended road closure of John Street, between Pine and Lakeshore Roads, and fireworks on one day, subject to the terms and conditions of the Special Event team; and

Authorize the Acting Director of Parks & Recreation to approve the request from Sound of Music Festival Inc., for fireworks display, at the 2011 event, provided they have followed the SET fireworks requirements, and the delegated authority rules outlined in the Procurement By-law; and

Approve a one-time exemption to the City of Burlington Park By-law Number 45-1988 as outlined in Parks and Recreation Department report PR-15-11 to allow the Aldershot High School 50th Anniversary Reunion to take place in Hidden Valley Park on Saturday October 8th and Sunday October 9th, 2011, subject to the terms and conditions of the Special Event Team; and

Approve the recommendation as outlined in Appendix D to Parks and Recreation Department report PR-15-11 to suspend the Jazz ‘n Blues Festival from the 2011 Festivals and Events Program. (PR-15-11)

FIVE ITEMS FOR RECEIPT:

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

- Correspondence from Chief Crowell, Halton Regional Police, providing an overview of policing in #3 District (Burlington). (CW-12-11-1, March 25, 2011)

- PowerPoint presentation by Chief Crowell, Halton Regional Police, providing an overview of policing in #3 District (Burlington). (CW-12-11-2, April 15, 2011)

- Confidential Memorandum from Scott Stewart, General Manager of Community Services, regarding the Halton District School Board approved 2010 long-term accommodation plan. (CW-13-11, March 22, 2011)

- PowerPoint presentation by Barb Teatero, Director of Museums, Burlington Museums Board, providing a 2011 orientation. (CW-14-11-1, April 18, 2011)

- PowerPoint presentation by John Doyle, Chair, Burlington Museums Foundation, providing a 2011 orientation. (CW-14-11-2, April 18, 2011)

Community Development Committee Meeting of April 18, 2011

APPROVAL OF OFFICIAL PLAN AMENDMENT, ZONING BY-LAW AMENDMENT AND PLAN OF SUBDIVISION APPLICATIONS

The following amendment was moved by Councillor Meed Ward and seconded by Councillor Taylor:

THAT Item PB-28-11 of the Community Development Committee Meeting No. 5-11, be referred back to staff with instructions to reduce the total unit count by 10 units and present the revised recommendation to a future Community Development Committee meeting.

A Recorded Vote was requested by Councillor Meed Ward on this amendment, resulting in the following:

IN FAVOUR: Councillor Meed Ward

OPPOSED: Councillors Craven, Taylor, Dennison, Sharman, Lancaster and Mayor Goldring

(1 in favour, 6 opposed)

AMENDMENT LOST

The following amendment was moved by Councillor Meed Ward and seconded by Councillor Dennison:

THAT Item PB-28-11 of the Community Development Committee Meeting No. 5-11, be referred back to staff with instructions to reduce the total unit count by 2 units off the south side of Building 3 and present the revised recommendation to a future Community Development Committee meeting.

A Recorded Vote was requested by Councillor Meed Ward on this amendment, resulting in the following:

IN FAVOUR: Councillors Meed Ward and Dennison

OPPOSED: Councillors Craven, Taylor, Sharman, Lancaster and Mayor Goldring

(2 in favour, 5 opposed)

AMENDMENT LOST

The following amendment was moved by Councillor Meed Ward and seconded by Councillor Taylor:

THAT Item PB-28-11 of the Community Development Committee Meeting No. 5-11, be referred back to staff with instructions to keep low-density zoning for the southern portion of the site and present the revised recommendation to a future Community Development Committee meeting.

A Recorded Vote was requested by Councillor Meed Ward on this amendment, resulting in the following:

IN FAVOUR: Councillor Meed Ward

OPPOSED: Councillors Craven, Taylor, Dennison, Sharman, Lancaster and Mayor Goldring

(1 in favour, 6 opposed)

AMENDMENT LOST

The following amendment was moved by Councillor Meed Ward and seconded by Councillor Dennison:

THAT Item PB-28-11 of the Community Development Committee Meeting No. 5-11, be amended to allow a pedestrian only access to Glenwood School Drive.

