

Town of Oakville

Council Minutes

Date: January 31, 2022

Time: 6:30 p.m.

Location: Virtual Meeting

Mayor and Council: Mayor Burton (In person)
Councillor Adams
Councillor Duddeck
Councillor Elgar
Councillor Gittings
Councillor Grant
Councillor Haslett-Theall
Councillor Knoll
Councillor Lishchyna
Councillor Longo
Councillor O'Meara
Councillor Parmar
Councillor Robertson
Councillor Sandhu

Regrets: Councillor Chisholm

Staff: J. Clohec, Chief Administrative Officer
N. Sully, Commissioner of Corporate Services and Treasurer
C. Bell, Commissioner of Community Services
N. Garbe, Commissioner of Community Development
P. Fu, Commissioner of Community Infrastructure
V. Tytaneck, Town Clerk (In person)
J. Warren, Council and Committee Coordinator (In person)

The Town of Oakville Council met in regular session, via videoconference, this 31st day of January, 2022 in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 6:30 p.m.

1. O Canada

2. Regrets

As noted above.

3. Declarations of Pecuniary Interest

Councillor Knoll declared a pecuniary interest with respect to Item 7.1 – 2022 Budgets for Business Improvements Areas, as he is the owner and CEO of Film.Ca Cinemas which is a member of the Kerr Village BIA.

4. Confirmation of Minutes of the previous Council Meeting(s)

4.1 Minutes of the Regular Session of Council, DECEMBER 20, 2021

4.2 Minutes of the Special Session of Planning and Development Council, DECEMBER 22, 2021

4.3 Minutes of the Regular Session of Planning and Development Council JANUARY 18, 2022

Moved by Councillor Lishchyna
Seconded by Councillor Parmar

1. That the minutes of the regular session of Council of Council dated December 20, 2021, be approved.
2. That the minutes of the Planning and Development special session of Council dated December 22, 2021, be approved.
3. That the minutes of the Planning and Development session of Council dated January 18, 2022, be approved.

CARRIED

5. Public Presentation(s)

There were no public presentations.

6. Committee of the Whole

Moved by Councillor Longo

Seconded by Councillor Gittings

That this meeting proceed into a Committee of the Whole session.

CARRIED

7. Consent Item(s)

7.1 2022 Budgets for Business Improvement Areas

Moved by Councillor Adams

1. That the 2022 Recommended Budget for the Downtown Oakville Business Improvement Area, requiring a levy of \$1,171,180, as shown in Appendix A, be approved.
2. That the 2022 Recommended Budget for the Bronte Village Business Improvement Area, requiring a levy of \$358,530, as shown in Appendix B, be approved.
3. That the 2022 Recommended Budget for the Kerr Village Business Improvement Area, requiring a levy of \$418,699, as shown in Appendix C, be approved.
4. That the relevant Board of Management approve any subsequent revision or reallocation of funds, within these budgets. The resolution shall be provided to the Treasurer, or designate of the town, who shall determine the significance of the change and advise if it requires Council approval.
5. That the Boards of Management ensure that the procurement of supplies and services, within the approved budgets, meet the requirements of the town's Purchasing By-law.

The Mayor called the vote on clauses 1, 2, 4 and 5.

CARRIED

The Mayor called a separate vote on clause 3.

CARRIED

(Councillor Knoll, having declared a pecuniary interest on this item, did not vote on Clause 3.)

7.2 By-law 2022-009, A By-law to Authorize the Temporary Borrowing of Monies for 2022

Moved by Councillor Adams

That By-law 2022-009 be passed authorizing the temporary borrowing of monies to meet current expenditures should the need arise in 2022, until taxes are collected and other revenues are received.

CARRIED

7.3 By-law 2022-010, A By-law to Authorize the Issuance and Sale of Debentures

Moved by Councillor Adams

That By-law 2022-010 be approved, authorizing the North Park Community Centre and Library project at an estimated total cost of \$55,768,200 and the raising of a portion of the financing (\$26,000,000) through the issuance and sale of debentures.

CARRIED

7.4 Halton Region Waterpipe Smoking By-law

Moved by Councillor Adams

1. That the report from the Municipal Enforcement Services department, dated January 18, 2022, titled "*Halton Region Waterpipe Smoking By-law*" be received.
2. That Council for the Town of Oakville consent to the passage and implementation of the Halton Region Waterpipe Smoking By-law attached as Appendix A as presented in Regional Report, MO-05-21 attached as Appendix B.

3. That the updated Halton Region Waterpipe Smoking By-law be enforced by Halton Region Public Health, as was the case with the Regional Smoking and Vaping in Public Places By-law 40-20.
4. That a copy of this Resolution be sent to Halton Region, City of Burlington, Town of Milton and the Town of Halton Hills.

