



AGENDA

SESSION 10

THE COUNCIL OF

THE CORPORATION OF THE CITY OF MISSISSAUGA

(www.mississauga.ca)

WEDNESDAY, June 5, 2013 – 9:00 A.M.

COUNCIL CHAMBER
300 CITY CENTRE DRIVE
MISSISSAUGA, ONTARIO L5B 3C1

Contact: Carmela Radice, Legislative Coordinator, Office of the City Clerk
Telephone: 905-615-3200, ext. 5426; carmela.radice@mississauga.ca



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1. CALL TO ORDER**2. DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST****3. MINUTES OF PREVIOUS COUNCIL MEETINGS**

- (a) May 22, 2013

4. APPROVAL OF AGENDA**5. PRESENTATIONS**

- (a) 2012 Lifesaving Society's Arthur Lewis Cochrane Cup

Barbara Byers, Public Education Director for the Lifesaving Society will present the 2012 Lifesaving Society's Arthur Lewis Cochrane Cup to staff, Mayor McCallion and Members of Council.

Information Item I-1

- (b) Government Finance Officers Association Awards

Brenda Breault, Commissioner of Corporate Services and Treasurer will provide an overview of the Government Finance Officers Associations Awards and Mayor McCallion will present the 2011 Canadian Award for Financial Reporting and the 2012 Distinguished Budget Presentation Award to staff.

6. DEPUTATIONS

- (a) Mississauga Italfest – Ferragosto in the City

Patti Jannetta Baker and Pina Cole, Executive Co-Chairs of Mississauga Italfest-Ferragosto in the City will provide an overview of Mississauga Italfest.

- (b) Mississauga Waterfront Festival

Pat Anderson, Chair, Toby Gardiner, Co-Chair, Mississauga Waterfront Festival and Vikas Kholi, Mainstage Entertainment Producer will provide an overview of the 2013 programming for the Mississauga Waterfront Festival.

(c) Citizens for Advancement of Community Development (CACD) – Mississauga Valley Community Centre

Ron Cunningham, ED and Founder, Catherine Soplet, Member, students and parents of Citizens for Advancement of Community Development will review CACD's progress over the last five years on delivering promotion of youth wellness and pro-social skills building in alignment with crime prevention strategies and incorporating the August 2012 Youth Action Plan.

7. **PUBLIC QUESTION PERIOD – 15 Minute Limit**

(In accordance with Section 36 of the City of Mississauga Procedure By-law 0412-2003, as amended, Council may grant permission to a person who is present at Council and wishes to address Council on a matter on the Agenda. Persons addressing Council with a question should limit preamble to a maximum of two statements sufficient to establish the context for the question. Leave must be granted by Council to deal with any matter not on the Agenda.)

8. **CORPORATE REPORTS**

R-1 Report dated May 13, 2013, from Commissioner of Planning and Building re: **Official Plan Amendment, Rezoning and Site Plan Applications to permit a six storey hotel and conference centre and a one storey freestanding restaurant building 290 Derry Road West South side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek Owner: Shailtel International Inc. Applicant: Greg Dell & Associates Bill 51 Supplementary Report (Ward 11)**

Recommendation

That the Report dated May 13, 2013, from the Commissioner of Planning and Building recommending approval of the applications under file OZ 08/013 W11, Shailtel International Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting changes to the applications have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That the application to amend Mississauga Plan from "Business Employment – Special Site 4" to "Business Employment – Special Site" and "Greenbelt" to permit a six storey hotel and conference centre and a one storey freestanding restaurant building, be approved;

3. That the application to amend Mississauga Official Plan from "Business Employment" to "Business Employment – Special Site" and "Greenbelt" to permit a six storey hotel and conference centre and a one storey freestanding restaurant building, be approved;
4. That the application to change the zoning from "D" (Development) to "E2-Exception" (Employment - Exception), "G1" (Greenbelt – Natural Hazards), "G2" (Greenbelt – Natural Features) and "G2-1" (Greenbelt – Natural Features Exception) to permit a six (6) storey hotel and conference centre and a one (1) storey freestanding restaurant building, in accordance with the zone provisions discussed in this report, be approved subject to the following condition:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
5. That Council direct Legal Services, representatives from the appropriate City Departments and necessary consultants, to attend the Ontario Municipal Board (OMB) proceedings in connection with the application and in support of the recommendations outlined in the report dated May 13, 2013.
6. That City Council provide the Planning and Building Department with the authority to instruct Legal Services staff on any modifications deemed necessary, where required, through the Ontario Municipal Board hearing process.

Motion

- R-2 Report dated May , 2013, from Commissioner of Corporate Services and Treasurer re: **Proposed Amendments to Council Procedural By-law 421-03, as amended and Notice By-law 215-08, as amended.**

Recommendation

1. That the report titled “Proposed Amendments to Council Procedural By-law 421-03, as amended and Notice By-law 215-08, as amended”, from the Commissioner of Corporate Services and Treasurer, dated May 29, 2013, be received.
2. That a By-law be prepared incorporating amendments to Council Procedure By-law 421-03, as amended, in accordance with the report dated May 29, 2013, from the Commissioner of Corporate Services and Treasurer.

3. That a By-law be prepared incorporating amendments to the Notice By-law 215-08, as amended, in accordance with the report dated May 29, 2013, from the Commissioner of Corporate Services and Treasurer.

Motion

9. COMMITTEE REPORTS

- (a) Planning and Development Committee Report 8-2013 dated May 27, 2013.

Motion

- (b) General Committee Report 11-2013 dated May 29, 2013.

Motion

- (c) Public Meeting extracts from the Planning & Development Committee meeting dated May 27, 2013:
 - (i) Information report on Official Plan Amendment and Rezoning Applications to permit a 324 unit condominium apartment building ranging in height from 4 to 6 storeys with limited ground floor commercial uses and to complete the partially constructed 3-storey building at the southwest corner of the site for commercial/office uses at 1571, 1575 and 1601 Lakeshore Road West, north side of Lakeshore Road West, east of Clarkson Road North Owner: 2286974 Ontario Inc. Applicant: Bousfields Inc., **Bill 51** (Ward 2) File: OZ 12 010 W2
 - (ii) Information report on Official Plan Amendment, Rezoning and Draft Plan of Subdivision Applications to permit 5 commercial buildings and 11 detached dwellings on 5267 Mississauga Road, East side of Mississauga Road, north of Melody Drive and south of the CPR rail corridor Owner: 1731860 Ontario Limited Applicant: John D. Rogers & Associates Inc., **Bill 51**, (Ward 11) File: OZ 11/019 W11 & T-M11006 W11

To be received

10. UNFINISHED BUSINESS - Nil

11. PETITIONS - Nil

12. CORRESPONDENCE

- (a) Information Items: I-1-I-8
- (b) Direction Item - Nil

13. MOTIONS

- (a) To approve recommendations from the following Committee Reports:
 - (i) Recommendations PDC-0033-2013 to PDC-0036-2013 inclusive contained in the Planning and Development Committee Report 8-2013 dated May 27, 2013.
 - (ii) Recommendations GC-0339-2013 to GC-0367-2013 inclusive contained in the General Committee Report 11-2013 dated May 29, 2013.
- (b) To close to the public a portion of the Council meeting to be held on June 5, 2013, to deal with various matters. (See Item 18 Closed Session).
- (c) To adopt the Report dated May 13, 2013, from the Commissioner of Planning and Building recommending approval of the applications under file OZ 08/013 W11, Shailtel International Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek

Corporate Report R-1

- (d) To receive the report titled "Proposed Amendments to Council Procedural By-law 421-03, as amended and Notice By-law 215-08, as amended", from the Commissioner of Corporate Services and Treasurer, dated May 29, 2013 and prepare incorporating amendments to Council Procedure By-law 421-03 and the Notice By-law 215-08.

Corporate Report R-2

- (e) To amend a typographic error in recommendation GC-0250-2013 referred to GC-0552-2007 rather than GC-0522-2007. (Housekeeping)

14. BY-LAWS

B-1 A by-law to establish certain lands as part of the municipal highway system Registered Plan 43R-35255 in the vicinity of Creditview Road and Financial Drive (Ward 11).

B-2 A by-law to amend By-law 555-2000, as amended, being the Traffic By-law by deleting Schedule 3 no parking and by adding Schedule 3 no parking on Barchester Court (Ward 8).

GC-0312-2013/May 15, 2013

B-3 A by-law to temporarily close a public highway and to restrict passage along a portion of Haig Boulevard (Ward 1).

GC-0313-2013/May 15, 2013

B-4 A by-law to amend By-law No. 555-2000, as amended, being Traffic By-law deleting Schedule 20 school bus loading zones on Church Street, adding Schedule 3 no parking on Barry Avenue and adding Schedule 31 driveway boulevard parking-curb to sidewalk on Tours Road (Ward 9 and 11).

GC-0342-2013, GC-0343-2013 and GC-0346-2013/May 29, 2013

B-5 A by-law to authorize the execution of a Warning Clause Agreement between The Corporation of the City of Mississauga, David Lawrence Richardson and Donaria Do Reis PIN: 13470-0126, Plan 337 and Site Plan SP 12/054 (Ward 1).

GC-0344-2013/May 29, 2013

B-6 A by-law to authorize the Commissioner of Community Services and the City Clerk to execute a Management Agreement with SMG Canada ULC to allow for the management and operation of the Mississauga Spectator Arena Complex.

GC-0367-2013/May 29, 2013

B-7 A by-law to amend By-law 521-04, as amended, being the Tow Truck Licensing By-law to the following Sections 2, 4, 6, 10, 18, and 38.

GC-0188-2013/April 3, 2013

15. OTHER BUSINESS**16. INQUIRIES****17. NOTICE OF MOTION - Nil****18. CLOSED SESSION**

(a) Pursuant to the *Municipal Act*, Section 239 (2)

(i) Labour Relations or employee negotiations re: **Employee Benefits.**

(ii) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board re: **Committee of Adjustment Appeal 'A' 131/13, 'A' 132/13, and 'B' 032/13 – Alexandra Mouzitchka – 2532 Glengarry Road – Ward 7.**

19. CONFIRMATORY BY-LAW

A by-law to confirm the proceedings of the Council of The Corporation of the City of Mississauga at its meeting held on June 5, 2013.

20. ADJOURNMENT



Corporate Report

Clerk's Files

R-1

Originator's
Files OZ 08/013 W11

DATE: May 13, 2013



TO: Mayor and Members of Council
Meeting Date: June 5, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Official Plan Amendment, Rezoning and Site Plan Applications
To permit a six storey hotel and conference centre and
a one storey freestanding restaurant building
290 Derry Road West
South side of Derry Road West, east of McLaughlin Road and
west of Fletcher's Creek
Owner: Shailtel International Inc.
Applicant: Greg Dell & Associates
Bill 51**

Supplementary Report

Ward 11

RECOMMENDATION: That the Report dated May 13, 2013, from the Commissioner of Planning and Building recommending approval of the applications under file OZ 08/013 W11, Shailtel International Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road and west of Fletcher's Creek, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting changes to the applications have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any

further notice regarding the proposed amendment is hereby waived.

2. That the application to amend Mississauga Plan from "Business Employment – Special Site 4" to "Business Employment – Special Site" and "Greenbelt" to permit a six storey hotel and conference centre and a one storey freestanding restaurant building, be approved;
3. That the application to amend Mississauga Official Plan from "Business Employment" to "Business Employment – Special Site" and "Greenbelt" to permit a six storey hotel and conference centre and a one storey freestanding restaurant building, be approved;
4. That the application to change the zoning from "D" (Development) to "E2-Exception" (Employment - Exception), "G1" (Greenbelt – Natural Hazards), "G2" (Greenbelt – Natural Features) and "G2-1" (Greenbelt – Natural Features Exception) to permit a six (6) storey hotel and conference centre and a one (1) storey freestanding restaurant building, in accordance with the zone provisions discussed in this report, be approved subject to the following condition:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
5. That Council direct Legal Services, representatives from the appropriate City Departments and necessary consultants, to attend the Ontario Municipal Board (OMB) proceedings in connection with the application and in support of the recommendations outlined in the report dated May 13, 2013.
6. That City Council provide the Planning and Building Department with the authority to instruct Legal Services staff on any modifications deemed necessary, where required, through the Ontario Municipal Board hearing process.

REPORT**HIGHLIGHTS:**

- Shailtel International Inc. appealed the rezoning and site plan applications to the OMB on February 27, 2012 and the official plan amendment on October 10, 2012;
- Ministry of Natural Resources approval was required (because an Endangered Species was recorded in Fletcher's Creek). MNR approval was issued on January 2, 2013;
- The Planning and Building Department is in support of the proposed land uses;
- Outstanding issues include grading, location of easements and written confirmation, placement and design of the restaurant building, and Development and Servicing Agreements must be executed prior to the Board issuing its final order;
- Staff are seeking direction from Council to attend the OMB proceedings in support of the recommendations outlined in this report.

BACKGROUND:

For the purpose of this report, an overnight accommodation use as referenced in the City's Official Plan and Zoning By-law is referred to as a "hotel".

The previous owner, 1706201 Ontario Inc., filed Official Plan Amendment, Rezoning and Site Plan applications on September 12, 2008 for a six storey hotel along Derry Road West and a one storey commercial building at the rear of the site. A public meeting was held by the Planning and Development Committee on April 14, 2009, at which time a Planning and Building Department Information Report (Appendix S-1) was presented. At the public meeting, the Planning and Development Committee passed Recommendation PDC-0040-2009 which was subsequently adopted by Council and is attached as Appendix S-2.

Subsequent to the public meeting and upon complete review of the applications, Credit Valley Conservation (CVC) requested that the applicant contact the Ministry of Natural Resources (MNR) to ensure the proposal does not impact any potential regulated habitat within the abutting Fletcher's Creek to the south. Upon further

enquiry by CVC to MNR in 2010, it was confirmed by MNR that there was a species at risk (Redside Dace) recorded in the surrounding area. Redside Dace is a member of the minnow family and is an endangered species protected under the *Endangered Species Act*, 2007. This resulted in the applicant being required to submit: additional information, an Environmental Constraints Analysis, and a Meanderbelt Assessment Study for MNR to determine the extent of the regulated Redside Dace habitat and the development limits.

On August 11, 2011 the Planning and Building Department received a letter from the new property owner, Shailtel International Inc., amending the applications to permit a six storey hotel and conference centre with a three level parking structure at the rear of the property, and a one-storey freestanding restaurant building along Derry Road West.

On February 27, 2012, Shailtel International Inc. appealed the rezoning and site plan applications to the Ontario Municipal Board (OMB) due to failure by Council to make a decision within 120 days, pursuant to subsection 34(11) of the *Planning Act* and within 30 days, pursuant to subsection 41(12) of the *Planning Act*. The official plan amendment application was subsequently appealed on October 10, 2012.

Between July 2012 and December 2012, the applicant provided the required information and studies to MNR. On January 2, 2013, the MNR issued their letter of advice indicating that the proposed development will not adversely affect Redside Dace or its habitat provided the prescribed conditions are implemented.

Three OMB teleconference prehearings have been held to date, at which no members of the public participated.

A complete resubmission package including a revised site plan, associated drawings and revised Traffic Impact Study was received on April 2, 2013 in response to comments provided by City staff and agencies. The three level parking structure has been revised in the resubmission to have two parking levels along with

underground parking within the hotel and conference centre building. The May 21, 2013 OMB hearing has been deferred until June 6th, 2013 to allow staff to obtain a Council position on the matter. While the Planning and Building Department has no objections to the proposed land uses, some technical and design related concerns remain outstanding and are discussed in this report.

COMMENTS:

See Appendix S-1 - Information Report prepared by the Planning and Building Department.

COMMUNITY ISSUES

No community meetings were held for the subject applications. The adjacent landowner at 320 Derry Road West provided oral and written submissions at the Public Meeting on April 14, 2009, indicating that he has no objections to the proposed development as long as the subject landowners do not object to his dog boarding facility next door.

**UPDATED AGENCY AND CITY DEPARTMENT
COMMENTS****Greater Toronto Airports Authority (GTAA)**

In comments dated May 6, 2013, the GTAA indicated no objection to the proposed height of the six-storey hotel as it does not pose an issue for the Airport Zoning Regulations.

Region of Peel

In comments dated May 9, 2013, the Region indicated support for the current proposed temporary configuration of left in, right in / right out access to Derry Road West located at the easterly property limit. This access will be restricted to right in/right out movements at the sole cost of the developer when Longview Place is extended. Detailed comments will be provided at the site plan stage.

The Region also advised that because the scope of this project has changed since the original application submission in 2008, a revised Functional Servicing Report has been requested at the site plan stage to assess the proposed water and sewer servicing for the development. At that time, the Region of Peel may require land dedications for Derry Road West.