A Recorded Vote was requested by Councillor Meed Ward on this amendment, resulting in the following:

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

OPPOSED: Councillor Craven

(6 in favour, 1 opposed)

AMENDMENT CARRIED

Approve Amendment No. 84 to the City of Burlington Official Plan as amended, to re-designate lands at 2359, 2365, 2373 Glenwood School Drive from "Residential-Low Density" to "Residential-Medium Density"; and

Approve the application for Official Plan Amendment by 1066834 Ontario Limited a Division of 967686 Ontario Inc, 4305 Fairview Street, Suite 216 Burlington, Ontario, L7L 6E8 to modify Schedule B of the Official Plan to permit medium density residential uses, and for a residential infill project, at 2360, 2366, 2374 Queensway Drive & 2359, 2365, 2373 Glenwood School Drive; 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. 84 as contained in Appendix I of PB-28-11. File: 505-05/09; and

Approve the application by 1066834 Ontario Limited a Division of 967686 Ontario Inc, 4305 Fairview Street, Suite 216 Burlington, Ontario, L7L 6E8, to amend the zoning of 2360, 2366, 2374 Queensway Drive & 2359, 2365, 2373 Glenwood School Drive from"R3.1" and "H-RM2" to "RM2-424"; and

Instruct staff to prepare the By-law to amend Zoning By-law 2020 rezoning 2360, 2366, 2374 Queensway Drive & 2359, 2365, 2373 Glenwood School Drive from "R3.1" and "H-RM2" to "RM2-424", using the regulations below for Exception 424 once the applicant has completed the following:

1. Payment of variable rezoning fees, on a per unit basis in accordance with By-law 127-2006, as amended; and
2. Execution of a Residential Development Agreement including conditions contained in Appendix II.

Exception 424

1. Regulations applying to the entire development site:

   Additional Permitted Uses: Semi detached dwellings, Back to Back townhouses

   Prohibited Uses: Fourplex, Retirement Home

Max number of units: 58 units (including 6 semi-detached, 18 back to back townhouses and 34 townhouses)

Max density: 45 units/ha

A 1.5 m sidewalk running parallel to Queensway drive is permitted within the landscape area.

Notwithstanding Part 1, Subsection 2.13 Bay windows greater than 3 m in length, porches and balconies are permitted to encroach 1m into required yards.

Notwithstanding Part 2, Residential Zones, Subsection 1, General Provisions (i): Minimum distance between a driveway and parking from a wall of a building containing windows of habitable rooms: 30cm

Notwithstanding Part 16, Definitions, Privacy Area: Privacy Area shall mean an area reserved for the exclusive use of the occupants of a dwelling unit and which is separated from other privacy areas and communal areas on two sides by a privacy screen. A privacy area may include a patio, deck, balcony, solarium or other such area.

2. Regulations for Semi Detached Dwellings subject to RM1 regulations except that:

Minimum front yard	7 m 6.5 m to porches
Minimum rear yard	7.9 m
Minimum side yard for dwellings with an attached garage:	0m, 1.5m other side
Minimum side yard abutting a common element road:	3 m
Maximum building height	2 storeys up to 10 m
Maximum walkway width	1.5m
Maximum driveway width	4 m

3. Regulations for Back to Back Townhouses subject to RM3 regulations except that:

   Yard abutting an R1, R2, R3 zone: 6m
   Yard abutting an RM2 zone: 6m
   Maximum height: 3 storeys to 13.5m

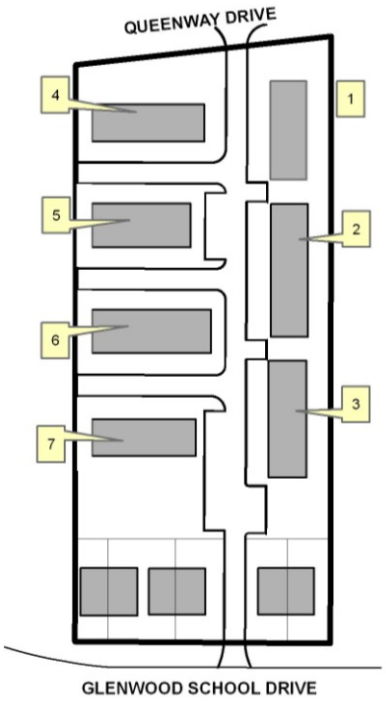
   Privacy Area (c): Each unit in a back to back townhouse development shall contain an individual balcony with a minimum area of $8m^2$ separated from adjoining units by a wall or privacy screen and with a maximum projection of 2.8m from the front or side wall of the back to back townhouse building.