CARRIED

7.5 Application to Conduct Charitable Lottery Events – Oakville Chamber Orchestra

Moved by Councillor Adams

That the request from Oakville Chamber Orchestra to conduct charitable lottery events in the Town of Oakville be approved.

CARRIED

7.6 Corporate Policy Update - January 31, 2022

Moved by Councillor Adams

1. That updated Elections Policy E-ELE-001 and related procedures be approved:
 - a. Use of Corporate Resources during a Municipal Election Procedure E-ELE-001-001;
 - b. Notice of Close Vote Procedure E-ELE-001-002; and
 - c. Council Vacancies Procedure E-ELE-001-003.
2. That updated Council Remuneration, Resources and Expenses Policy G-GEN-005 and related Council Remuneration, Allowances, Benefits, Expenses, Conferences and Seminars Procedure G-GEN-005-001 be approved as revised in accordance with the memo dated January 31, 2022 from the Clerk's department to replace Appendix A: Reimbursement Procedure General, Clause 1 with the following:

"Members of Council will be provided a monthly communication services allowance in accordance with the approved budget to cover the costs associated with telephony, internet and cellular services."

3. That the updated Council Code of Conduct G-GEN-006 be approved.
4. That updated Employee Fitness Program Procedure HR-MNG-002-005 be received.
5. That updated Occupational Health, Safety and Workplace Violence Policy HR-MNG-005 be approved, and that related updated Workplace Violence Procedure HR-MNG-005-002 be received.
6. That updated Harbour Services Policy MS-HAR-001 be approved, and related procedures be received:
 - a. Harbour Operations - Payment and Refund Procedure MS-HAR-001-001
 - b. Harbour Operations - Change or Transfer of Vessel Procedure MS-HAR-001-002
7. That updated Flag Protocol Procedure MS-SPR-002-001 be received.
8. That the existing rates and fees for Harbour Operations, as listed in the report from the Clerk's department, dated January 18, 2022 be approved, effective immediately, and such fees be included the 2022 Rates and Fees schedules.

CARRIED

8. Confidential Consent Item(s)

There are no Confidential Consent Items listed for this agenda.

9. Discussion Item(s)

9.1 Notice of Motion – Quebec's Bill 21, An Act Respecting the Laicity of the State

Moved by Mayor Burton

Seconded by Councillor Robertson

WHEREAS in June 2019 the Province of Quebec legislated Bill 21 ("An Act Respecting the Laicity of the State") which forbids public servants from wearing religious symbols;

WHEREAS Bill 21 is a divisive law that undermines equality in the name of secularism and instead contributes to further discrimination and intolerance;

WHEREAS on Monday, February 24, 2020, Oakville Town Council voted unanimously for a Resolution moved by Councillor Pavan Parmar in opposition to Bill 21;

WHEREAS The Town of Oakville is home to people of many faiths and believes that the expression of faith is a fundamental right as provided in the Canadian Charter of Rights and Freedoms;

WHEREAS Oakville is a multicultural community that is proud of its diversity and inclusivity;

WHEREAS The municipal interest in defending the Charter of Rights is clear; and

WHEREAS The Town of Oakville stands with other municipalities, such as Calgary, Brampton, Toronto, Winnipeg and municipalities across Canada, who have also condemned Bill 21 and support the current legal challenge Quebec's Bill 21;

THEREFORE, BE IT RESOLVED THAT the Town of Oakville continues to strongly oppose Quebec's Bill 21 and supports all current legal challenge against the discrimination against religious expression in Quebec's Bill 21; and

THAT the Town of Oakville calls upon the Parliament of Canada and all its Members and Federal parties to condemn and challenge Bill 21; and

THAT the Town of Oakville Council provide a contribution of an amount to be decided by Council to the joint legal challenge of Bill 21 by the National Council of Canadian Muslims, the World Sikh Organization and the Canadian Civil Liberties Association and encourage other municipalities

and levels of government to contribute to the legal challenge against Bill 21; and

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Oakville and Halton MPs, Prime Minister Justin Trudeau, Oakville and Halton MPPs, Premier Doug Ford, the National Council of Canadian Muslims, the Canadian Civil Liberties Association, the World Sikh Organization of Canada, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario, Ontario Big City Mayor's Caucus (OBCM) and be made available to the public.

The Mayor called a separate vote on the following:

"THAT the Town of Oakville Council provide a contribution of an amount to be decided by Council to the joint legal challenge of Bill 21 by the National Council of Canadian Muslims, the World Sikh Organization and the Canadian Civil Liberties Association."