Credit Valley Conservation (CVC)

In comments dated May 7, 2013, CVC expressed no objection to the most recent submission as it adequately addresses their issues related to the official plan amendment and rezoning applications (i.e. identification of hazard lands and natural features, appropriate zoning/designation of features, dedication of features, adequate SWM/grading concepts etc.). Detailed stormwater management, grading, erosion, sediment control and landscape restoration planting are to be reviewed through the servicing agreement.

City Community Services Department – Park Planning

In comments dated May 9, 2013, the Community Services Department requested that access to the Derry West Greenbelt (P-433) for City maintenance purposes is to be ensured through gratuitous conveyance of an easement by the owner to the City. In addition, hazard lands will be gratuitously dedicated for greenbelt purposes and street tree contributions will be required on behalf of the Region of Peel for plantings along Derry Road West.

In review of the latest resubmission, the applicant has addressed a number of Community Services comments but a few more details are required prior to approval, including:

- a revised grading plan showing additional grading information within the 5.0 m (16.40 ft.) G2 (Greenbelt – Natural Features) block;
- a restoration planting plan with detailed cost estimate breakdown to show the proposed plantings for the 5.0 m (16.40 ft.) G2 (Greenbelt – Natural Features) block; and

R-1(f)

- plans clearly delineating the proposed access driveway through the turning circle to the gate, with a description of the material to be used.

Comments will be updated once the revised plans are received and reviewed.

City Transportation and Works Department

In comments dated May 7, 2013, the Transportation and Works Department confirmed receipt of a revised Master Site Plan, Site Details & Development Data, Site Grading and Servicing Plans in response to previous comments. The applicant has addressed a number of the Department's previous comments/concerns, however upon review of the revised drawings the following technical details will be required to complete the functional design:

- grading and cross-sectional details of the access and storm outlet to the valley lands including revision to the limits of the storm drainage easements and maintenance access easement;
- additional buffering is required between the proposed access/maintenance road and the adjacent east property for road maintenance and snow storage;
- revised plans that show the limits of required easements to the satisfaction of this department, following which, the applicant is to make satisfactory arrangements with the adjacent owner to the east and provide written confirmation.
- relocation of the retaining wall along the west limit of the site to the property line or a proposal for filling and re-grading of the ponding condition east and west of the westerly property line in cooperation of the adjacent landowner; to eliminate the need for a retaining wall.

The comments/conditions will be updated upon the receipt and review of revised plans incorporating the foregoing details.

PLANNING COMMENTS

Official Plan

The Official Plan Amendment application was submitted when Mississauga Plan (2003) was in effect. The proposal requires an amendment to the Mississauga Plan policies for the Meadowvale Village District to amend the "Business Employment – Special Site 4" designation and to designate lands "Greenbelt", in order to delineate not only the lands appropriate for development, but also the hazard lands being dedicated gratuitously to the City and the required 5.0 m (16.40 ft.) buffer block. The existing Special Site 4 policies require modifications to include only the lands being designated "Business Employment" and to permit a six storey hotel. As outlined in the Information Report, Section 5.3.2 of Mississauga Plan contains criteria for evaluating site specific Official Plan amendments. The criteria is outlined below followed by a discussion of how the proposed application addresses the intent of each criteria.

"The proposal will not adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands."

The site is located within a developing business employment area along Derry Road West, on the eastern edge of a residential community and within close proximity to the Mississauga Convention Centre and the existing Gateway Employment Area to the east.

To the south of the subject property is Fletcher's Creek and associated floodplain lands designated "Greenbelt" which are owned by the City. Through the submission of detailed studies and a satisfactory review by the Ministry of Natural Resources, Credit Valley Conservation and the City, the limits of development were identified. The hazard lands are appropriately proposed to be designated Greenbelt and will be dedicated gratuitously to the City. An additional 5.0 m (16.40 ft.) buffer will be provided from the

new southerly property line to ensure the long-term protection of the hazard lands, and is appropriately proposed to be designated "Greenbelt". No development is permitted within the private greenbelt buffer. The proposed "Greenbelt" designation and land dedications satisfactorily address the environmental constraints of the site.

Staff have previously expressed urban design concerns with the freestanding restaurant building along Derry Road West. The latest concept plan has not satisfied the urban design comments provided by staff. Altering the elevations may require the building footprint to be re-oriented, which would impact the implementing Zoning By-law for the subject lands. It is preferable to deal with the urban design issues up front to ensure appropriate placement of the building, including the waste storage and loading areas, and to ensure that an active façade with transparent windows and main front entrance is provided along Derry Road West.

The proposed six storey height for the hotel and conference centre building does not pose any impacts on the Airport operations.

"The land is suitable for the proposed uses, and compatible with existing and future uses of the surrounding lands."

The intention of limiting the permitted uses under the Meadowvale Village District Business Employment policies in Mississauga Plan was to ensure compatibility with adjacent residential lands. As the lands abutting the subject property are designated "Business Employment" (to the east and west) and "Greenbelt" (to the south) there is no compatibility issue with the proposed hotel and conference centre.

"There are adequate infrastructure and community services to support the proposed development."

Based on comments received from the applicable City departments and agencies, the existing infrastructure and proposed interconnecting access between the property to the east and the

property to the west to the future Longview Place extension are adequate to support the proposed development.

Mississauga Official Plan (2012)

Mississauga Official Plan (2012) was adopted by City Council on September 29, 2010 and partially approved by the Region of Peel on September 22, 2011. The Plan was appealed in its entirety; however, on November 14, 2012 the Ontario Municipal Board issued a Notice of Decision approving Mississauga Official Plan, as modified, save and except for certain appeals which affect the subject applications.

The "Business Employment" policies are currently under appeal in Mississauga Official Plan ("MOP"), therefore, once the appeal is scoped by other parties, the proposed amendment will need to be incorporated into MOP through the Ontario Municipal Board.

The subject property is located within the Meadowvale Village Neighbourhood Character Area and continues to be designated "Business Employment" in MOP. There are no special site provisions for the subject property. The general Business Employment land use policies in MOP permit a hotel; however, the Meadowvale Village Neighbourhood Business Employment policies do not. A conference centre and a restaurant are permitted uses. A new special site is appropriate to permit:

- a six storey hotel and conference centre; and
- a one storey restaurant building having the appearance of a two storey building.

Proposed Rezoning

The proposed "E2-Exception" (Employment - Exception) zone category is appropriate to accommodate the proposed six (6) storey hotel and conference centre, and one (1) storey freestanding restaurant building. Revisions to the "E2" zone standards include:

- That outdoor patios accessory to the restaurant, and hotel and conference centre be permitted;

2-1(j)

- That no rear yard setback be provided to a "G2-1" (Greenbelt – Natural Features Exception) zone;
- That the parking rate for the free-standing restaurant be reduced to 9.7 spaces per 100 m² (1,076 sq. ft.) of gross floor area-restaurant;
- That the maximum gross floor area - restaurant permitted on site shall be 474 m² (5,102 sq. ft.).
- That the maximum gross floor area - non-residential used for the hotel and conference centre public use areas permitted on site shall be 1 093 m² (11,765 sq. ft.) and the maximum number of hotel rooms shall be 125.

The applicant requested a reduction in the amount of parking required for the proposed freestanding restaurant based on the hotel and restaurant being complementary uses and having the potential for shared parking. Staff find the rate of 9.7 spaces per 100 m² (1,076 sq. ft.) gross floor area-restaurant to be acceptable subject to a maximum gross floor area – restaurant of 474 m² (5,102 sq. ft.). Parking for the hotel and conference centre will be provided in accordance with the Zoning By-law requirements.

The proposed "G1" (Greenbelt – Natural Hazards) and "G2" (Greenbelt – Natural Features) zones are appropriate for the hazard lands, which will be dedicated gratuitously to the City. The proposed "G2-1" (Greenbelt – Natural Features Exception) zone appropriately reflects the required 5 m (16.40 ft.) buffer block. As the "G2-1" lands will provide an additional buffer for the "G1" lands, a 0 m (0 ft.) rear yard setback to the "G2-1" zone will not have an adverse impact on the hazard lands.

Site Plan

The applicant will be required to obtain Site Plan approval for the proposed development. Further minor revisions may be needed to the site plan to address technical matters.

Green Development Initiatives

The applicant has identified that the following green development initiatives will be incorporated into the development:

- bioswales/filtration swales;
- pervious stable surfacing (permeable pavers); and
- stormwater storage/filtration systems

Details are to be provided as part of the Site Plan application.

Development and Servicing Agreements

A Development Agreement and Servicing Agreement will need to be executed between the City and the owner to the satisfaction of the City Solicitor prior to the Board issuing its final order.

FINANCIAL IMPACT:

Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION:

The proposed official plan amendment and rezoning are acceptable from a planning standpoint and should be approved for the following reasons:

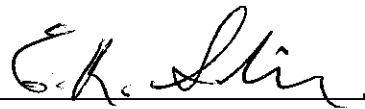
1. The proposed "Business Employment" and "Greenbelt" designations satisfactorily address the limits of development;
2. The proposed six storey hotel and conference centre is appropriate given its location on a corridor and its distance from existing residential development;
3. The proposed one storey restaurant building will appear like a two storey building and is an appropriate accessory building on the site, subject to further design modifications;
4. The subject property is suitable for the proposed development and no adverse impacts are expected for adjacent lands;

B-1(C)

5. The proposed "E2-Exception" (Employment - Exception), "G1" (Greenbelt – Natural Hazards), "G2" (Greenbelt – Natural Features) and "G2-1" (Greenbelt – Natural Features Exception) zones are appropriate to accommodate the proposed development and to address the environmental constraints of the site.

ATTACHMENTS:

- Appendix S-1: Information Report
- Appendix S-2: Recommendation PDC-0040-2009
- Appendix S-3: Current Concept Plan
- Appendix S-4: Current Front Elevation (hotel/conference centre)
- Appendix S-5: Current Front Elevation (restaurant)
- Appendix S-6: Revised Land Use Map



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Stephanie Segreti, Development Planner

R-4(m)



Corporate Report



APPENDIX S-1

APR 14 2009

Originator's
Files OZ 08/013 W11

DATE: March 24, 2009

TO: Chair and Members of Planning and Development Committee
Meeting Date: April 14, 2009

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: Information Report
Official Plan Amendment and Rezoning Applications
To permit a hotel and accessory commercial uses
290 Derry Road West
South side of Derry Road West, east of McLaughlin Road
Owner: 1706201 Ontario Inc.
Applicant: Greg Dell and Associates
Bill 51

Public Meeting Ward 11

RECOMMENDATION: That the Report dated March 24, 2009, from the Commissioner of Planning and Building regarding the applications to amend the current "Business Employment - Special Site 4" Official Plan provisions applying to the lands, and to change the Zoning from "D" (Development) to "E2-Exception" (Employment), to permit a hotel and accessory commercial uses, under file OZ 08/013 W11, 1706201 Ontario Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road, be received for information.

BACKGROUND: The above-noted applications have been circulated for technical comments. A community meeting has not been held. The purpose of this report is to provide preliminary information on the applications and to seek comments from the community.

2-1(n)

COMMENTS:

The applications have been filed to allow for the construction of a six storey hotel facing Derry Road West, and a one storey, free standing accessory commercial building to the rear. Details of the proposal are as follows:

Development Proposal	
Applications submitted:	September 12, 2008, deemed to be complete on October 7, 2008
Proposed Gross Floor Area:	Hotel - 7 481 m ² (80,527 sq. ft.) Commercial Building - 1 038 m ² (11,173 sq. ft.) Total - 8 519 m ² (91,698 sq. ft.)
Height:	Hotel - six storeys Commercial Building - one storey
Lot Coverage:	15.36%
Landscaped Area:	39.25% (includes greenbelt lands associated with Fletcher's Creek)
Parking Required:	188 spaces
Parking Provided:	191 spaces
Supporting Documents:	Preliminary site plan and site servicing/grading plans Soil investigation report Functional storm report Phase one environmental report Geotechnical report Archaeological report Planning rationale report

Site Characteristics	
Frontage:	92.33 m (302.8 ft.), along Derry Road West
Depth:	Irregular
Net Lot Area:	1.49 ha (3.68 ac.)
Existing Use:	The lands are currently vacant.

Additional information is provided in Appendices I-1 to I-8.

Green Development Initiatives

There have been no green development initiatives identified by the applicant at this time.

Neighbourhood Context

The subject property is located within a developing business employment area, on the edge of a recently constructed residential community to the west which includes a range of housing types (detached and semi-detached homes and townhouses), parks and commercial space. At one time, the lands formed part of a larger parcel that extended to the south, owned by St. Ilija Macedonian Church. The majority of these lands are now owned by the City, with certain portions (including the subject lands) retained by the church and sold for development purposes.

Land uses on the property and for much of the surrounding area are restricted by the Greater Toronto Airports Authority given overhead aircraft noise, and exclude residential and other sensitive uses. The parcel slopes back from the road to the south, and may incorporate a portion of the Fletcher's Creek floodplain. The lands are presently vacant. Information regarding the history of the site is found in Appendix I-1.

The surrounding land uses are described as follows:

- North: A law office and rural lands with detached dwellings designated for employment purposes, and a commercial plaza under construction;
- East: Rural lands with detached dwellings designated for employment purposes;
- South: Fletcher's Creek and associated floodplain lands (under the ownership of the City);
- West: Rural lands with detached dwellings designated for employment purposes, detached and semi-detached dwellings beyond the future southward extension of Saint Barbara Boulevard.

Current Mississauga Plan Designation and Policies for the Meadowvale Village District (May 5, 2003)

"Business Employment - Special Site 4" which permits an integrated mix of business activities that operate mainly within enclosed buildings. The Meadowvale Village District Policies limit the range of employment uses permitted from that of the general "Business Employment" provisions contained within the Official Plan, and do not include the proposed hotel and accessory retail commercial uses requested. Hence, the applications are not in conformity with the current land use designation.

The Special Site 4 provisions apply to the subject lands, which permit as an additional use, a Place of Religious Assembly and related passive recreational uses. These provisions are a hold over from when the subject parcel formed part of the lands to the south as noted above, to which the special site provisions also apply.

There are other policies in the Official Plan which also are applicable in the review of these applications including:

Urban Design Policies:

Section 3.18 of Mississauga Plan provides for policies which speak to appropriate built form and scale, streetscape and context, and compatibility with the surrounding built form. Given the location of the site on a major road, and its prominence at the eastern entrance to the Meadowvale Village area, site and building design will be important.

Environmental Policies:

As noted above, Fletcher's Creek flows to the rear of the subject lands on property owned by the City, and is designated in the Official Plan as "Greenbelt". A portion of the floodplain may exist on the property. Fletcher's Creek is identified on Schedule 3, Environmental Areas of Mississauga Plan as a Natural Area, and is located within the regulatory storm floodplain. Section 3.15.3.2, which contains policies in this regard, states that any development is subject to the Natural Hazard policies which generally prohibit development on lands subject to flooding. If, through the

submission of detailed studies and a satisfactory review by the Conservation Authority and City, certain lands are determined to not be within the floodplain, development can proceed in accordance with policies for Natural Hazards and the underlying land use designation.

Aircraft Noise Policies:

The subject lands are located within the Lester B. Pearson International Airport Operating Area. Policies within Section 3.11.2. indicate that, subject to certain other provisions, new development for residential and other sensitive land uses (i.e. hospitals, nursing homes, daycares, and schools) will not be permitted. For hotels affected by an NEP/NEF of 30 or greater (includes the subject lands), it is recommended that a noise study be completed prior to development approval, to determine appropriate acoustical design criteria. See Greater Toronto Airports Authority comments in Appendix I-7 for additional information.

Criteria for Site Specific Official Plan Amendments

Section 5.3.2 of Mississauga Plan contains criteria which requires an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;
- the proposed land use is suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there is adequate infrastructure and community services to support the proposed development.

Proposed Official Plan Designation and Policies

The applicant is proposing to amend the current "Business Employment - Special Site 4" designation applying to the lands to

R-16)

also permit hotels, motels and conference centres, and to permit accessory commercial uses not exceeding 1 038 m² (11,173 sq. ft.).

Existing Zoning

"D" (Development), which permits a building or structure legally existing on the date of the passing of By-law 0225-2007, and the existing legal use of such building or structure. The erection of new buildings or structures and the enlargement or replacement of existing buildings and structures shall not be permitted.

Proposed Zoning By-law Amendment

"E2-Exception" (Employment), to permit the following uses for the lands:

- overnight accommodation;
- banquet/conference/convention centre;
- restaurant;
- medical office;
- financial institution;
- accessory retail commercial and personal service establishment uses to the above, to a maximum of 1 038 m² (11,173 sq. ft.).