4. Townhouse

   Yard abutting Queensway Drive: 3 m
   Yard abutting an R1, R2, R3 zone: 8 m
   Yard abutting an RM2 zone: 8 m
   Rear Yard of Building 7, abutting semi-detached units: 23.7 m
   Side Yard of Building 3, abutting semi-detached units: 17.1 m
   Privacy Area (second storey decks) Building 4 & 7: 19.8m^2
   Height 3 storeys to 13m
   Landscape Buffer abutting an R1, R2, R3, RM2 & CN2 zone: 4m

5. Notwithstanding Part 1 – General Conditions and Provisions, Subsection 2.33 Parcels Of Tied Land (POTL) the following POTL regulations shall apply:

   Driveway length: 6m
   Yard Abutting Queensway Drive: 1.5m
   Rear Yard Building 1,2,3: 4m
   Rear Yard Building 7: 4m



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

Deem that the amending Zoning By-law will conform with the Official Plan for the City of Burlington once Official Plan Amendment 84 is adopted; and

Deem that the amending Zoning By-law will not come into effect until Official Plan Amendment 84 is adopted. File: 510-01/09; and

Approve the Draft Plan of Subdivision application submitted by 1066834 Ontario Limited a Division of 967686 Ontario Inc 4305 Fairview Street, Suite 216 Burlington, Ontario, L7L 6E8 consisting of a residential draft plan of subdivision for lands located at 2360, 2366, 2374 Queensway Drive & 2359, 2365, 2373 Glenwood School Drive subject to the Residential Development Agreement conditions in Appendix II of PB-28/11; **and**

Allow a pedestrian only access to Glenwood School Drive. (PB-28-11)

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

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

OPPOSED: Councillor Meed Ward

(6 in favour, 1 opposed)

RECOMMENDATION CARRIED

APPROVAL FOR REGULATING THE FEEDING OF NUISANCE ANIMALS

Approve Option 1 contained in Report PB-04-11, recommending education rather than further regulation with respect to the feeding of nuisance animals. (PB-04-11)

DECLINE APPLICATIONS TO AMEND THE PARKWAY BELT WEST PLAN AND MINISTER'S ZONING ORDER, ONTARIO REGULATION 482/73 SUBMITTED BY 1255723 ONTARIO INC.

Advise the Ministry of Municipal Affairs and Housing (MMAH) that the City of Burlington is opposed to the applications submitted by 1255723 Ontario Inc. to amend the Parkway Belt West Plan and Minister's Zoning Order, Ontario Regulation 482/73 pertaining to lands located at 2002 Dundas Street (MMAH File Nos: 24-PBA-002-205 and 24-ZO-00210-12); and

Instruct staff to submit a copy of the Council resolution and Staff Report PB-24/11 to the MMAH; and

Request that the MMAH notify the City Clerk in writing if the Ministry supports the proposed amendments, before approval of the amendments enabling City Council the opportunity to have the matter referred to the Ontario Municipal Board as provided for in *The Ontario Planning and Development Act* (File No.: 550-01/11). (PB-24-11)

APPROVAL FOR NIAGARA ESCARPMENT COMMISSION OF PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT 179 FOR THE PLEASANT VIEW SURVEY LANDS WITHIN THE CITY OF HAMILTON

Approve the City of Burlington to support the Niagara Escarpment Commission on Proposed Niagara Escarpment Plan Amendment 179 for the Pleasant View Survey lands within the City of Hamilton (former Town of Dundas). (PB-27-11)

REFERRAL OF NIAGARA ESCARPMENT COMMISSION FOR CONSIDERATION, PURSUANT TO SECTION 10 (1) (a) OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT.