For (10): Mayor Burton, Councillor Adams, Councillor Elgar, Councillor Gittings, Councillor Grant, Councillor Knoll, Councillor Longo, Councillor Parmar, Councillor Robertson , and Councillor Sandhu

Against (4): Councillor Duddeck, Councillor Haslett-Theall, Councillor Lishchyna, and Councillor O'Meara

Absent (1): Councillor Chisholm

CARRIED on a recorded vote (10 to 4)

The Mayor called a separate vote on the following:

"That the Town of Oakville Council encourage other municipalities and levels of government to contribute to the legal challenge against Bill 21."

For (8): Mayor Burton, Councillor Adams, Councillor Grant, Councillor Knoll, Councillor Longo, Councillor Parmar, Councillor Robertson , and Councillor Sandhu

Against (6): Councillor Duddeck, Councillor Elgar, Councillor Gittings, Councillor Haslett-Theall, Councillor Lishchyna, and Councillor O'Meara

Absent (1): Councillor Chisholm

CARRIED on a recorded vote (8 to 6)

The Mayor called the vote on the main motion.

For (14): Mayor Burton, Councillor Adams, Councillor Duddeck, Councillor Elgar, Councillor Gittings, Councillor Grant, Councillor Haslett-Theall, Councillor Knoll, Councillor Lishchyna, Councillor Longo, Councillor O'Meara, Councillor Parmar, Councillor Robertson , and Councillor Sandhu

Absent (1): Councillor Chisholm

CARRIED unanimously on a recorded vote (14 to 0)

Moved by Councillor Parmar

That Oakville Council provide a contribution in the amount of \$10,000 to the joint legal challenge of Bill 21.

For (7): Mayor Burton, Councillor Adams, Councillor Grant, Councillor Knoll, Councillor Parmar, Councillor Robertson , and Councillor Sandhu

Against (7): Councillor Duddeck, Councillor Elgar, Councillor Gittings, Councillor Haslett-Theall, Councillor Lishchyna, Councillor Longo, and Councillor O'Meara

Absent (1): Councillor Chisholm

LOST on a recorded vote (7 to 7)

9.2 Business Licensing By-law Review Update

Moved by Councillor Adams

1. That the report dated January 18, 2022 from Municipal Enforcement Services regarding an update of the business licensing by-law review be received.
2. That comments from Council and the public with respect to the business licensing review, be received.
3. That the Director of Municipal Enforcement Services be authorized to continue by-law preparations in accordance with the direction set out within this report, considering any comments received and report back with a new licensing by-law at a future Council meeting.
4. That Municipal Enforcement undertake a full food truck licensing review, including consultation with the industry, residents and BIAs, to

develop a strategy framework for future licensing opportunities and report back to Council at a later date, maintaining the priority of the property standards and noise by-law review.

5. That the Licensing By-law be updated to provide that consumer fireworks may only be sold 5 days prior to Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event.

The Mayor called a separate vote on clause 5.

LOST

Moved by Councillor Adams

That the Licensing By-law be maintained as currently written to allow for consumer fireworks to be sold 7 days prior to Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event.

LOST

The Mayor called the vote on the balance of the main motion moved by Councillor Adams.

CARRIED

9.3 Town of Oakville Response to BILD and Altus Group Report on Municipal Reserves

Moved by Councillor Knoll

1. That the staff report dated January 18, 2022, entitled *Town of Oakville Response to BILD and Altus Group Report on Municipal Reserves* from the Finance department, be received.
2. That the Town Clerk forward a link to the report entitled *Town of Oakville Response to BILD and Altus Group Report on Municipal Reserves*, to Halton's Members of Provincial Parliament (MPPs), Halton Region, the City of Burlington, the Town of Halton Hills, the Town of Milton, and the Ministry of Municipal Affairs and Housing for information.

CARRIED

9.4 Election Sign Regulations Review, By-law 2022-012 to amend By-law 2018-153

Moved by Councillor O'Meara

1. That By-law 2022-012, a by-law to amend by-law 2018-153 (The Sign By-law), attached as Appendix A to the report from the Municipal Enforcement Services department, dated January 18, 2022 be passed.
2. That the report on regulations surrounding election signs from Municipal Enforcement Services department dated January 18, 2022, be received.

CARRIED

9.5 Province of Ontario's Housing Affordability Task Force Draft Report

Moved by Councillor Grant

That the report from the Community Development Commission and Corporate Services Commission dated January 25, 2022, entitled *Province of Ontario's Housing Affordability Task Force Draft Report*, be received.

CARRIED

10. Confidential Discussion Item(s)

There are no Confidential Discussion Items listed for this agenda.

11. Advisory Committee Minutes

11.1 Accessibility Advisory Committee Minutes - December 9, 2021

Moved by Councillor Lishchyna

That the minutes of the Accessibility Advisory Committee meeting of December 9, 2021, be received.