The applicant has also requested that parking be setback a minimum of 3.5 m (11.5 ft.) from any greenbelt area, as opposed to the 5.0 m (16.4 ft.) required by the by-law.

COMMUNITY ISSUES

No community meetings were held and no written comments were received by the Planning and Building Department.

DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-7. There is a long narrow parcel of land designated "Business Employment" located immediately to the west. The dimensions of the parcel are unknown as the alignment of Saint Barbara Boulevard has not been

confirmed. Further, the applicant has shown grading works on this property which may not be acceptable. Although the applicant's conceptual site plan shows a potential future connection between the two properties, additional work will need to be undertaken to demonstrate how this remnant parcel can be dealt with in the future.

Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

- Delineation of the limits of development, and determination of the appropriate locations for parking areas and retaining walls, and their setbacks from any greenbelt areas, to the satisfaction of the Credit Valley Conservation. If it is determined that greenbelt lands form part of the subject property, the applications may need to be amended to reflect their zoning and designation as a greenbelt area;
- A review of the orientation of the buildings on the lands, and their relationship with all street frontages, both from an urban design and safety perspective;
- Location of vehicular access and servicing connections, having regard for future road connections in the immediate vicinity. This may require the applicant to enter into agreements with adjoining landowners;
- Submission of a Stage 2 Archaeological Assessment;
- Submission of a Traffic Impact Study, to the satisfaction of the Region of Peel, and the dedication of any required road widenings;
- The identification of any sustainable green technology to be used in the proposed development.

OTHER INFORMATION

Development Requirements

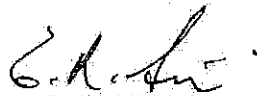
In conjunction with the proposed development, there are certain other engineering and conservation matters with respect to roads and grading, which will require the applicant to enter into appropriate agreements with the City.

FINANCIAL IMPACT: Development charges will be payable in keeping with the requirements of the applicable Development Charges By-law of the City as well as financial requirements of any other official agency concerned with the development of the lands.

CONCLUSION: When all agency and City department comments have been received and after the public meeting has been held, the Planning and Building Department will be in a position to make a recommendation regarding these applications.

ATTACHMENTS:

- Appendix I-1 - Site History
- Appendix I-2 - Excerpt of Meadowvale Village District Land Use Map
- Appendix I-3 - Aerial Photograph
- Appendix I-4 - Excerpt of Existing Land Use Map
- Appendix I-5 - Concept Plan
- Appendix I-6 - Building Elevations
- Appendix I-7 - Agency Comments
- Appendix I-8 - General Context Map



Edward R. Sajecki
Commissioner of Planning and Building

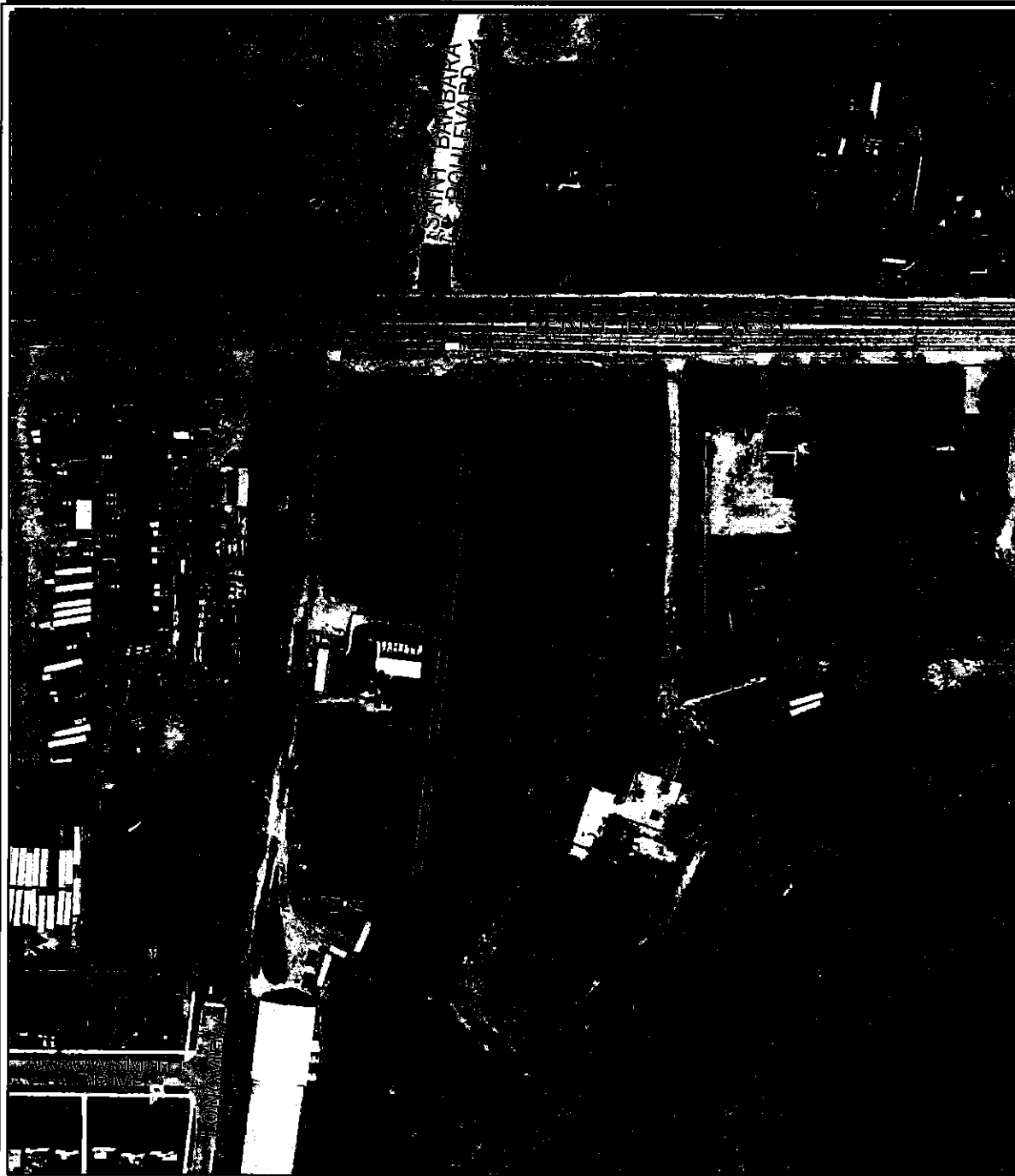
Prepared By: Rob Hughes, Development Planner

1706201 Ontario Inc.

File: OZ 08/013 W11

Site History

- 2003 - Lands to the south of the subject property were acquired by the City from the St. Ilija Macedonian Church, which resulted in the subject lands becoming a separate parcel. Being predominantly outside of the floodplain, the subject lands were retained by the church and sold to other parties for development.
- May 5, 2003 - The Region of Peel approved the Mississauga Plan Policies for the Meadowvale Village District, designating the subject lands as "Business Employment - Special Site 4".
- June 20, 2007 - Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed the provisions of the new By-law apply. The subject lands are zoned "D" (Development).



LEGEND:



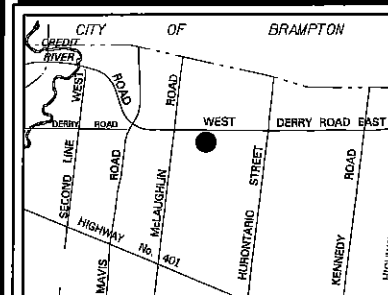
SUBJECT LANDS

DATE OF AERIAL PHOTO: 03 2008



SUBJECT:

1706201 ONTARIO INC.



FILE NO:
OZ 08013 W11

DWG. NO:
08013A

SCALE:
1:2500

PDC DATE:
2009 04 14

DRAWN BY:
K. PROKOP

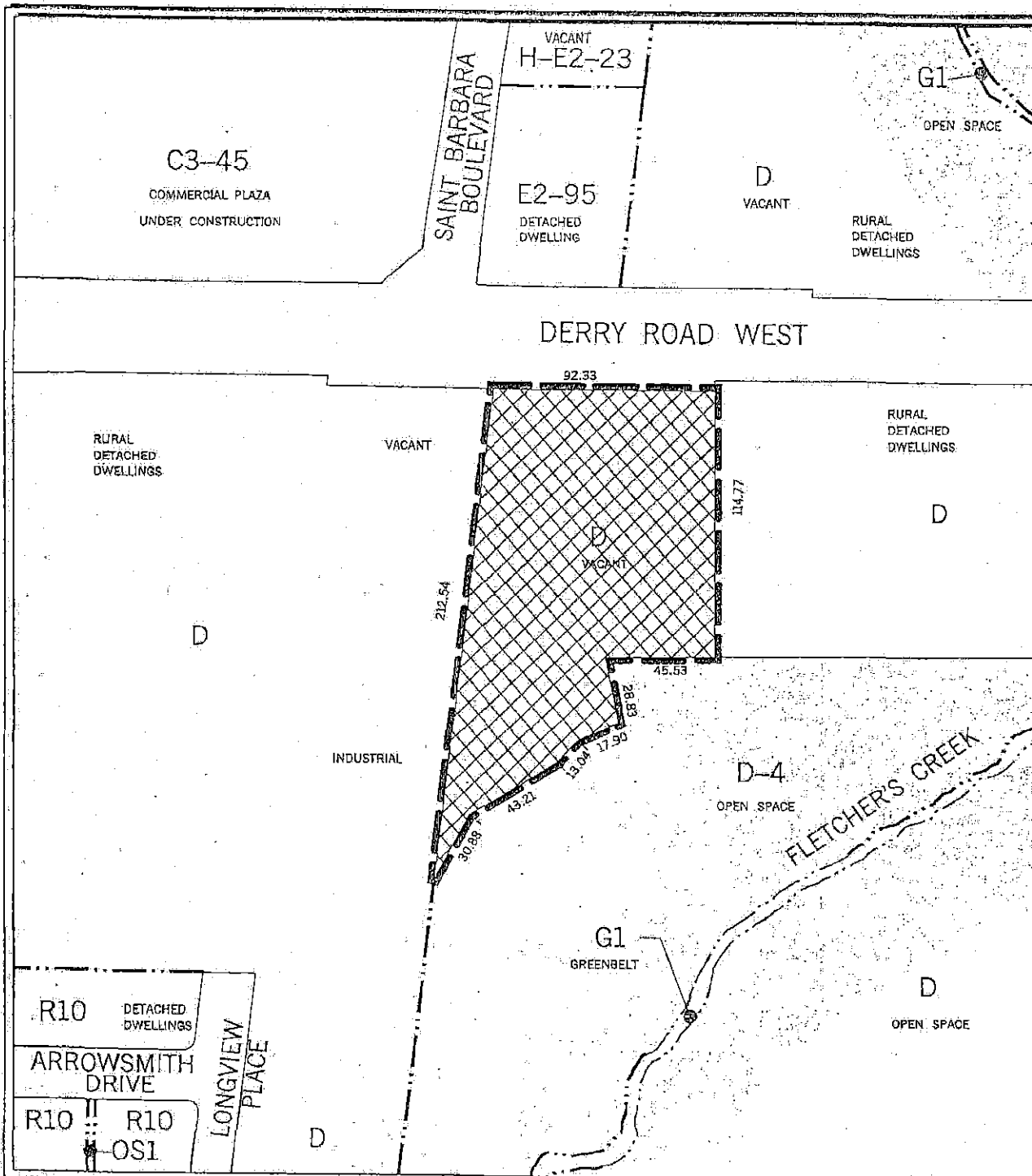
APPENDIX I-3



MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

2-1(w)



LEGEND:



PROPOSED OFFICIAL PLAN AMENDMENT TO AMEND THE CURRENT "BUSINESS EMPLOYMENT-SPECIAL SITE 4" PROVISIONS APPLYING TO THE LANDS AND PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "E2-EXCEPTION" (EMPLOYMENT) TO PERMIT A HOTEL AND ACCESSORY COMMERCIAL USES.

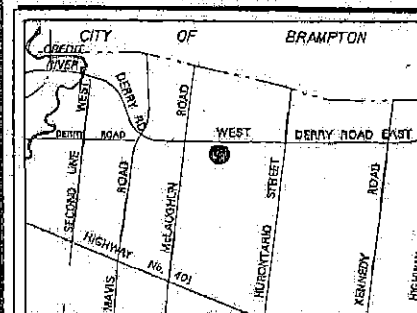
GREENBELT OVERLAY

NOTE: EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA.



SUBJECT:

1706201 ONTARIO INC.



FILE NO:
OZ 08013 W11

DWG. NO:
08013R

SCALE:
1:2500

PDC DATE:
2009 04 14

DRAWN BY:
K. PROKOP

APPENDIX 14



MISSISSAUGA
Planning and Building

Produced by
T&W Geomatics

APPENDIX 1-5

SITE PLAN



ZONING - D

ZONING - D4

LAND CONVEYANCE
TO CITY OF MISSISSAUGA
BMT 34.M = 10,860.74 SQ.FT
241 ACRE

LAND CONVEYANCE
TO CITY OF MISSISSAUGA
450 SQ.M. - 4,804.60 SQ.F.T.
.11 ACRE

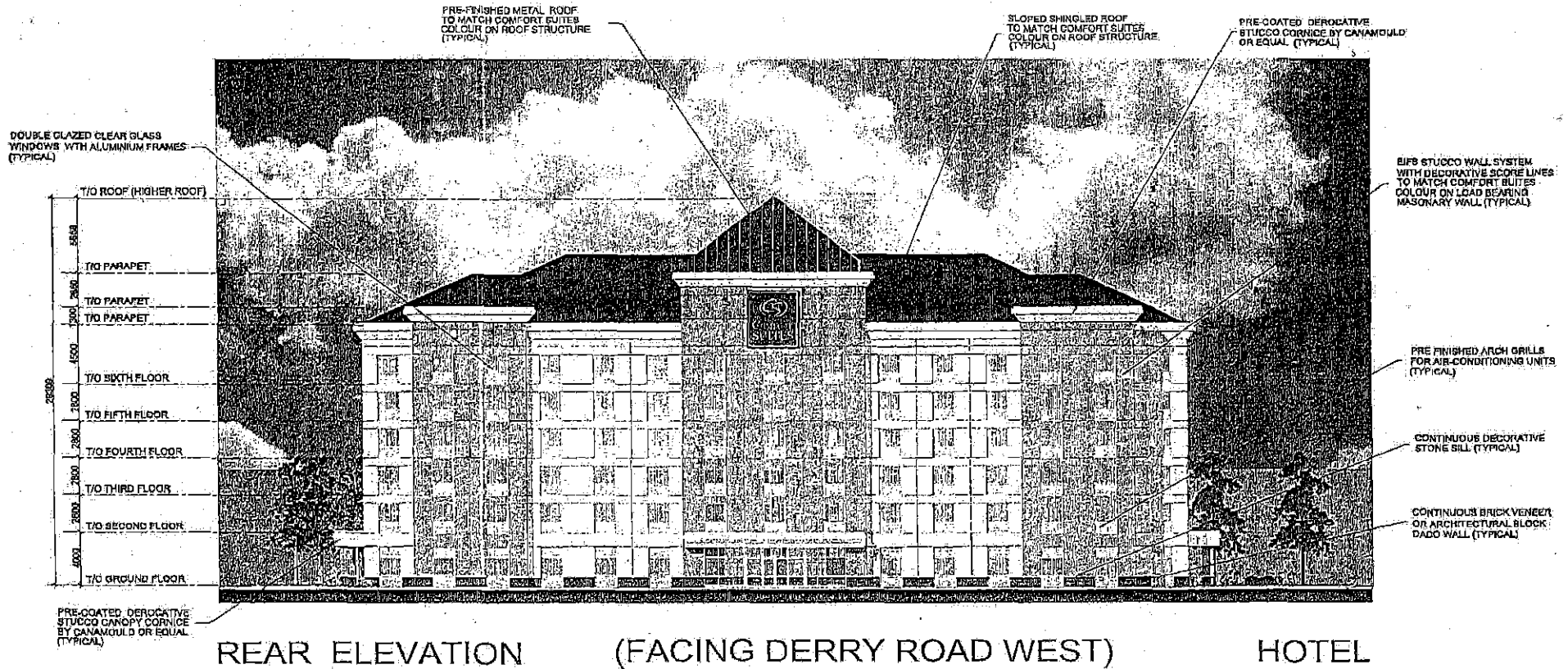
REGIONAL STORM FLOODLINE

PROPOSED SIX STOREY HOTEL & ONE STOREY COMMERCIAL / RETAIL
DEVELOPMENT FOR

1706201 ONTARIO INC.

290 DERRY ROAD WEST

CITY OF MISSISSAUGA



APPENDIX I-6a

2-1(2)