Refer report PB-21/11 to the Niagara Escarpment Commission, pursuant to Section 10(1) (a) of the Niagara Escarpment Planning and Development Act to a Special Community Development Committee meeting to be scheduled prior to Council on May 3, 2011. (PB-21-11)

NINE ITEMS FOR RECEIPT:

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

- Report from Planning & Building Department regarding the Official Plan Amendment, Rezoning and Site Plan Applications from IKEA Properties Ltd. at 3455 North Service Road. (PB-30-11, March 30, 2011)

- PowerPoint presentation from Planning and Building Department for report PB-28-11, regarding an Official Plan Amendment, Zoning By-law Amendment and plan of subdivision applications for 2360, 2366, 2374 Queensway Drive & 2359, 2365, 2373 Glenwood School Drive for AMR Homes 1066834 Ontario Limited A Division of 967686 Ontario Inc. (PB-28-11, March 23, 2011)

- PowerPoint presentation from Planning and Building Department for report PB-24-11 regarding refusal of the applications to amend the Parkway Belt West Plan and Minister's Zoning Order, Ontario Regulation 482/73 submitted by 12355723 Ontario Inc. (PB-24-11, March 21, 2011)

- Correspondence from the Friends of Freeman Station Inc., providing a project update. (CD-6-11-1, April 15, 2011)

- Confidential Appendix A & B of the correspondence from the Friends of Freeman Station Inc. regarding a project update. (CD-6-11-2, April 15, 2011)

- Confidential Appendix A of the Treasurers report from the Friends of Freeman Station Inc. (CD-6-11-3, April 15, 2011)

- Correspondence from the Ontario Historical Society regarding the report from the Friends of Freeman Station Inc. (CD-6-11-4, April 18, 2011)

- Revised Appendix A & 3-I of report from Friends of Freeman Station Inc. (CD-6-11-5, April 18, 2011)

- Delegation material from Ramona Canney, Brinell Avenue, Burlington, regarding an Official Plan Amendment, Zoning By-law Amendment and plan of subdivision applications for 2360, 2366, 2374 Queensway Drive & 2359, 2365, 2373 Glenwood School Drive for AMR Homes 1066834 Ontario Limited A Division of 967686 Ontario Inc. (PB-28-11, March 23, 2011)

Budget & Corporate Services Committee Meeting of April 19, 2011

APPROVAL TO WRITE-OFF UNEARNED TAXES UNDER SECTION 357/358 OF THE MUNICIPAL ACT

Strike from the collector's roll Realty taxes in the amount of $304,947.49 having been unearned for the reasons listed in Finance Report F-23-11, dated March 28, 2011; and

Charge the City's share totalling $77, 889.21 to Prior Year's Tax Write-Off; and

No reduction or refund of taxes for 5555 North Service Road. (F-23-11)

APPROVAL ON THE 2010 BURLINGTON MUNICIPAL ELECTION REVIEW AND POST-ELECTION FEEDBACK

Receive and file Clerks Department report CL-9-11; and

Direct the City Clerk to forward a letter to the Municipal Property Assessment Corporation (MPAC) outlining the City of Burlington's concerns with the inaccuracy of the preliminary list of electors for the 2010 municipal election and request a review of the procedures at MPAC to ensure improved accuracy in upcoming elections; and

Direct the City Clerk to forward this resolution to AMO, AMCTO, the Town of Oakville, Town of Halton Hills and Town of Milton requesting their support. (CL-9-11)

APPROVAL OF SPACE ALLOCATIONS

Relocate the Councillors Office to the 7th floor of City Hall, including structural changes in order to:

- Group all members of Council in closer proximity to each other, with the mayor's office remaining on the 8th floor. This move will foster ongoing communication and effective working relationships; and
- Integrate the community relations and creative services staff physically into the Clerks Department offices on the 1st floor of City Hall. This move

will support the department's coordinated leadership and enhance integrated corporate customer-first service; and

Approve funding in the amount of $27,796 from the Capital Purposes Reserve Fund for the move as outlined in Report CorpServ 1-11, dated February 21, 2011. (CORPSERV-1-11)

APPROVAL OF QUARTERLY LITIGATION UPDATE

Authorize the City Solicitor, or her designate, to proceed in accordance with the instructions contained in Confidential Legal Report L-16-11 dated March 18, 2011 and in particular matters 13 and 14; and

Receive and file Legal Department report L-16-11. (L-16-11)

DIRECTION TO REPORT BACK ON THE CORE COMMITMENT INITIATIVE

Direct the Acting General Manager of Development and Infrastructure to prepare a report to Council that:

1. Provides an update on the status of the Core Commitment Initiative.

2. Provides a work plan, timeline and budget for a strategy designed to engage the community in updating the Core Commitment vision for the downtown. An implementation plan for delivering the vision should be one of the key outcomes of the strategy.