CARRIED

12. Rise and Report to Council

Moved by Councillor Duddeck

That this committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole has met and as made recommendations on Consent Items 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6, Discussion Items 9.1, 9.2, 9.3, 9.4 and 9.5 and Advisory Committee Minutes Item 11.1, as noted by the Clerk.

Moved by Councillor Knoll

Seconded by Councillor Elgar

That the report and recommendations of the Committee of the Whole be approved.

CARRIED

13. Information Items (Circulated Electronically)

14. Status of Outstanding Issues

15. New Business

(Emergency, Congratulatory, Condolence, Notice of Motion)

Mayor Burton proclaimed February 2022 to be Black History Month in the Town of Oakville.

Mayor Burton offered condolences to the families affected by the terrorist attack at the Islamic Cultural Centre of Quebec City. A moment of silence was held in honour of the 5 year memorial of this tragedy.

Councillor Knoll issued congratulations to Stephen Tanner, Halton Regional Police Service Chief, as he celebrates 20 years as Chief of police, and 40 years in police service. Chief Tanner is the longest serving chief of police in Canada.

Mayor Burton issued congratulations to Councillor Knoll on his election as Chair of the Halton Regional Police Service board.

Councillor Longo wished good luck to all Canadian Olympic athletes including Oakville athletes taking part in the Beijing Olympics beginning this week.

Councillor O'Meara reminded everyone about the Black History Month flag raising at Town Hall on February 1, 2022.

Councillor Lishchyna wished everyone celebrating the Chinese New Year to have a happy celebration.

15.1 Notice of Motion - Joint and Several Liability

In accordance with Section 6.1(2) of the Procedure By-law, the following Notice of Motion will be considered at the next Council meeting to be held on February 28, 2022:

Moved by: Councillor O'Meara

Seconded by: Councillor Duddeck

WHEREAS municipal governments provide essential services to the residents and businesses in their communities;

WHEREAS the ability to provide those services is negatively impacted by exponentially rising insurance costs;

WHEREAS one driver of rising insurance costs is the legal principle of 'joint and several liability,' which assigns disproportionate liability to municipalities for an incident relative to their responsibility for it;

WHEREAS the Government of Ontario has the authority and responsibility for the legal framework of 'joint and several liability';

WHEREAS the Premier of Ontario committed to review the issue in 2018 with a view to helping municipal governments manage their risks and costs; and

WHEREAS the Association of Municipalities of Ontario on behalf of municipal governments has provided recommendations in this source document to align municipal liability with the proportionate responsibility for incidents and capping awards;

THEREFORE BE IT RESOLVED, That the Town of Oakville does hereby support AMO's recommendations;

BE IT FURTHER RESOLVED, That the Town of Oakville does hereby call on the Attorney General of Ontario to work with municipal governments to put forward a plan of action to address "joint and several liability" before the end of the government's current term so that municipalities can continue to offer high quality services to their communities; and

AND THAT a copy of this resolution be sent to the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, the Region of

Halton, City of Burlington, Town of Milton, Town of Halton Hills, local
Members of Parliament and Members of Provincial Parliament.

**16. Regional Reports and Question Period Regarding Town Boards and
Advisory Committees**

Mayor Burton updated that the decision day for adding land for development in Halton has been postponed by the Region. There will be an upcoming workshop and the decision will be set at a later date.

Regional Council will meet February 16, 2022 and the agenda will be available on Halton.ca on February 4, 2022.

The following items are expected for the February meeting:

- Halton Community Housing Corporation will meet in the morning before Regional Council convenes, regarding the development charges by-law.
- The Region needs to adopt a decision regarding the Ontario growth plan by March/ April 2022, in order to comply with statutory requirements.
- Mayor Burton will be offering a resolution directing changes to the draft growth concept.

17. Requests for Reports

There were no requests for reports.

18. Consideration and Reading of By-Laws

18.1 By-law 2022-009

A By-law to Authorize the Temporary Borrowing of Monies for 2022 (re: Item 7.2)

18.2 By-law 2022-010

A by-law to authorize the issuance and sale of debentures up to a maximum of \$26,000,000 towards the financing of the North Park Community Centre and Library project at an estimated total cost of \$55,768,200 (re: Item 7.3)

18.3 By-law 2022-012

A by-law to amend Sign By-law 2018-153 (Election Signs and Cenotaphs)
(re: Item 9.4)

18.4 By-law 2022-017

A by-law to confirm the proceedings of a meeting of Council.

Moved by Councillor O'Meara

Seconded by Councillor Robertson

That the by-laws noted above be passed.

CARRIED

19. Adjournment

The Mayor adjourned the meeting at 9:18 p.m.

Vicki Tytaneck, Town Clerk