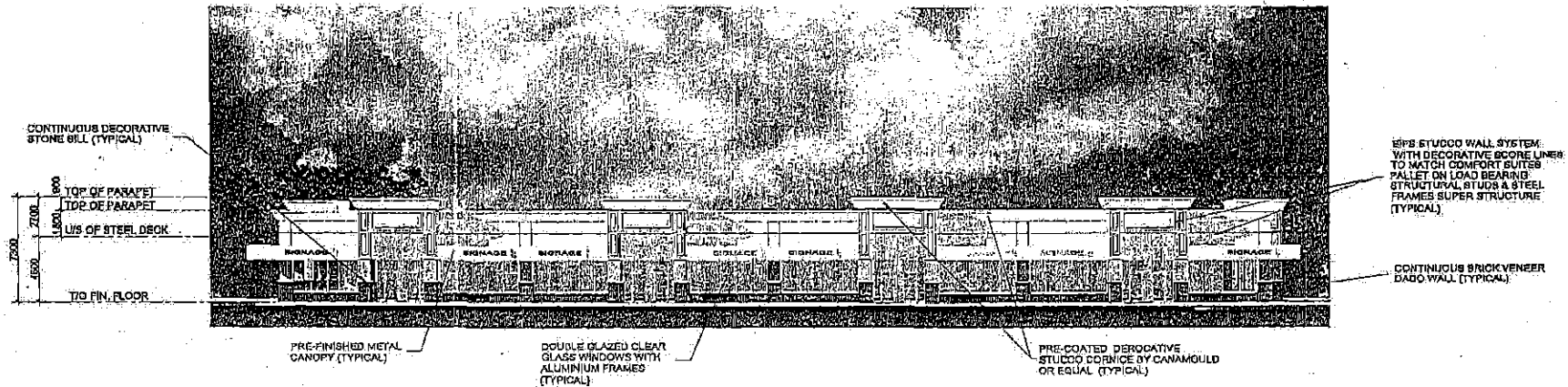
2-1(a)(a)

PROPOSED SIX STOREY HOTEL & ONE STOREY COMMERCIAL / RETAIL
DEVELOPMENT FOR

1706201 ONTARIO INC.

280 DERRY ROAD WEST

CITY OF MISSISSAUGA



FRONT ELEVATION

(FACING PARKING LOT)

COMMERCIAL/RETAIL

APPENDIX 1-6b

1706201 Ontario Inc.

File: OZ 08/013 W11.

Agency Comments

The following is a summary of comments from agencies and departments regarding the applications.

Agency / Comment Date	Comment
<p>Greater Toronto Airports Authority (October 24, 2008)</p>	<p>According to the Airport Zoning Regulations for Toronto's Lester B. Pearson International Airport, development elevations on the subject property are affected by the Approach Surface for Runway 05 (future designation 05L) and the Approach Surface for proposed Runway 05R. The maximum allowable development elevation under the greater restriction (Approach Surface for proposed Runway 05R) ranges from approximately 277 m (908 ft.) Above Sea Level (A.S.L.) along the eastern boundary of the property to approximately 279 m (915 ft.) A.S.L. at the westernmost boundary. To calculate the maximum allowable height available for a structure on a property, the Finished Floor Elevation (FFE) of the structure would have to be subtracted from the maximum allowable development elevation stated for the property; in this case, the Approach Surface restriction for Runway 05R. When more detailed plans become available, please forward them to us for review.</p> <p>The subject property lies within the 35-40 NEF/NEP of the composite contour map for Toronto Pearson International Airport and within the Airport Operating Area (AOA). Noise contours depicting the Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) are produced to encourage compatible land use planning in the vicinity of airports. Acoustic design features should be incorporated in the building components to the satisfaction of the City of Mississauga.</p>
<p>Region of Peel (November 24, 2008)</p>	<p>The subject land is located adjacent to the Fletcher's Creek. The Regional Official Plan (ROP) designates the Fletcher's Creek as a Core Area of the Greenlands System in Peel, under Policy 2.3.2.6. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the</p>

1706201 Ontario Inc.

File: OZ 08/013 W11.

Agency / Comment Date	Comment
	<p>environmental expertise of CVC staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional staff therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Please be advised that Regional Planning staff is unable to support final approval of these applications until all environmental concerns have been addressed to the satisfaction of CVC.</p> <p>An existing 400 mm (16 in.) diameter watermain and an existing 300 mm diameter sanitary sewer are located on Derry Road West. The applicant is advised that storm water drainage will not be permitted onto Derry Road West. Staff have no objections to the proposed water and sewer servicing of the development. Detailed comments will be provided at the engineering stage. The subject lands are not located within the vicinity of a landfill site. The applicant is advised that on-site waste collection will be required through a private waste hauler.</p> <p>The Region will require a Traffic Impact Study which will address all accesses and possible road improvements to Derry Road West (Regional Road No.5). The proposed access onto Derry Road West (Regional Road No.5) will be restricted to right in/right out only. In addition, the Region's standard practice is to ensure all accesses are equipped with proper auxiliary lanes. Derry Road West (Regional Road No.5) has a right-of-way designation of 45 m (147 ft.). At the site plan stage the Region of Peel will require the gratuitous dedication of land to meet the Official Plan requirement of 22.5 m (74 ft.) from the centre line of Derry Road West. The Region will require a 15 m (49 ft.) x 15 m (49 ft.) daylight triangle at the northwest corner of the property to provide for the future roadway, and a 0.3 m (1 ft.) reserve along the frontage of Derry Road West behind the property line and the daylight triangle.</p>

R-1 Cd)Cd)

1706201 Ontario Inc.

File: OZ 08/013 W11.

Agency / Comment Date	Comment
	<p>The proposal indicates that the access will be joint through the lands to the west. If this is the case, a legal easement between the two will be required for access and shall be registered on title. Furthermore, the access that exists for the property to the west will be under review as it will be used for something other than the approved use. In addition, the proposal will create access conflicts for the property to the east and south as this access will be blocked.</p>
<p>Credit Valley Conservation (CVC) (February 19, 2009)</p>	<p>The proposal is currently being reviewed by technical staff. Based on this agency's preliminary review, the following concerns have been identified and are to be addressed prior to the preparation of the Supplementary Report:</p> <ul style="list-style-type: none"> • Review of the applicant's proposal to grade and construct retaining walls within 5.0 m (16.4 ft.) of the top of bank setback; • Review of grading proposal on adjacent properties and within blocks which may be dedicated to the City as additions to the greenbelt; • Understanding the height and potential impacts, including maintenance, of retaining works (approximately 3.0 m (9.8) ft. high) adjacent to valley, in addition to potential slope stability concerns due to extensive placement of fill; • Consideration of the potential erosion impact from a proposed storm outlet on the valley and on the adjacent property owner; • Submission of additional information on the presence of shallow groundwater on-site; • Confirmation of the limits of development, and all hazard lands which may be dedicated to the municipality. <p>Additional and updated comments will be provided following technical review. Please note that a CVC permit will be required prior to any site works being initiated.</p>

1706201 Ontario Inc.

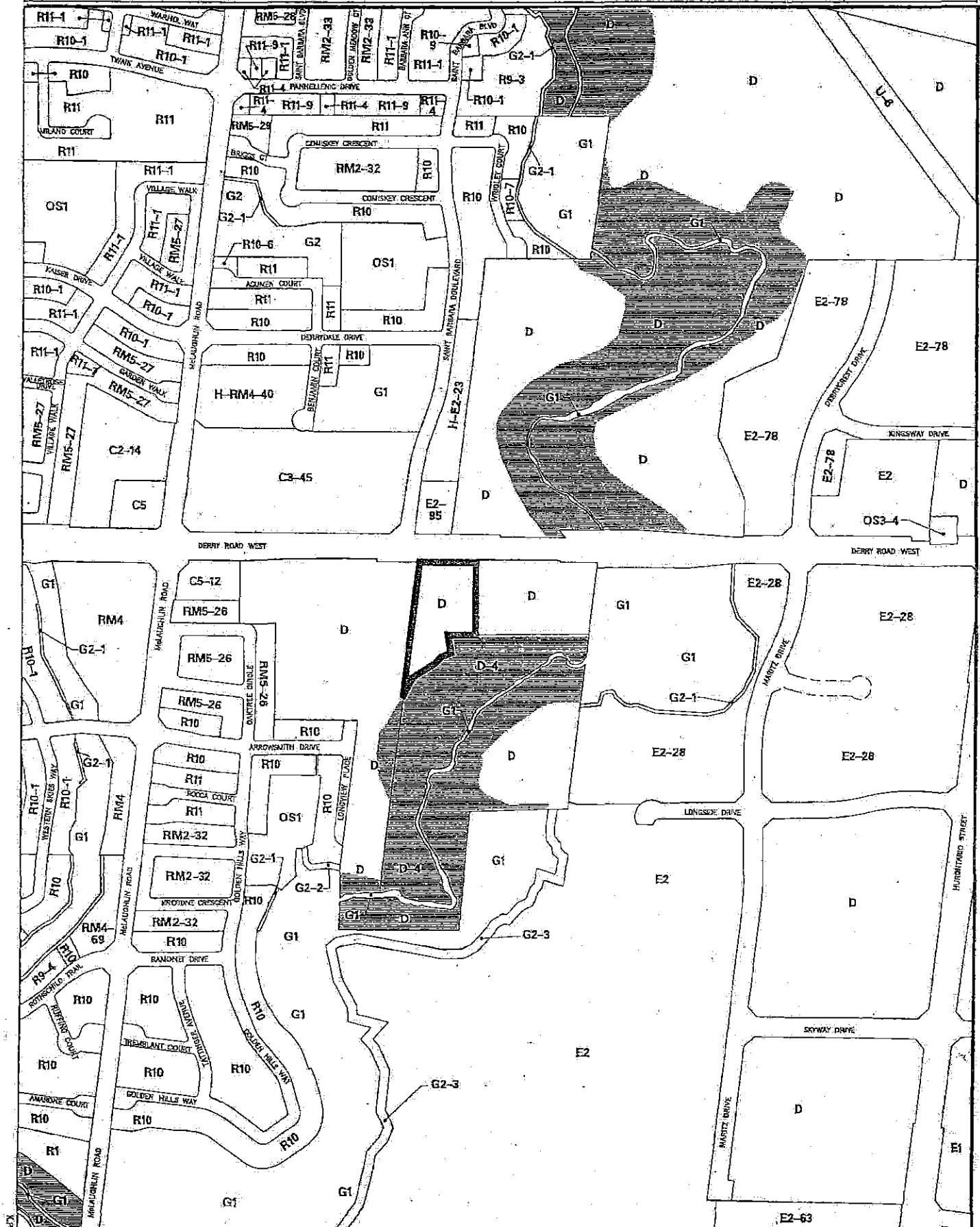
File: OZ 08/013 W11.

Agency / Comment Date	Comment
<p>City Community Services Department – Planning, Development and Business Services Division (March 2, 2009)</p>	<p>This Department notes that due to the site's proximity to Fletcher's Creek, and in accordance with the Stage 1 Archaeological Assessment recommendations, prior to the preparation of the Supplementary Report, the proponent shall carry out a Stage 2 Archaeological Assessment of the subject property. No grading or other soil disturbance shall take place on the subject property prior to the City and the Ministry of Culture having confirmed that all archaeological resource concerns have met licensing and resource conservation requirements.</p> <p>Should these applications be approved, and prior to the enactment of the implementing zoning by-law, hoarding will be required along City greenbelt lands. Further, in order to ensure protection and preservation of the City greenbelt lands, securities for any required restoration works, fencing, hoarding, and clean-up works will also be required.</p> <p>Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the <i>Planning Act</i> (R.S.O. 1990, c.P. 13, as amended) and in accordance with City's Policies and By-laws.</p>
<p>City Community Services Department – Fire and Emergency Services Division (February 6, 2009)</p>	<p>Fire has reviewed the applications from an emergency response perspective and has no concerns; emergency response time to the site and water supply available are acceptable. The site is to be developed in conformance with the OBC and By-law 1036-81 with respect to fire access and fire protection.</p>
<p>City Transportation and Works Department (March 6, 2009)</p>	<p>This Department stated that prior to the Supplementary Public Meeting, the applicant is required to provide an overall development concept which illustrates how vehicular access will be provided for the area. The applicant will also be required to provide an updated Functional Servicing Report which investigates locating the proposed storm outlet on the east side of the property to minimize the disturbance to the existing slope area. A maintenance access to the valley lands is</p>

1706201 Ontario Inc.

File: OZ 08/013 W11.

Agency / Comment Date	Comment
	<p>also requested to be incorporated into the site design.</p> <p>Written confirmation that the long-term stable top-of-bank, hazard line and/or any required development setbacks have been established to the satisfaction of the local conservation authority will also be required. As the current proposal contemplates grading onto the external lands to the immediate west, the applicant is to provide written confirmation that satisfactory arrangements have been made with the adjacent landowner.</p> <p>Furthermore, a copy of the Traffic Impact Study requested by the Region of Peel is to be submitted to this Department for review. Comments on the above items will be finalized prior to the preparation of the Supplementary Report.</p>
Other City Departments and External Agencies	<p>The following City Departments and external agencies offered no objection to these applications provided that all technical matters are addressed in a satisfactory manner:</p> <ul style="list-style-type: none"> - City Economic Development Department - Enersource Hydro Mississauga
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> - City Realty Services Department - Hydro One Networks - Rogers Cable - Canada Post Corporation - Enbridge Gas Distribution - Enbridge Pipelines Inc. - Union Gas Limited Pipelines



Appendix S-2

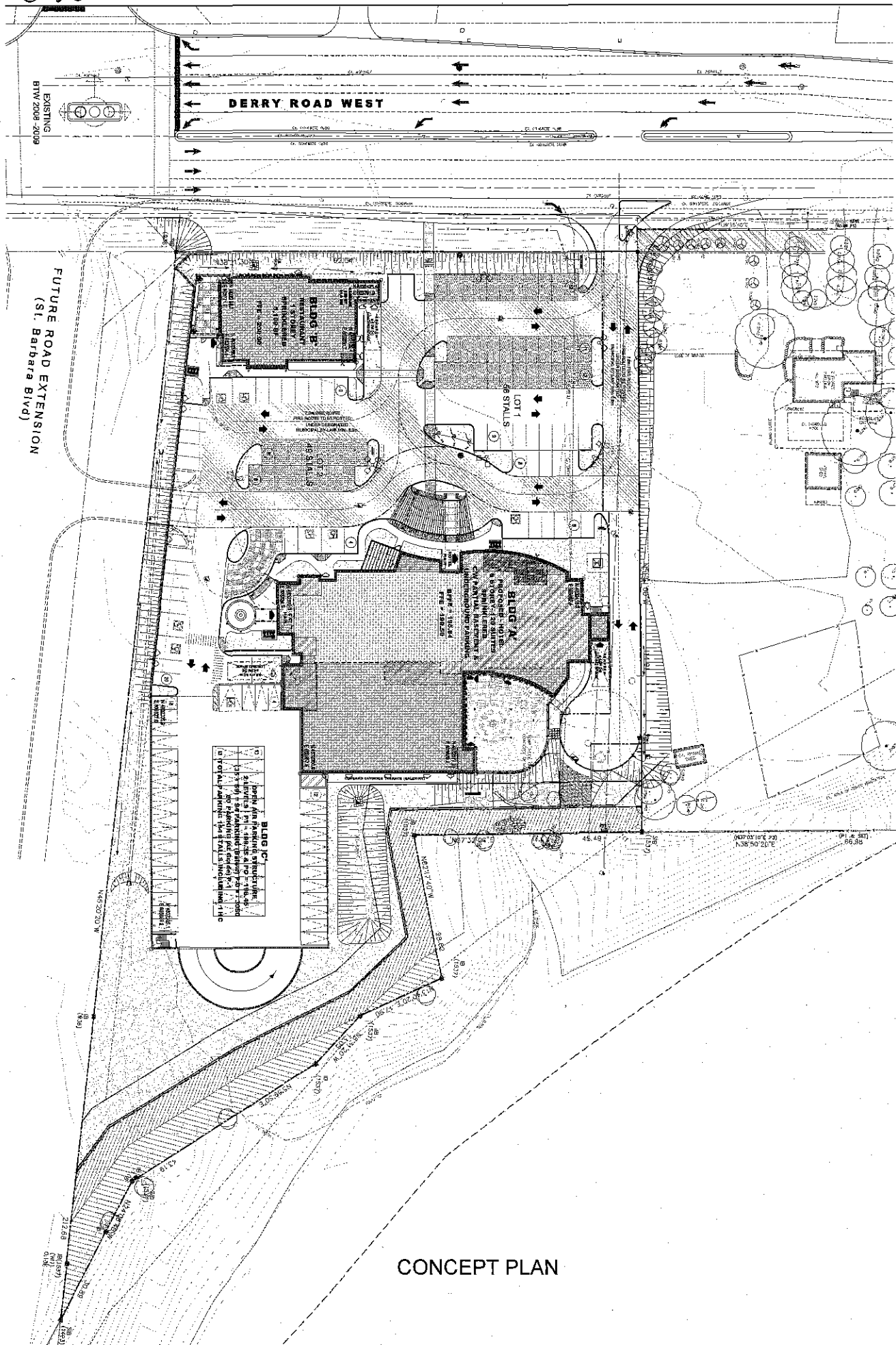
Shailtel International Inc.