3. Comments on the appropriateness and value to the community of a downtown summit as part of community engagement.

4. Includes a draft Terms of Reference (TOR) for a downtown task group to identify challenges, opportunities, roles and responsibilities for creating a vibrant downtown. The TOR should address the group's mandate, and the identification of membership including, but not limited to, interested stakeholders such as the Burlington Downtown Business Association (BDBA), the Burlington Economic Development Corporation (BEDC), the Chamber of Commerce, Tourism Burlington and including City Council representation. (Mayor Goldring, BCS-9-11)

DIRECTION TO REPORT BACK ON PERFORMANCE BASED BUDGETING

Direct the Acting Executive Director of Finance to conduct a budget debrief with members of Council and staff for the purpose of identifying levels of satisfaction and areas of improvement for 2012 and report back to Council in June 2011. This is not an evaluation on the results of the budget but rather the process, timelines, public input and methodology; and

Direct the Acting Executive Director of Finance to provide Committee with a report no later than September 2011 outlining the key deliverables, timelines, cost and resourcing

required to develop and implement performance-based budgeting and reporting including integration with the strategic plan for the City of Burlington. (Mayor Goldring, BCS-10-11)

FIVE ITEMS FOR RECEIPT:

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

- Report regarding status of the Reserve for contingencies as of December 31, 2010. (F-25-11, March 14, 2011)
- Report providing an update on Quarterly Environmental Initiatives. (CSI-9-11, March 30, 2011)
- Report providing an update on a CRM pilot project. (IT-01-11, February 28, 2011)
- Confidential Appendices 5 and 5.1 to Finance Department report F-25-11 providing the status of the contingency reserve fund as at December 31, 2010. (F-25-11, March 14, 2011)
- Confidential materials from Burlington Hydro Electric Inc., concerning a hydro matter. (BCS-06-11-2, April 7, 2011)

Audit Committee Meeting of April 19, 2011

THREE ITEMS FOR RECEIPT:

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

- Report providing information regarding Corporate Health and Safety (HR-2-11, March 22, 2011)
- Report providing a summary of Audit Issues (CA-14-11, April 5, 2011)
- Report providing an update on the status of the 2011 Audit Work Plan, Performance Metrics and Budget (CA-15-11, April 5, 2011)

Community Services Committee Meeting of April 20, 2011

APPROVAL OF THE 2011 EMERALD ASH BORER ACTION PLAN

Approve adjustments to the city's Emerald Ash Borer Management Strategy, as described in Roads and Parks Maintenance Department report RPM-03-11; and

Approve the 2011 Emerald Ash Borer Action Plan as described in Roads and Parks Maintenance Department report RPM-03-11; and

Approve Option 4 as outlined Appendix A to Roads and Parks Maintenance Department report RPM-03-11; and

Approve the Resolution entitled "A Federal and Provincial Role in Urban Forestry", attached as Appendix C to Roads and Parks Maintenance Department report RPM-03-11; and

Direct the City Clerk to forward the Resolution to the Federation of Canadian Municipalities and the Ontario Association of Municipalities; and

Direct the Director of Roads and Parks Maintenance to provide Council with a further review of the City's Emerald Ash Borer Management Strategy and a 2012 Action Plan in the spring of 2012. (RPM-03-11-1)

UPDATE ON THE PROGRESS MADE TOWARDS THE COMPLETION OF THE CYCLING MASTER PLAN

Direct the Director of Transportation Services to develop performance measures for services in support of cycling in Burlington in consultation with the Burlington Cycling Committee and report back to the Community Services Committee in the first quarter of 2012. (TS-04-11-1)

OVERVIEW OF THE BURLINGTON BEACH MASTER PLAN REVIEW WORK PLAN

Direct the Acting Director of Parks and Recreation to complete the Burlington Beach Master Plan Review, in partnership with the Region of Halton and Conservation Halton, as outlined in Parks and Recreation Department report PR-4-11; and

Direct the General Manager of Community Services to request that the Region of Halton include Ken Harris from the Waterfront Access and Protection Advisory Committee on the Regional Waterfront Parks Advisory Committee. (PR-04-11)