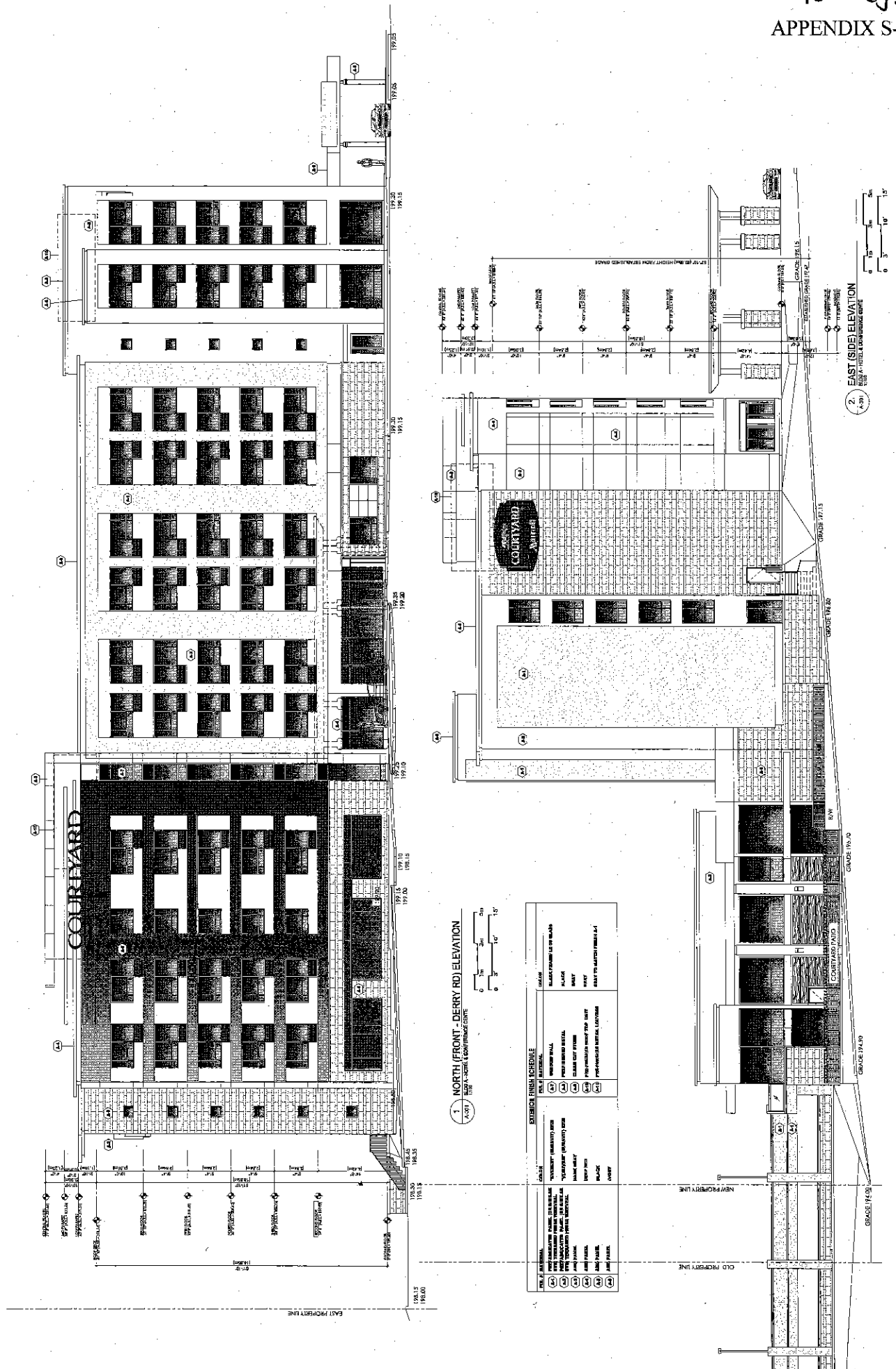
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Recommendation PDC-0040-2009

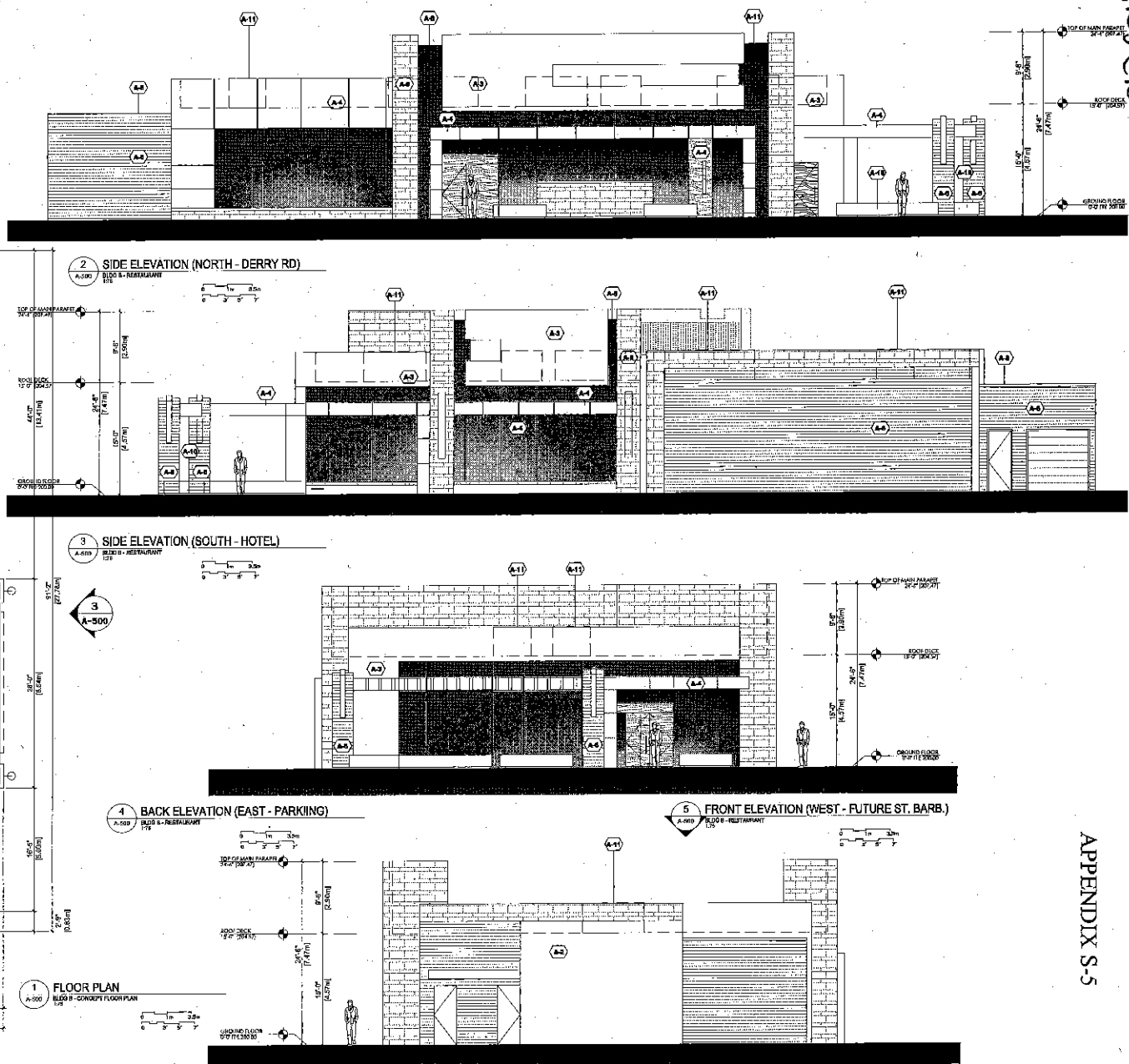
PDC-0040-2009

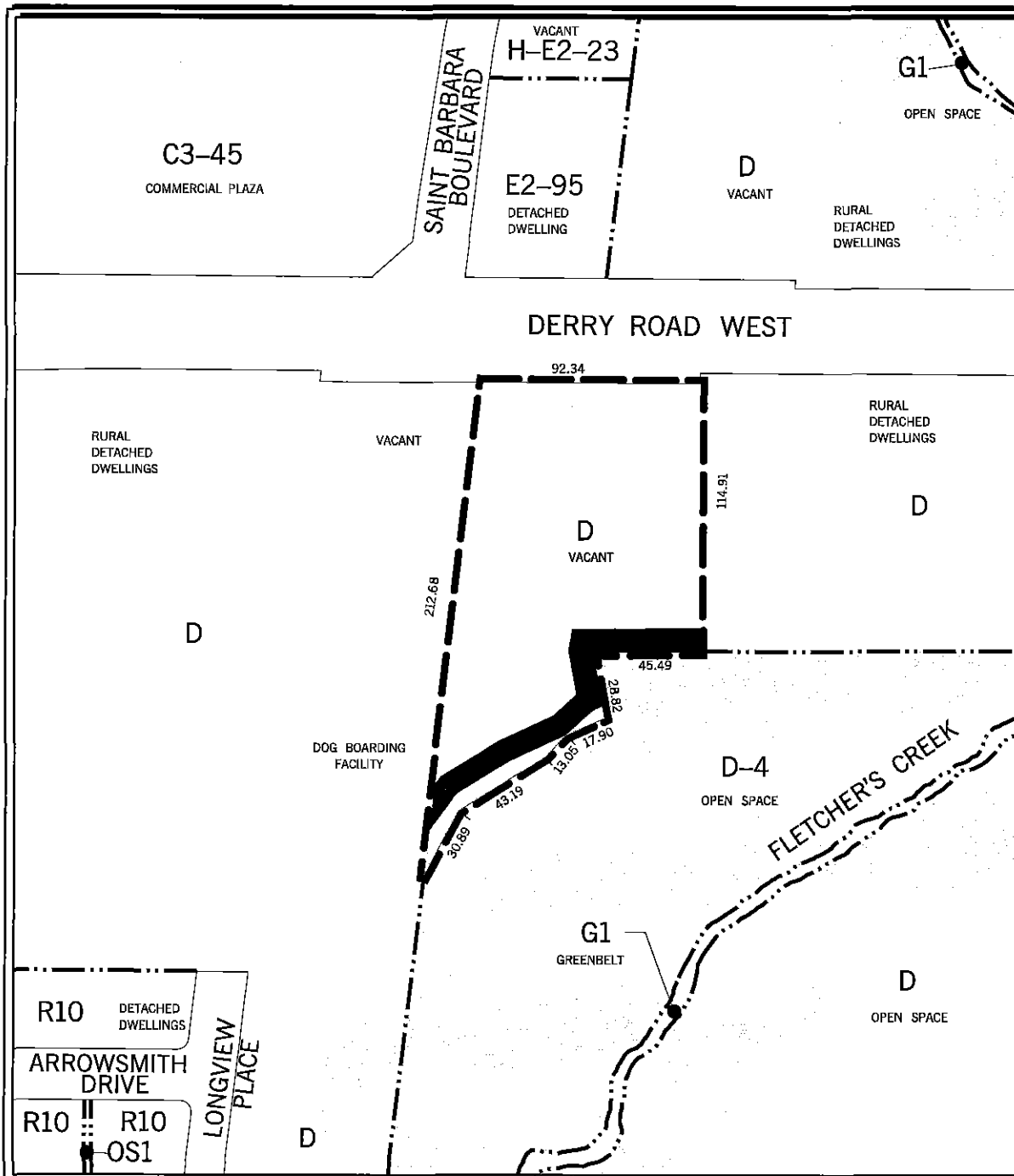
1. That the Report dated March 24, 2009, from the Commissioner of Planning and Building regarding the applications to amend the current "Business Employment - Special Site 4" Official Plan provisions applying to the lands, and to change the Zoning from "D" (Development) to "E2-Exception" (Employment), to permit a hotel and accessory commercial uses, under file OZ 08/013 W11, 1706201 Ontario Inc., 290 Derry Road West, south side of Derry Road West, east of McLaughlin Road, be received for information, and notwithstanding planning protocol, that the Supplementary Report be brought directly to a future Council meeting.
2. That the correspondence from High Tech Pet Products Inc. dated April 14, 2009 regarding the applications under file OZ 08/013 W11 be received.





APPENDIX S-5





LEGEND:

PROPOSED OFFICIAL PLAN AMENDMENT FROM "BUSINESS EMPLOYMENT-SPECIAL SITE 4" TO "BUSINESS EMPLOYMENT-SPECIAL SITE" AND "GREENBELT".

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "E2-EXCEPTION" (EMPLOYMENT) TO PERMIT A SIX STOREY HOTEL AND CONFERENCE CENTRE, AND A ONE STOREY FREESTANDING RESTAURANT BUILDING.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G2-1" (GREENBELT-NATURAL FEATURES EXCEPTION) TO PERMIT A NATURAL PROTECTION AREA BUFFER OF 5m.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G2" (GREENBELT-NATURAL FEATURES) TO PERMIT A NATURAL PROTECTION AREA.

PROPOSED REZONING FROM "D" (DEVELOPMENT) TO "G1" (GREENBELT-NATURAL HAZARDS) TO PROTECT A NATURAL HERITAGE FEATURE.

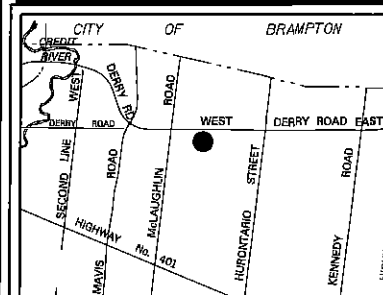
GREENBELT OVERLAY

NOTES: THE "BUSINESS EMPLOYMENT" POLICIES UNDER MISSISSAUGA OFFICIAL PLAN ARE CURRENTLY UNDER CITY-WIDE APPEAL. EXISTING ZONING DELINEATED ON THE PLAN PROPOSED ZONING INDICATED BY SHADING WITHIN THE APPLICATION AREA. THIS IS NOT A PLAN OF SURVEY.



SUBJECT:

SHAILTEL INTERNATIONAL INC.



FILE NO:

OZ 08013 W11

DWG. NO:

08013R

SCALE:

1:2500

COUNCIL DATE:

2013 06 05

DRAWN BY:

K. PROKOP

APPENDIX S-6



MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

DESIGN TITLE

2-1(1)(1)



Corporate Report

Clerk's Files

Originator's
Files

R-2

DATE: May 29, 2013

COUNCIL AGENDA
June 5, 2013

TO: Mayor and Members of Council
Meeting Date: June 5, 2013

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: Proposed Amendments to Council Procedural By-law 421-03,
as amended and Notice By-law 215-08, as amended

- RECOMMENDATION:**
1. That the report titled "Proposed Amendments to Council Procedural By-law 421-03, as amended and Notice By-law 215-08, as amended", from the Commissioner of Corporate Services and Treasurer, dated May 29, 2013, be received.
 2. That a By-law be prepared incorporating amendments to Council Procedure By-law 421-03, as amended, in accordance with the report dated May 29, 2013, from the Commissioner of Corporate Services and Treasurer.
 3. That a By-law be prepared incorporating amendments to the Notice By-law 215-08, as amended, in accordance with the report dated May 29, 2013, from the Commissioner of Corporate Services and Treasurer.

**REPORT
HIGHLIGHTS:**

- Amendments are proposed to the Council Procedure By-law to implement the recommendations of Governance Committee, General Committee and Council regarding the Council Structure Review and improving efficiencies and clarifying procedures.

- Amendments are proposed to the Notice By-law to change the public notice requirements for the Procedural By-law, Advertising Devices and General Licensing Powers By-laws to allow these items being listed on an agenda as serving as notice.