APPROVAL OF THE SPENCER SMITH INFRASTRUCTURE PROCESS PLAN

Receive Appendix A to Parks and Recreation Department report PR-13-11 as the long term infrastructure improvement plan for Spencer Smith Park; and

Defer the hard surfacing of the Northeast pathway, identified as SS-6, and the hard surfacing of the East Lawn pathway, identified as SS-7, until the Brant Street Pier project has been completed; and

Approve the installation of the access ramp from Lakeshore Road at Burlington Avenue, identified as SS-9 and the installation of the water bottle refilling stations, identified as SS-10, to the works planned for 2011; and

Approve Appendix B to Parks and Recreation Department report PR-13-11 as a guide for the implementation of the Spencer Smith Park Infrastructure plan, to be implemented through future Capital Budgets and Forecasts; and

Approve the list of projects for 2011 as contained in Appendix B – Spencer Smith Infrastructure Plan Summary to Parks and Recreation Department report PR-13-11 for works to be undertaken in 2011, and

Authorize the Acting Director of Parks and Recreation to engage consulting services to undertake a condition assessment with recommendations for future requirements to maintain the sustainability and/or renewal of the promenade, Centennial Terrace and the pathway system throughout Spencer Smith Park, and to include the review of the drainage requirements for the park, as identified on Sketch SS-2 of Appendix A to Parks and Recreation Department report PR-13-11; and

Authorize the Acting Director of Parks and Recreation to engage contractors to install a permanent electrical power box , in the location south of the Cherry Trees, as shown in Appendix A, Sketch SS-3 to Parks and Recreation Department report PR-13-11 to supply the required permanent power for the stage area utilized for special events; and

Authorize the Acting Director of Parks and Recreation to engage contractors to upgrade the main waterline from Lakeshore Road into the park, to provide improved water supply and pressure, as identified in Sketch SS-1 of Appendix A to Parks and Recreation Department report PR-13-11. (PR-13-11-1)

EIGHT ITEMS FOR RECEIPT:

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

- Delegation material from Ken Woodruff, BurlingtonGreen, regarding the Burlington Beach Master Plan Review. (PR-04-11-2, April 20, 2011)

- PowerPoint presentation by Mark Covert, Manager of Field Services - Roads and Parks Maintenance, regarding 2011 Emerald Ash Borer Action Plan. (RPM-03-11-2, April 20, 2011)

- Report providing information on skateboarding and long boarding on city roadways. (TS-14-11, February 4, 2011)

- PowerPoint presentation by Dan Ozimkovic, Transportation Technologist, Transportation Services Department, regarding the progress made towards the completion of the Cycling Master Plan. (TS-04-11-2, March 31, 2011)

- PowerPoint presentation by Charlotte O'Hara-Griffin, Supervisor, Park Planning & Development, and Rob Peachey, Manager of Parks & Open Space, Parks and Recreation Department regarding approval of the Spencer Smith Infrastructure Process Plan. (PR-13-11-2, March 23, 2011)

- Report recommending approval of the Brant Street Pier Communications plan. (CL-15-11-1, April 6, 2011)

- PowerPoint presentation by Donna Kell, Manager of Public Affairs, Clerks Department, regarding the Brant Street Pier communications plan. (CL-15-11-2, April 20, 2011)

- Pier Update information sheet provided by Scott Stewart, General Manager of Community Services. (CC-09-11, April 20, 2011)

MOTION TO ADOPT RECOMMENDATIONS FROM STANDING COMMITTEES:

50. Moved by: Councillor Dennison
Seconded by: Councillor Lancaster

Adopt the following reports:

Committee of the Whole Meeting of April 18, 2011.	Report No. 7-11 As presented
Community Development Committee Meeting of April 18, 2011.	Report No. 5-11 **As amended**
Budget & Corporate Services Committee Meeting of April 19, 2011.	Report No. 9-11 As presented
Audit Committee Meeting of April 19, 2011.	Report No. 4-11 As presented
Community Services Committee Meeting of April 20, 2011.	Report No. 6-11 As presented

MOTION CARRIED

MOTION TO CONSIDER RECOMMENDATIONS AND BY-LAWS ARISING FROM THE SPECIAL COMMUNITY DEVELOPMENT COMMITTEE MEETING OF APRIL 29, 2011