BACKGROUND:

Section 238 of the Municipal Act, 2001, requires municipalities to pass a procedure by-law for governing the calling, place and proceedings of meetings. The City's current Council Procedure By-law 421-03 was enacted by Council on October 22, 2003, with subsequent amendments in 2008, 2009 and 2010.

In order to implement a number of resolutions approved by Council over the last few months, amendments are required to the Procedural By-law.

On October 10, 2012, Council endorsed the recommendations of the Governance Committee (GOV 0018-2012) related to a report from the Integrity Commissioner regarding the Conduct of Council at Committee Meetings and when representing the City.

On November 14, 2012, Council endorsed the recommendations from Governance Committee (GOV 0023-2012) related to operational improvements and efficiencies and clarifying procedures, such as establishing time limits for deputations and speakers.

On April 10, 2013, Council endorsed the recommendations of Governance and General Committees (GC 0187-2013) related to the Council and Committee Structure Review, such as the addition of a Transportation Committee and criteria for the establishment of new committees.

The Notice By-law 215-08, as amended, establishes how notice will be provided; including the form, manner and times notice shall be given. To streamline the process, amendments are proposed.

COMMENTS:

The operations of Council and its Committees as contained in the Procedure By-law, have been reviewed to address the above-noted recommendations and some additional administrative matters. The following changes are proposed:

1. Council and Committee Recess

During the months of July and August, Council has delegated the authority for certain matters to staff. The pilot project in 2011 and 2012 was favourably received and it is proposed that this delegation authority now be added to the Procedural By-law on a permanent basis for those times when Council is in recess. In order to address the period of time when Council will not be sitting due to the impending municipal election, the delegation authority is proposed to be amended to include this time.

2. Transportation Committee

Based on the Council and Committee Review, the addition of a Transportation Committee was approved. The By-law is proposed to be revised to include this new committee. In addition, the scheduling of meetings is proposed to be amended to rotate between Council, General Committee and the new Transportation Committee on a three week cycle on Wednesday mornings. Planning and Development Committee will also rotate on a three week cycle on Monday evenings, however when required, flexibility is proposed to allow the City Clerk to add meetings to address specific matters, such as accommodating public meetings or impending OMB matters that require direction from PDC and Council.

3. Closed Meetings

From time to time it is appropriate for Council and/or Committees to participate in Education Sessions that provide them with information related to a particular subject matter. These types of meetings are scheduled solely for the purpose of education and no decisions or direction to staff is permitted. It is recommended that the Closed Meeting section include Education Sessions.

4. Rules of Order and Debate

As recommended by Governance Committee, it is important to keep the meetings moving and that speakers are clear and concise, therefore when Members of Council are speaking on an item, it is proposed that a limit of 5 minutes be added, with one rebuttal opportunity.

In order to ensure a respectful environment at meetings, it is recommended that "any individual" be added to Sections 24(1) and 30, which speaks to the use of respectful language at meetings.

5. Public at Council and Committee Meetings

As per the recommendations of the Governance Committee, deputations will be limited to five (5) minutes at Council and ten (10) minutes at Committees. This shall apply to public question period as well, where each person speaking will be limited to five (5) minutes. It is recommended that a ten (10) minute time limit for deputations be added for Advisory Committee's as well.

Additional minor administrative amendments are proposed to this section to ensure consistency and clarity.

6. Motions – Council and Committees

Motion to Reconsider

Clarification will be provided to state that motions may be dealt with on the same day as presented provided they are added to the agenda prior to public question period.

Additional minor administrative amendments are proposed to this section.

7. Minutes and By-laws

These sections will be revised to allow for administrative error corrections, such as typos or incorrectly transcribed numbers by the Clerk's Office to by-laws, minutes and resolutions.

8. Standing Committee

The Transportation Committee will be added as a Standing Committee of Council and the criteria established for the

formation of a new Advisory Committee of Council have been included in the By-law, as addressed in the Council and Committee Review report.

9. Jurisdiction

As recommended by the Council and Committee Review report, a section will be added for Advisory Committees requiring them to report back to the applicable Standing Committee as determined by the Clerk's Office, regarding their work plan and a yearend progress report on a yearly basis.

10. Standing Committees

The addition of the Transportation Committee and the three week cycle will be reflected in this section including changes to the scheduling of Planning and Development Committee.

11. Minutes, Committee

For Planning and Development Committee, it is recommended that extracts be deleted and replaced with minutes that will be adopted at the subsequent meeting of PDC. A 'minutes' heading will be added to the order of business for PDC meetings.

It is also recommended that the minutes of the Advisory Committee's be adopted rather than received at its subsequent meeting.

12. Delegation to Staff during Council Recess

In 2011 and 2012, Council passed Delegation of Authority By-laws during the summer recess. The previous years were conducted as pilot projects, however due to the positive feedback received, it is recommended that this delegation authority be added to the Procedural By-law and be extended to include the period between the last meeting of Council prior to a municipal election and the inaugural meeting of a new Council. The matters delegated to staff are outlined in Appendix 3.

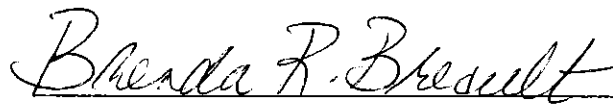
Notice By-law

The Notice By-law states that notice of pending by-laws dealing with the Procedural By-law, Advertising Devices and General Licensing Powers should be posted on the City's website two weeks prior to the Committee meeting at which the matter is to be considered, and should remain posted until Council has made a decision on the matter. The Municipal Act does not require any notification, therefore it is recommended that the Notice By-law be amended to state that the inclusion of a by-law on an agenda, which is posted on the City's webpage, will serve as notice that the by-law is intended to be dealt with by Council.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: The changes proposed to the Procedural and Noise by-laws are intended to implement Council's recommendations and to streamline, clarify and/or improve the processes.

ATTACHMENTS: Appendix 1: Redlined version of Procedural By-law



Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Diana Rusnov, Manager, Legislative Services/Deputy Clerk



**A By-law to establish the Procedures of Council and its Committees
and to Repeal By-law 421-03**

WHEREAS section 238 of the Municipal Act, 2001 as amended (the “Municipal Act”) authorizes Council to pass a procedure by-law governing the calling, place and proceedings of meetings;

AND WHEREAS section 23.1 of the Municipal Act, provides municipalities with the power to delegate their powers and duties under the Municipal Act or any other Act to a person or body subject to certain restrictions;

NOW THEREFORE The Council of The Corporation of the City of Mississauga hereby ENACTS as follows:

PART I - INTERPRETATION

APPLICATION

1. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business conducted by the Council.
2. The rules and regulations contained in this By-law shall be observed in the proceedings of any committee of Council, except any such rules and regulations may, where permitted by law and subject to section 88(3) hereof, be superseded or altered by a majority vote of the Members of the committee.

DEFINITIONS

3. In this By-law:

“ACTING MAYOR” [acting Head of Council] means the Member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor when the Mayor is absent or refuses to act or the Office of Mayor is vacant;

“AGENDA” means the order of proceedings for a meeting setting out the business to be considered at the meeting;

“BILL” means a draft or proposed form of by-law;

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“CHAIR” means the person presiding at a meeting, and includes the Mayor, Acting Mayor, or Committee Chair while they presiding at a meeting or such other person as may be authorized to preside in their absence;

“CLERK” means the City Clerk, or his/her designate;

“COMMITTEE” means a committee of Council or an advisory or ad hoc committee established by Council from time to time but does not include Committee of the Whole;

“COMMITTEE OF THE WHOLE” means a committee consisting of all Members of Council sitting as a Committee of the Whole;

“COUNCIL” means the Council of The Corporation of the City of Mississauga;

“COUNCIL FLOOR” means that part of the Council Chambers in the foreground and between the podium and the seats of the Mayor and Members of Council;

“HEAD OF COUNCIL” means the Mayor who shall preside at all meetings of the Council, and who is the Chief Executive Officer of the City;

“IN-CAMERA” means that part of a meeting closed to the public, other than those persons specifically invited by Council or Committee to remain;

“MAYOR” means the head of the Council of The Corporation of the City of Mississauga;

“MEETING” means any regular, special, informal, ad hoc or other meeting of Council, or a Committee;

“MEMBER” means a member of Council;

“MOTION” means a proposal by a Member, received by the Clerk, in writing, moved by a Member and seconded by another member, for inclusion on an agenda of a meeting of Council and includes proposals by a Member moved verbally in a meeting, that Council or Committee resolve and effect a decision;

“MUNICIPAL ACT” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

“POINT OF ORDER” means a question by a member with the view to calling attention to any departure from the Procedural By-law or in the practiced conduct of the Council's business;

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“POINT OF PERSONAL PRIVILEGE” means a question by a Member who is concerned and believe that another member has spoken disrespectfully towards that Member, or who considers that his or her integrity has been impugned;

“POINT OF PRIVILEGE” means a question affecting the rights and immunities of the Council collectively or the position and conduct of Members as elected representatives;

“POINT OF PROCEDURE” means a question to obtain information on a matter of parliamentary procedure where the rules of the Council bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion;

“QUORUM” means the number of Members required to be present at a meeting to validate the transaction of its business;

“RECORDED VOTE” means the recording by the Clerk of the name and the vote of each Member present at a meeting on any matter or question;

“REGULAR ELECTION” means a regular election as defined in section 1 of the Municipal Elections Act, 1996, as amended from time to time;

“SUBCOMMITTEE” means a committee consisting of at least two (2) Members of the committee establishing the sub-committee, to consider one or more matters;

“SUMMER RECESS” means the time during the months of July and August when Council meets less frequently;

“STANDING COMMITTEE” means a committee established by Council and consisting solely of Members of Council.

PART II - COUNCIL MEETINGS

INAUGURAL MEETING

4. (1) The ~~Inaugural Meeting~~ **first meeting** of Council shall be held on such date and at such time and place as may be fixed by **resolution** ~~by-law~~ of the previous Council and not later than thirty-one (31) days after the Council's term commences
- (2) At the ~~Inaugural Meeting~~ **first meeting** the Council shall organize as a Council, and the first order of business shall be the declarations of office ~~and Oaths of Allegiance~~ in accordance with the Municipal Act.

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REGULAR MEETINGS

5. **Regular meetings of the Council shall be held at 9:00 a.m. on three week intervals, or such other interval as determined by the Clerk.**
6. When the day for a regular meeting of Council falls on a public, statutory or civic holiday, the meeting shall be held on the business day immediately before or following the originally scheduled date for that meeting, as determined by the Clerk.
7. All Meetings of Council and Committees shall be convened at the Civic Centre unless the notice of meeting stipulates the Meeting shall be held at another location.
8. A Motion passed by a majority of the Members present is required to continue a meeting of Council or of a Committee past 11:00 p.m. local time.

SPECIAL MEETINGS

9. The Mayor may, at any time, summon a special meeting of Council ~~on twenty-four hours notice~~, and the Clerk shall summon a special meeting of Council upon the direction of Council given at a regular meeting of Council or upon receipt of a petition from a majority of the Members of Council.
10. The notice calling a special meeting of Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting except with the consent of a majority of the Members present and voting.
11. Written notice of all special meetings of Council must be delivered to the Members of Council, not less than forty-eight (48) hours before the time set for the meeting to all Members of Council by mail or electronically.
12. **Despite the provisions of Sections 10 and 11, a meeting of Council may be called by the Mayor, or Acting Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members about the meeting as soon as possible and in the most expedient manner available as so determined by the Clerk.**

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QUORUM – COUNCIL AND COMMITTEES

13. A majority of Members of Council sitting in their assigned seats is necessary to form a quorum at a meeting of each of Council, General Committee, Planning and Development Committee, **Transportation Committee**, and **Budget Committee**.
14. As soon as there is a quorum after the time appointed for the start of the meeting, the Mayor or Chair will call the Members to order.
15. If no quorum is present thirty (30) minutes after the time appointed for a meeting of Council or Committee, the Mayor, or the Committee Chair shall call the roll and the Clerk shall record the names of the members present and the meeting will stand adjourned until the next appointed time.
16. Where the Mayor does not attend within fifteen (15) minutes after the time appointed for the meeting, the Acting Mayor shall call the members to order and, if a quorum is present, preside during the meeting or until the arrival of the Mayor at that meeting.
17. If during the course of a Council or Committee meeting a quorum is lost, then the meeting shall stand adjourned, to reconvene when quorum is regained. If a quorum is not present within thirty (30) minutes, the Clerk will record the names of the Members present and the meeting shall be adjourned to the next appointed time.
18. If a meeting of Council or Committee cannot be convened or does not continue because of a lack of quorum, the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of that body.
19. Despite any other provision in this section, Council or a Committee may receive submissions or information from the public or staff on a matter where a quorum is not present, except submissions or information in respect of a hearing or public meeting required by statute.

CLOSED MEETINGS

20. All Meetings shall be open to the public unless the subject-matter being considered is:
 - (1) the security of the property of the municipality;
 - (2) personal matters about an identifiable individual, including a municipal employee;

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- (3) a proposed or pending acquisition or disposition of land for municipal purposes;
- (4) labour relations or employee negotiations;
- (5) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (6) advice that is subject to solicitor-client privilege, including communication necessary for that purpose;
- (7) a matter in respect of which the Council or Committee may hold a closed meeting under another Act.
- (8) an educational or training session for the members of Council or Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision –making of Council or the Committee.

NOTICE

- 21. Notice shall be provided of meetings of Council and Committees by posting the date and time of the meeting on the Council and Committee Calendar on the City website.
- 22. Notice shall be provided to the public respecting matters coming before Council for decision in the manner required by the City's Notice By-law or as otherwise required by statute.

PART III - RULES OF ORDER AND DEBATE

- 23. The Chair shall:
 - (1) maintain order and preserve the decorum of the meeting;
 - (2) rule upon points of order, points of procedure, points of privilege and points of personal privilege, without debate or comment;
 - (3) rule whether a Motion or proposed amendment is in order;
 - (4) rule upon all other procedural matters;

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- (5) maintain a speaker's list of those members who have signaled the Chair that they wish to speak or ask questions, and recognize such members in the order in which they appear;
 - (6) call a Member to order where appropriate.
24. No Member shall:
- (1) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any member of Council, any employee of the City, or of any individual;
 - (2) use indecent, offensive or insulting language;
 - (3) speak on any subject other than the subject in debate;
 - (4) where a matter has been discussed in a meeting or part of a meeting closed to the public (in-camera) and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the in-camera meeting;
 - (5) disobey the rules of the Council or a decision of the Chair on questions of order or practice or the interpretation of the Rules;
25. Where a Member persists in any such disobedience or conduct contrary to the provisions of this section, after having been called to order by the Chair:
- (1) the Chair shall forthwith put the question that the member be ordered to leave his/her seat for the duration of the Meeting, and adjournments, amendments or debates shall not be allowed upon such question;
 - (2) if the question carries, the Chair will order the Member to leave the Council Chamber for the remainder of the Meeting; and
 - (3) if the Member advises the Clerk that the Member wishes to apologize to Council, the Clerk will inform the Chair, who will permit the Member to do so, and with Council's consent, the Member may return to his/her seat.
- 26.
- (1) A Member may initially speak on an item of business, or motion for five minutes unless otherwise determined by the Chair.
 - (2) No Member shall speak more than once on an item of business until every member who desires to speak has spoken.

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- (3) Any Member, including the mover of the motion, wishing to speak on an item of business a second time may do so for a further five minutes.

PUBLIC AT COUNCIL AND COMMITTEE MEETINGS

27. Members of the public present during a Council or Committee meeting shall maintain order and quiet and shall not address Council or the Committee except with the permission of Council or the Committee.
28. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council or the Committee.
29. No person shall bring into the Council Chamber or Committee meeting room food or drinks, cellular telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced, or in the case of food and drinks, are not considered by the Mayor or Chair of the Committee to be disruptive to the meeting.
30. When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any member of the Federal, Provincial or Regional Council, any Member of Council, any employee of the City, or of any individual;

~~Persons invited to address the Council or Committee shall only speak on the subject in debate and shall not speak on any other subject. (This sentence is repeated in Section 40)~~

31. Any person, not being a member of Council, who contravenes any provision of this section may be expelled from the Meeting by the Chair.

ORDER OF BUSINESS

32. The Clerk will prepare an Agenda for regular meetings of Council and the business of Council shall be taken up in the order in which it appears on the Agenda, under the following headings:
- (i) Call to Order;
 - (ii) Approval of Agenda;
 - (iii) Declarations of Conflict of Interest;

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(iv) Minutes of Previous Council Meetings;

(v) Presentations;

(vi) Deputations;

(vii) Public Question Period;

(viii) Introduction and Consideration of Corporate Reports

(ix) Presentation of Committee Reports;

(x) Unfinished Business;

(xi) Petitions;

(xii) Correspondence;

(xiii) Notices of Motion;

(xiv) Motions;

(xv) Introduction and Consideration of By-laws;

(xvi) Inquiries;

(xvii) Other Business and Announcements;

(xviii) Closed Session (if applicable);

(xix) Confirmatory Bill;

(xx) Adjournment.

33. The recommendations of a Committee embodied in a report to Council are:

- (1) the main Motion(s) when the clause is called;
- (2) deemed to have been moved; and
- (3) deemed to have been adopted by Council without any amendments unless Council decides otherwise.

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34. Notwithstanding the Order of Business set out in Section 32, Council may otherwise direct that business be considered in a different order.
35. Where the same or related subject-matters appear in more than one place on the Agenda, Council may deal with all items related to the matter together, deal with such items in the order they appear on the Agenda or refer the items for consolidation into one report.
36. Despite Sections 32 to 35, no new matters shall be added to an agenda, after Public Question Period.

REQUESTS FOR PRESENTATIONS AND DELEGATIONS

37. Any person wishing to address Council on any matter shall submit a request to the Clerk by 4:00 p.m. eight business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
38.
 - (1) For the purposes of Section 37, the Clerk shall determine the appropriate committee or meeting date that a request for delegation may be listed.
 - (2) Notwithstanding Section 37 and 39, requests for delegation to Council regarding matters that have previously been made at a Committee will be denied, if the report from the Committee meeting that the delegation was made to, is being considered at the Council meeting.
39. Any person wishing to address Council on a matter on the agenda shall submit a request to the Clerk by 4:00 p.m. two days prior to the meeting.
40. A person granted permission to address Council shall confine their remarks to the stated business.
41. Each delegation to Council shall be limited to speaking not more than five minutes in total.
42. Despite Section 41, a motion passed by a majority of the Council Members present may extend the length of time allotted to a delegation.
43. The Agenda for all Council meetings shall include a Public Question Period, subject to the following provisions:

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- (1) persons invited to address Council during Public Question Period shall be restricted to questions pertaining to subjects that appear on the Agenda for that specific Council meeting;
- (2) persons invited to address Council with a question shall be limited to a preamble to their question of a maximum of two statements sufficient to establish the context for the question. The chair shall direct more extensive comments or presentations to the Clerk for addition to a future agenda as a delegation;
- (3) Public Question Period shall be limited to a total of 15 minutes; and each individual addressing Council shall be limited to speaking not more than five minutes in total.
- (4) despite subsection (3) of this section, a motion passed by a majority of the Council Members present may extend the length of time allotted to the Public Question Period at any meeting;
- (5) where a response to a question posed to Council under the provisions of this section is not available at the meeting, a written response shall be provided by City staff before the matter under discussion is finalized at Council.

MOTIONS - COUNCIL AND COMMITTEES

44. A Notice of Motion shall be in writing and signed by the Mover and shall be received by the Clerk by 4:00 p.m. on the Wednesday preceding a regular meeting of Council for inclusion in the Agenda for that meeting of Council.
45. The Mover of a Motion submitted under section 44 may, when the Motion is called by the Chair for Council's consideration, request the matter be deferred to the next regular meeting of Council and if the matter is not deferred, the motion shall be considered by Council.
46. When a Notice of Motion has been on the Agenda for two successive meetings after notice has been given, and not proceeded with, it shall be deemed withdrawn unless Council decides otherwise.
47. Except as provided for in sections 49 and 50, every Motion and proposed amendment shall be in writing and signed by the Mover and Seconder and presented through the Chair before being debated or put to a vote.
48. A Motion or an Amendment to a Motion shall be moved before a Member speaks to the Motion.

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49. Despite section 47, Motions respecting the following matters may be introduced orally without written notice and without leave:
- (1) a Point of Order or Personal Privilege;
 - (2) a Motion to defer decision on a question;
 - (3) presentation of a Petition;
 - (4) a Motion to refer a matter;
 - (5) a Motion to withdraw a Motion before the Chair;
 - (6) a Motion to recess;
 - (7) a Motion to call the vote on a question;
 - (8) a Motion that Council move into Committee of the Whole, or that Committee of the Whole rise and return to Council;
 - (9) a Motion to divide the question;
 - (10) a Motion to request short reading of a Motion which is provided to Council in written format;
 - (11) a Motion to enact a by-law;
 - (12) a Motion to continue a Council Meeting beyond 11:00 p.m.;
 - (13) a Motion to move into, or out of, Closed Session;
 - ~~A Motion to suspend or not to follow a rule of procedure;~~
 - (14) a Motion to change the Order of Business;
 - (15) a Motion to move in camera; or
 - (16) a Motion to Adjourn.
 - (17) a Motion to adopt the Minutes of a meeting.

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50. The following are deemed to be procedural Motions and shall be considered in the following order:
- (1) to change the Order of Business;
 - (2) to adjourn or to fix the time to adjourn;
 - (3) that the vote be taken now;
 - (4) that Council resolve itself into Committee of the Whole;
 - (5) Motions to refer;
 - (6) Motions to defer.
51. No Member shall present a Motion on any matter to Council for its Consideration unless:
- (1) the Motion is relevant to a matter that appears on the Agenda for that meeting of the Council; or
 - (2) Leave is granted to deal with a matter not on the agenda; or
 - (3) the Motion relates to a matter which for reasons of emergency health or safety, or legal deadline, cannot be first considered by the appropriate Committee of Council.
52. After a Motion is moved in Council, it shall be deemed to be in the possession of Council and may only be withdrawn with the leave of Council and only prior to a decision or amendment on such Motion has been rendered by the Council.

REQUIREMENT FOR DISPOSITION

53. A Motion properly before Council for decision must receive disposition before any other motion can be received for debate, except where:
- (a) a motion on procedure has been made to amend, to defer decision on the question, to refer the matter, to call the vote on the question, or to extend the hour of closing proceedings; or
 - (b) the Meeting has failed for lack of a quorum.

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MOTION TO AMEND

54. (1) A motion to amend the main question shall:
- (a) be relevant to the main question received by the Chair;
 - (b) not be a direct negative to the main question;
 - (c) receive the disposition of Council before any prior motion for amendment; and
 - (d) receive disposition of Council before the main question.
- (2) Only one motion to amend an amendment motion shall be allowed.
- (3) A motion of referral may be amended to identify an alternate body to which the matter be referred, or for the purpose of giving additional instructions to the body to which the matter is referred.

DIVIDED MOTION

55. When a question has been divided with the leave of Council, debate shall be restricted to each proposal in its turn.

MOTION TO CALL VOTE ON A QUESTION

56. (1) A motion to call the vote on a question shall:
- (a) not be amended;
 - (b) not be proposed when there is a motion for amendment under consideration; and
 - (c) preclude all amendments of the main question, once made.
- (2) When a motion to call the vote on a question is resolved in the affirmative, the vote is to be taken without debate or consideration of amendment.

MOTION TO DEFER

57. A motion to defer or adjourn debate shall:
- (a) always be in order, except as provided in this Section;

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- (b) be put immediately without debate;
- (c) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
- (d) be deemed not to be in order in any of the following circumstances:
 - (i) when a Member is speaking;
 - (ii) during the verification of a vote;
 - (iii) immediately following the affirmative note on a motion to call the vote on a question.

MOTION FINALLY PUT

58. After a question is finally put by the Chair:

- (1) no Member shall speak to the question nor shall any other motion be made, until after the vote is taken and the result declared by the Mayor, Acting Mayor, or Chair; and
- (2) no Member absent from the Council Chamber when the question is put shall vote on the question.

59. (1) On the result of a vote taken pursuant to Section 58 of this By-law, a Member may request that the vote be taken again, provided that the request is made immediately after such declaration of the results.
- (2) When requested by a Member, the Chair, shall again take the vote on the question.

MOTION TO RECONSIDER

60. (1) Subject to this section, no matter after being decided by Council shall be reconsidered for one year following the date of the decision of Council **without first passing a motion to reconsider.**
- (2) A Motion to Reconsider may not be made at the same meeting that the decision proposed for reconsideration was made.
- (3) A Motion to Reconsider can only be made by a Member who voted on the prevailing side.

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- (4) No discussion of the main question shall be allowed until the Motion for reconsideration is carried.
- (5) A Motion to Reconsider may not be introduced, without notice, unless the Council, without debate, dispenses with notice.
- (6) Once the matter is reopened, it is reopened in its entirety unless the Motion to Reconsider specifies otherwise.
- (7) If the question is reopened, all previous decisions of Council remain in force unless Council decides otherwise.

CONFIRMATORY BILL

- 61. (1) Upon completion of the business of the day or at any other time Council deems it appropriate, the Chair shall, upon a motion for the introduction of a confirmatory bill, duly moved and seconded, put the following motion, which is not debatable: “that a confirmatory bill to confirm the proceedings of the Council meeting (or part thereof) be passed and hereby declared as a by-law”.
- (2) Passage of a confirmatory by-law does not in any way remove, and is not a substitute for, the requirement of a specific bill authorizing the execution of any agreements.

MOTION TO ADJOURN

- 62. A motion to adjourn Council shall:
 - (a) be in order, except:
 - (i) when a Member is speaking;
 - (ii) during the verification of a vote; or
 - (iii) immediately following the affirmative vote on a motion to call the vote on a question.
 - (b) be put immediately without debate;
 - (c) not be made again, when resolved in the negative, until after an intermediate proceeding has been completed by Council;
 - (d) not be amended.

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RULES OF VOTING

63. (1) Every Member present at a Meeting must vote on all matters unless he or she declares a personal conflict on the matter. If a Member refuses to vote and has not declared a personal conflict, the Member is deemed to have voted in the negative.
- (2) If a motion contains distinct parts, a Member may require separate votes on any or all parts.
- (3) The vote will be recorded when required by law or when any Members requests, and otherwise the manner of determining the decision of council on a Motion shall be by a signal from the voter, and the result of the vote declared by the Chair.
- (4) If a Member disagrees with the announced result of any vote, except a recorded vote, the Member must object immediately to require that the vote be retaken.
- (5) Unless provided otherwise, if there is an equality of votes on any question, the vote shall be deemed to be lost.
64. A motion “that the vote be taken” may be moved at any time by the Member who is speaking and will put to a vote immediately, without debate, and, if carried, the motion will be voted on without further debate.
65. When the Chair calls for a vote on a question, each Member shall occupy his/her seat and shall remain in his/her seat until the result of the vote has been declared by the Chair, and during such time no Member shall leave his/her seat or speak to any other Member or make any noise or disturbance.
66. Motions will be voted on in the following order:
- (1) Receipt motion
- (2) Referrals
- (3) Deferrals
- (4) Amendments, in the order moved.
- (5) Main motion.

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MINUTES

67. (1) Unless otherwise decided by the Council, the Minutes of each Meeting of the Council shall be submitted for confirmation or amendment to the Council at its next regular meeting or as soon thereafter as is reasonably practicable.
- (2) Once adopted by Council, the Minutes shall be signed by the Mayor or Acting Mayor and the Clerk.
- (3) The Clerk is authorized to make minor technical or clerical corrections to the minutes or resolutions after they have been adopted by Council, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and /or resolution is not changed.

BILLS

68. (1) No Bill shall be present to Council as a Bill unless the subject-matter thereof has been considered and approved by the Council.
- (2) Any number of Bills may be introduced together in one motion, and it may be referred to only by number, but the Council shall, at the request of any Member, deal separately with any Bill.
- (3) A motion to enact a by-law other than a confirmatory by-law is debatable and amendable in respect only of the issues of whether or not the Bill prepared for that purpose is in proper form and whether it will, if enacted as a by-law, duly implement the decision of the Council that lead to its introduction, and no debate shall be allowed which would involve a reconsideration of or reflection upon the substance of such decision or of any part thereof.
69. (1) The Clerk is hereby authorized to make such minor deletions, additions or other changes in form, to any Bill before same is signed, sealed and numbered, for ensuring correct and complete implementation of the actions of Council forming the subject-matter of the Bill in accordance with this by-law.
- (2) All amendments to any Bill approved by the Council shall be deemed to be incorporated into the Bill and if the Bill is enacted and passed by the Council as a by-law, the amendments shall be inserted therein by the Clerk.

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- (3) The Clerk is authorized to make the following changes to By-laws after enactment by Council:
- (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
 - (c) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-reference that are required as a result.

PART IV – COMMITTEES OF COUNCIL

COMMITTEE OF THE WHOLE

70. (1) There shall be a Committee of the Whole, which shall be the Council sitting as Committee of the Whole.
- (2) The rules governing the procedure of Council and the conduct of Members of Council shall be observed in Committee of the Whole, insofar as they are applicable, excepting that motions may be moved and seconded orally. ~~And as determined by the Committee of the Whole, latitude may be allowed in the time for discussion.~~

STANDING COMMITTEE

71. (1) There shall be the following Standing Committees of Council:
- (a) Audit Committee;
 - (b) Budget Committee;
 - (c) General Committee;
 - (d) Planning and Development Committee; and
 - (e) Transportation Committee.
- (2) Council may establish ~~from time to time~~, one or more Advisory Committees subject to the criteria established in Schedule A to this By-law.

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- (3) Council may establish ~~from time to time~~, one or more Ad Hoc Committees.
- (4) A Committee of Council may establish ~~from time to time~~, a Subcommittee.

JURISDICTION

72. (1) Any Standing Committee established pursuant to subsection 71(1) of this By-law:
- (a) shall be responsible for formulating major and general policies for recommendation to Council;
 - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council;
 - (c) The Audit Committee shall be subject to the By-laws enacted by Council for the regulation of the matters assigned, and for the operations and perimeters on the matters delegated to the Audit Committee.
- (2) Any Advisory Committee established pursuant to subsection 71(2) of this By-law:
- (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and
 - (b) shall consider such other matters as may be referred to it from time to time by the Council or any Committee of the Council; and
 - (c) shall be subject to any Terms of Reference for the particular Advisory Committee, adopted by Council from time to time.
 - (d) shall report to the appropriate Standing Committee, as determined by the Clerk, on an annual basis.
- (3) Any Ad Hoc Committee established pursuant to subsection 71(3) of this By-law:
- (a) shall be responsible for the review of one or more matters assigned to it by the Council, and the formulation of recommendations on such matters; and

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- (b) shall consider such other matters as may be referred to it ~~from time to time~~ by the Council or any Committee of the Council; and
- (c) shall be subject to any Terms of Reference for the particular Ad Hoc Committee, adopted by Council ~~from time to time~~.

COMPOSITION

73. (1) Any Standing Committee established pursuant to subsection 71(1) of this By-law shall consist of all Members of Council except for the Audit Committee which shall consist of the Mayor and four (4) members of Council.
- (2) Any Advisory Committee established pursuant to subsection 71(2) of this By-law shall consist of such number of Council Members and citizen representatives, as determined by Council.
- (3) Any Ad Hoc Committee established pursuant to subsection 71(3) of this By-law shall consist of such number of Council Members, citizen and staff representatives, as determined by Council.
- (4) Any Subcommittee established ~~from time to time~~, pursuant to subsection 71(4) of this By-law, shall consist of such Members of the parent Committee, as may be determined by such parent Committee **and any other member approved by Council.**
- (5) The Mayor shall be an *ex officio* member of any Advisory, Ad Hoc or other Committee struck by Council.

APPOINTMENTS

74. (1) The Members of a Standing Committee established pursuant to subsection 71(1) of this By-law shall be appointed by Resolution of Council.
- (2) The Members of an Advisory Committee established pursuant to subsection 71(2) of this By-law shall be appointed by Resolution of Council.
- (3) (a) The Members of an Ad Hoc Committee established pursuant to subsection 71(3) of this By-law shall be appointed by Resolution of Council.

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- (b) Despite clause (a) of this subsection, Council may direct the appointed Members to invite additional members of the public to participate in a volunteer capacity on an Ad Hoc Committee, with leave from the requirement that these volunteers be formally appointed by Resolution of Council.

TERM OF OFFICE

75. (1) The term of office for Members of any Standing Committee shall be the term of the Council, or until successor(s) are appointed
- (2) The Members of an Advisory Committee shall hold office for the term as may be determined by the Council in its Resolution of appointment, or until appointment of successor(s).
- (3) The term of office for Members of an Ad Hoc Committee, including both appointed and volunteer Members, shall end upon completion of the assigned task(s) and the subsequent reporting by such Ad Hoc Committee of its findings to General Committee, unless otherwise directed by Council.
- (4) The term of office for Members of a Subcommittee shall end upon completion of the assigned task(s) and the subsequent submission of the Subcommittee's findings to the parent Committee, unless otherwise directed by Council.