51. Moved by: Councillor Taylor
Seconded by: Councillor Craven

Adopt the following recommendations:

APPROVE PROTECTING ESCARPMENT RURAL LAND (PERL) PROPOSED NIAGARA ESCARPMENT PLAN

Instruct staff to circulate report PB-21-11 to the Niagara Escarpment Commission for consideration, pursuant to Section (10)1 (a) of the *Niagara Escarpment Planning and Development Act*; and

Instruct staff to continue to work with the Niagara Escarpment Commission to support the protection of the environmental integrity of the entire Mount Nemo Plateau, in accordance with Council Resolution PB-04-09-2 dated November 9, 2009; and

Amend the table on page 20 of report PB-21-11 by replacing the word "condition" with the word "and recommends"; and

Instruct staff to circulate report PB-21-11 to the Region on Halton, the Town of Milton, the Town of Oakville, the Town of Halton Hills and Conservation Halton; and

Recommend the Niagara Escarpment Commission review the policy framework of the Niagara Escarpment Plan during the Plan's comprehensive review in 2015, to ensure the plan is still consistent with provincial policy issued under Section 3 of the *Planning Act*, and that the Commission take report PB-21-11 into consideration during this process. (PB-21-11-1)

ENDORSEMENT OF ACTIONS REGARDING NELSON AGGREGATE

Endorse that the City Solicitor take the actions as outlined in confidential report L-6-11 regarding Nelson Aggregate. (L-6-11)

FOUR ITEMS FOR RECEIPT:

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

- Correspondence from Nelson Aggregate Co. regarding report PB-21-11. (PB-21-11-2, April 28, 2011)
- PowerPoint presentation from Protecting Escarpment Rural Land (PERL) regarding report PB-21-11. (PB-21-11-3, April 29, 2011)
- Correspondence from Halton Region regarding report PB-21-11. (PB-21-11-4, January 10, 2010)
- Site details from Planning & Building Department regarding PB-21-11. (PB-21-11-5, April 18, 2011)

MOTION CARRIED

MOTION TO WAIVE NOTICE

52. Moved by: Councillor Meed Ward
Seconded by: Councillor Dennison

THAT, in accordance with City of Burlington Procedural By-law 37-2008, as amended, notice is hereby waived in order to consider a motion concerning the undelegation of the future site plan

application for lands at 2359, 2365, 2373 Glenwood School Drive and 2360, 2366, 2374 Queensway Drive.

MOTION CARRIED

53. Moved by: Councillor Meed Ward
Seconded by: Councillor Dennison

UNDELEGATION OF FUTURE SITE PLAN

Undelegate the future site plan application by 1066834 Ontario Limited, a Division of 967686 Ontario Inc, 4305 Fairview Street, Suite 216 Burlington, Ontario, L7L 6E8, for the lands at 2359, 2365, 2373 Glenwood School Drive & 2360, 2366, 2374 Queensway Drive as a result of neighborhood concerns.

A Recorded Vote was requested by Councillor Meed Ward, resulting in the following:

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

(7 in favour, 0 opposed)

MOTION CARRIED

REPORT OF MUNICIPAL OFFICERS

APPROVAL OF THE 2011 TAX LEVY BY-LAW

Approve the 2011 Tax Levy By-law for the levying of tax rates as outlined in Finance Department Report F-20-11. (F-20-11)

MOTION TO RECEIVE AND FILE COUNCIL INFORMATION PACKAGES:

54. Moved by: Councillor Taylor
Seconded by: Councillor Craven

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

April 8, 15 and 21, 2011

MOTION CARRIED

MOTION TO RECEIVE AND FILE ITEMS RECEIVED BY COUNCIL:

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

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

- E-mail dated May 2, 2011, from Roger Goulet, PERL Executive Director, related to the Protecting Escarpment Rural Land (PERL) Proposed Niagara Escarpment Plan Amendment – Niagara Escarpment Commission. (Related to Item PB-21-11)

MOTION CARRIED

CONSIDERATION OF BY-LAWS:

56. Moved by: Councillor Taylor
Seconded by: Councillor Craven

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

By-law No.	Title
35-2011	A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Tender Award for Holtby Avenue and Crosby Avenue Reconstruction, Ward 2. File: 570.02-519 (E-17-11)
36-2011	A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Tender Award for Fairview Street Improvements, Plains Road East/QEW to Brant Street Reconstruction, Wards 1 and 2. File: 570.02-465 (E-18-11)
37-2011	A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Tender Award for Elgin Street Minor Reconstruction and Parking Lot #2 Renewal, Ward 2. File: 570.02-493 (E-20-11)
38-2011	A by-law to assume Bronte Woods Phase 2 Subdivision, Registered Plan 20M-927, Ward 5. File: 510-05/95-2 (E-15-11)
39-2011	A by-law to levy 2011 taxes. File: 415-02-1 (F-20-11)
40-2011	A by-law to adopt Official Plan Amendment No. 84 to re-designate lands at 2359, 2365, 2373 Glenwood School Drive from “Residential-Low Density” to “Residential-Medium Density”, Ward 2. File: 505-05/09 (PB-28-11)

2020.300 A By-law to amend By-law 2020, as amended, to permit the expansion of the existing office use at 1134 Plains Road East, Ward 1.
File: 520-02/07 (PB-18-11-1)

MOTION CARRIED

STATEMENTS BY MEMBERS:

Councillor Meed Ward advised of a Neighbourhood meeting on May 4 at City Hall, Room 247, from 7 p.m. to 9 p.m. to discuss the new proposal for a 15 unit townhouse development on Elizabeth Street. A media launch to announce the line-up for the Sound of Music Festival will take place on May 6 at the DeGroote School of Business from 3:30 p.m. to 5:30 p.m. and Soiree 2011, Festival Line-up Release Party will take place at 8 p.m. at the same location with tickets available for $40. The report concerning the Molinaro development at Brock and Elgin will be going to a Public meeting at the Community Development Committee meeting on May 9 at City Hall, Council Chambers at 6:30 p.m. All residents are welcome to attend and speak, if desired.

Councillor Craven advised of the annual "Friends of Kerncliffe" litter clean-up taking place on Saturday, May 7 from 8:00 a.m. to 12 noon. A public meeting will be held on May 18 at 7 p.m. at Woodview School to review the proposed Eagle Heights development which includes 870 new homes west of Waterdown Road and north/south of Flatt Road, including detached homes, townhouses and apartments.

Councillor Sharman commented on the great progress being made on the Strategic Plan. A Ward 5 Town Hall meeting will be held on May 26 at Appleby Ice Centre where there will be a series of workshops with various Strategic Plan topics. All residents are welcome. Congratulations to Ward 5 residents for a great job done at the Community Clean-up last Saturday.

Councillor Taylor advised that the first rural joint meeting of Wards 3 and 6 to discuss bicycle racing in the area was a great success. It was agreed that an organized forum including the Halton Regional Police, Transportation Department staff, Burlington Cycling Committee and cycling clubs will be held in September.

Councillor Lancaster commented on the success of the rural joint meeting of Wards 3 and 6 and noted that anyone who is interested in cycling road safety is welcome to participate. Canada Netherlands Friendship Day is on May 7 and a special ceremony will take place in Civic Square at 12 noon. Councillor Lancaster noted that this is an opportunity to recognize what our veterans have done in liberating the Netherlands.

Councillor Dennison advised that a public open house will be held on May 12 at the Burlington Holiday Inn, Harvester Room, from 7 to 9 p.m. to review the Official Plan and Rezoning applications for the IKEA property on the northeast corner of Walker's Line and North Service Road.

Mayor Goldring thanked BurlingtonGreen for hosting this year's Community Clean-up and noted that 5,000 residents participated in this great community event. The opening game for the Burlington Twins, an inter-county baseball league, is on May 7 at 11:30 a.m. at Nelson Park.

Mayor Golding congratulated all candidates for their efforts in the Federal Election and specifically congratulated Mike Wallace and Lisa Raitt for their success and noted that the City looks forward to working with them.

MOTION TO CONFIRM PROCEEDINGS OF THE COUNCIL MEETING:

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

Enact and pass By-law Number 41-2011, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, May 3, 2011, being read a first, second and third time.

MOTION CARRIED

MOTION TO ADJOURN:

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

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

Time: 9:02 p.m.

MOTION CARRIED

Deb Caughlin
DEPUTY CLERK

Rick Goldring
MAYOR

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