VACANCIES

76. (1) Except where the Terms of Reference of a Committee provide otherwise, the seat of a Member of a Committee shall be declared vacant if the Member is absent from the meetings of the Committee for three (3) consecutive months without first being authorized to be absent by a Resolution of Council
- (2) In any case where the seat of an appointed Member of an Advisory or an Ad Hoc Committee is declared vacant, the filling of the vacancy shall be made by Resolution of Council.
- (3) Subsections (1) and (2) of this Section shall not apply to Members of the Accessibility Advisory Committee or volunteer Members of an Ad Hoc Committee.

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EXCEPTIONS, RULES OF ORDER AND DEBATE IN COMMITTEE MEETINGS

PROCEDURES

77. (1) For Meetings of a Committee of Council, the following exceptions to the rules of order and debate apply:
- (a) a motion shall not be required to be seconded.
 - (b) the vote on any particular item shall not be recorded.
 - (c) despite clause (b) of this subsection, a Member may request that his/her vote be recorded in the minutes of the meeting, as being opposed to a motion.
 - (d) despite section 60 of this By-law, at the request of any Member of a Committee, any item on the Agenda of a Committee Meeting may be reconsidered prior to the adjournment of such Meeting, subject to the concurrence of a majority of the Members present.
 - (e) a Notice of Motion, as contemplated in Section 44 of this By-law, shall not be presented at a meeting of a Committee.
- (2) ~~Except as provided by law or in subsections 27(2) to (4) of this By-law, a person not a Member of a Committee shall not be allowed to address such Committee except upon first obtaining the approval of the Committee.~~
- (a) Any person wishing to address a Committee on any matter prior to the posting of the relevant meeting's Agenda, shall submit a request to the Clerk by 4:00 p.m. eight business days prior to the meeting at which the person desires to be heard, stating the nature of the business to be discussed.
 - (b) Any person wishing to address a Committee on a matter on the relevant meeting's Agenda shall submit a request to the Clerk by 4:00 p.m. two days prior to the meeting.
 - (c) A person granted permission to address a Committee shall confine their remarks to the stated business.
 - (d) Each delegation to a Committee shall be limited to speaking not more than ten minutes in total.

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- (e) Despite clause (d) of this subsection, a motion passed by a majority of the Committee Members present may extend the length of time allotted to a delegation.
- (f) Clause (b) of this subsection, does not apply to a person afforded to be heard on a matter by the authority of statute, including:
 - (i) a person addressing the Planning and Development Committee on a matter which is the subject of a public meeting or hearing for which notice was required pursuant to the Planning Act, R.S.O. 1990, c.P-13 as amended;

EXCEPTIONS, PROCEDURES IN COMMITTEE MEETINGS

CHAIR, STANDING COMMITTEES

78. (1) The Chair of a Standing Committee shall be appointed as follows:
- (a) The Chair of the Audit Committee shall be appointed from its membership at the first meeting of the term;
 - (b) The Chair of the Budget Committee shall be the Mayor or the Acting Mayor;
 - (c) The Chair of the General Committee, the Planning and Development Committee and the Transportation Committee shall be a Member of such Committee, as assigned on a rotating basis.
- (2) (a) The Chair and Vice-Chair of an Advisory Committee or Ad Hoc Committee, unless appointed by Council at the time the Committee was established, shall be recommended at the first meeting of the Committee, and reported to Council for ratification.
- (b) Any recommendation of an Advisory Committee or an Ad Hoc Committee for appointment to the office of Chair and Vice-Chair, as contemplated in clause (a) of this subsection, shall not be effective until adopted by Council.
- (3) The Chair of a Committee may vote on all questions submitted to the Committee.
- (4) In the absence of both the appointed Chair and Vice-Chair of any Committee, the Members may appoint from among those Members present at the Meeting, an Acting Chair to preside that particular meeting.

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SCHEDULING COMMITTEE MEETINGS

STANDING COMMITTEES

79. (1) Meetings of the Standing Committees of Council shall be scheduled by the Clerk on the following basis:
- (a) Audit Committee is to meet at least four (4) times each year subject to any additional meetings being convened from time to time, at the call of the Chair.
 - (b) Budget Committee is to meet at least one (1) time per year to deliberate on each of the Capital Budget and the Current Budget.
 - (c) General Committee is to meet at 9:00 a.m. on three week intervals, as determined by the Clerk.
 - (d) Planning and Development Committee is to meet at 7:00 p.m. on three week intervals, as determined by the Clerk. The time for Planning and Development Committee meetings may be adjusted by the Clerk to accommodate the number of items for consideration.
 - (e) Transportation Committee is to meet at 9:00 a.m. on three week intervals, as determined by the Clerk.
- (2) Meetings of Advisory Committees and Ad Hoc Committees of Council shall be scheduled by the Clerk on the following basis:
- (a) The date and time of the first meeting of any such Committee shall be determined by the Clerk after first canvassing the Committee's membership.
 - (b) Unless otherwise set in the Terms of Reference for any such Committee, the next and each succeeding meeting of shall be held on a regular basis as determined by the Committee, or at the call of its Chair.
- (3) Despite the guidelines in subsections (1) and (2) of this Section, the scheduling of Committee meetings may be amended from time to time by the Clerk to recognize insufficient agenda items or identified scheduling conflicts.

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PROCEEDINGS FOR COMMITTEE MEETINGS

OPEN MEETINGS

80. (1) All Meetings shall be open to the public, except as otherwise provided by law, or as set out in subsection (2) of this Section.
- (2) A Meeting or part of a Meeting of a Standing Committee may be closed to the public if the subject matter being considered includes any one or more of the following matters:
- (a) the security of the property of the municipality;
 - (b) personal matters about an identifiable individual, including a municipal employee;
 - (c) a proposed or pending acquisition or disposal of land for municipal purposes;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and
 - (f) advice that is subject to solicitor-client privilege, including communication necessary for that purpose; and
 - (g) a matter in respect of which the Committee may hold a closed meeting under another Act; and
 - (h) an educational or training session for the members of Committee, provided that no member discusses or otherwise deals with the matter in a way that materially advances the business or decision – making of the Committee.

QUORUM COMMITTEES

81. (1) A quorum for each of the Budget Committee, General Committee, Planning and Development Committee, and the Transportation Committee is established by the presence of a majority of the Members of such Committee.
- (2) Despite subsection (1) of this Section, a quorum for the Audit Committee is established by the presence of three (3) Members of Audit Committee.

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- (3) A quorum for an Advisory Committee or an Ad Hoc Committee, except where any Terms of Reference otherwise provide, is established by the presence of a majority of the Members of such Committee.
- (4) A quorum for a Subcommittee shall be established by the presence of a majority of its Members.

NOTICE OF MEETING, COMMITTEES

82. (1) The Clerk shall give notice of each regular and any special meeting of a Committee, to the Members of such Committee by delivery of an Agenda, identifying the date, time and location at which the meeting is scheduled, and listing the matters to be considered at the meeting.
- (2) The Agenda required under Subsection (1) of this Section, shall be delivered to the Members not later than twenty-four (24) hours preceding the time at which the meeting is scheduled to commence.
- (3) Despite subsections (1) and (2) of this Section, the time of delivery of the notice for a Subcommittee meeting may be altered by the direction of the Subcommittee.
- (4) Notice of meetings of Committees shall be given to the public by posting the date and time of the meeting on the Council and Committee Calendar on the City website.

UNFINISHED BUSINESS, COMMITTEES

83. Unless otherwise directed by the Committee, an item of business not disposed of by a Committee, shall be placed on the Agenda of the next regular meeting of Council, under the heading "Unfinished Business".

REPORTING, COMMITTEES

84. (1) Standing Committees shall report to Council.
- (2) Advisory Committees shall report to either General Committee or Transportation Committee as determined by the Clerk.
- (3) (a) Ad Hoc Committees shall report to General Committee.
- (b) Upon direction of Council, an Ad Hoc Committee shall report its findings to General Committee, by way of a Corporate Report.

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- (4) A Subcommittee shall report directly to the parent Committee.

MINUTES, COMMITTEE

85. (1) The Clerk shall record the proceedings of the Meetings of the Committees of Council, in the form of annotated Minutes.
- (2) The Minutes of a meeting of a Standing Committee shall be distributed to the Members of such Standing Committee for information, and shall not require adoption by that Standing Committee or the Council to give effect to any direction of the Committee, or a request made by a Committee Member, which is not represented in the Committee's recommendations to Council.
- (3) Despite subsection (2) of this Section:
- (a) ~~The portion of the Minutes of a Planning and Development Committee meeting related to a public meeting for which notice was given pursuant to the Planning Act, shall be extracted from the annotated Minutes of the Planning and Development Committee and subsequently presented for receipt by Council;~~
- The Minutes of the **Planning and Development Committee** and Audit Committee meetings shall be presented for adoption by that Committee, at the next succeeding meeting of the Committee
- (b) The Minutes of an Advisory Committee or an Ad Hoc Committee meeting shall be presented at the next succeeding meeting of such Committee for **adoption** by that Committee.
- (c) **The Clerk is authorized to make minor technical or clerical corrections to the minutes or resolutions after they have been adopted, with appropriate notation included in the minutes identifying the correction, so long as the intent and integrity of the information and /or resolution is not changed.**

DISBANDING, COMMITTEES

86. (1) ~~Unless otherwise directed by the Council~~ An Ad Hoc Committee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.
- (2) ~~Unless otherwise directed by the Council~~ A Subcommittee shall be considered disbanded upon completion of the assigned task(s) and submission of its findings.

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CLERK'S DUTIES

87. (1) The Clerk shall be the Secretary of all Committees of the Council and may assign any such duties as Secretary of any Committee to an employee, **but may continue to exercise the duties despite the delegation.** ~~in the Office of the City Clerk.~~
- (2) The Clerk may assign to any employee ~~in the Office of the City Clerk~~, the Clerk's duties related to the giving of notice and the recording of the proceedings of meetings of Council and its Committees, **but may continue to exercise the duties despite the delegation.**
- (3) Every by-law, upon enactment, shall be signed by the Mayor or the Acting Mayor, and, the Clerk or Deputy Clerk, with the date of enactment thereof entered and the Corporate Seal of The Corporation of the City of Mississauga affixed thereto.

CITY SOLICITOR

88. (1) The City Solicitor is authorized to commence or to defend any proceeding appeal, or other form of action in a court or before an administrative tribunal to meet statutory or regulatory time limits and to seek costs where appropriate in accordance with the rules of the Court or Tribunal.
- (2) The City Solicitor shall report to Council at the first available opportunity on such any action taken, and Council shall determine whether the matter should be continued or discontinued.

DELEGATION TO STAFF DURING COUNCIL'S SUMMER RECESS

89. Council delegates authorization to enter into certain agreements and execute certain matters to allow staff to continue business operations during Council's Summer Recess subject to the following:
- (1) Despite the provisions of the City's Purchasing Bylaw 374-06, as amended, Council delegates to the City Manager (or designate) the authority to approve high value single/sole source acquisitions and amendments, as defined in the Purchasing Bylaw 374-06, where appropriate. Such delegation of authority shall be exercised only after:
- (a) the circulation of a summary of the details of the acquisition or amendment, as applicable, to the Mayor and all members of Council 14 days prior to the execution of such authority; and

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- (b) no objection is raised by the Mayor or any member of Council within such 14 days.
- (2) Council delegates to the City Solicitor the authority to bring an application to the Superior Court to restrain a contravention of a City bylaw or a statute enforced by City staff.
- (3) Despite the provisions of the City's Noise Control Bylaw 360-79, as amended, Council delegates to the Commissioner of Transportation and Works (or designate) the authority to approve exemptions, where appropriate, under the Noise Control Bylaw 360-79, as amended, subject to advance notification to the applicable Ward Councillor prior to the exercise of such delegation powers.
- (4) Council delegates to the Commissioner of Transportation and Works (or designate) the authority to approve traffic amendments and close a highway temporarily, subject to advance notification to the applicable Ward Councillor prior to the exercise of such delegation powers. Any applicable amendments as may be required to the Traffic Bylaw 555-00, as amended, shall be confirmed by council at the next available Council meeting.
- (5) Unless otherwise specifically delegated by another bylaw, Council delegates the authority to approve assumption agreements and standard agreements for development approvals to the Commissioner of Community Services (or designate), the Commissioner of Corporate Services (or designate), the Commissioner of Planning and Building (or designate) or the Commissioner of Transportation and Works (or designate), as applicable, under the City's development approval process.
- (6) Council delegates to the City Clerk the authority to approve liquor license extensions for festivals and restaurants, and to provide any other applicable municipal approvals required for the granting of a Special Occasion Permit under the Liquor License Act by the Alcohol and Gaming Commission of Ontario. Such delegated authority shall include the authority to declare an event to be of municipal significance, which may be declared only after:
 - (a) the circulation of a summary of the details of the event to the Mayor and all members of Council 14 days prior to the declaration; and
 - (b) no objection is raised by the Mayor and any member of Council within such 14 days.

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- (7) Council delegates the authority to enter into funding agreements in a form satisfactory to the Legal Services, where the City is receiving funds, to the Commissioner of the originating department (or his/her designate).
- (8) Council delegates to the Director, Culture Division (or designate), the authority to consider and either consent to or refuse applications to repeal designating bylaws, applications to erect, alter or demolish buildings or structure on properties designated under Parts IV and V of the *Ontario Heritage Act*, and to give notice of intention to designate listed properties, upon consultation with the City's Heritage Advisory Committee when required to do so under the *Ontario Heritage Act*.
- (9) Council delegates to the Director, Revenue, and Materiel Management (or designate), the authority to enter into an extension agreement with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land extending the period of time in which the cancellation price is to be paid if such authority is exercised prior to the expiry of the one year period following the date of the registration of a tax arrears certificate on the property.
- (10) The following matters shall continue to be approved by Council:
 - a. Agreements for municipal capital facilities;
 - b. Agreements requiring that a stand-alone bylaw be entered into, unless the agreement is a funding agreement as provided in section 87(7) or a tax extension agreement as provided in section 87(9) of this Bylaw;
 - c. Appointing statutory staff;
 - d. Budget matters;
 - e. Commencing or defending litigation, except as provided in this Bylaw (to meet statutory timelines);
 - f. Settling litigation, unless otherwise specifically delegated by Council;
 - g. Planning Act matters (approvals of rezoning applications, official plans or official plan amendments);
 - h. Purchase or sale of property, unless otherwise specifically delegated;

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- i. The power to incorporate corporations;
 - j. Taxation matters other than the authority to enter into a tax extension agreement as provided in section 87(9) of this Bylaw; and
 - k. Any other matter where delegation of authority is prohibited by legislation.
- (11) All delegations provided in this Section shall cease once Council reconvenes following the Summer Recess.

GENERAL PROVISIONS

90. (1) This By-law shall not be amended or repealed except by a majority vote of all Members of Council.
- (2) No amendments or repeal of this By-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and in accordance with section 22.
- (3) No suspension ~~or amendment~~ of any provision of this By-law shall be considered at any meeting of the Council, or a Committee of Council, unless notice of the proposed suspension or amendment is given at a previous regular meeting of the Council.
- (4) The applicable Rules of Debate of the Provincial Legislature shall prevail in all circumstances not covered by this By-law or where there is a conflict between any two or more provisions of this By-law.
- (5) Any reference in this By-law to one or more sections of legislation of the Province of Ontario includes any successor section of legislation enacted from time to time.
- (6) Council, or a Committee of Council, shall not waive the notice requirement set out in subsections (2) and (3) of this Section.
91. Upon enactment of this By-law, By-law 421-03, as amended, is hereby repealed.
92. This By-law may be referred to as the “Council Procedure By-law”.
93. This By-law shall be in force and effect upon the date of enactment.

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ENACTED and PASSED this day of 2013.

MAYOR

CLERK

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Schedule 'A' to Procedural By-law ____-2013

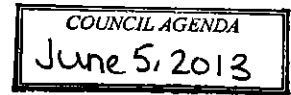
CRITERIA TO FORM A NEW ADVISORY COMMITTEE:

There is a statutory requirement requiring the Committee

If there is not a statutory requirement, the establishment of the Committee must fulfill five (5) of the following Criteria:

1. Aligns with Strategic Plan (and other Master Plans or guiding documents).
2. Requires citizen voice(s) or external stakeholder expertise to develop public policy or fulfill corporate mandate.
3. Broad subject matter is handled by multiple internal divisions and or external stakeholders.
4. Emerging issue of clear importance to the municipality.
5. Significantly helps stream-line discussion and decision-making at Standing Committees.
6. Handles work that staff do not perform.
7. Needed for the long-term (minimum of five years).
8. Mandate and work plan can be clearly articulated.

REPORT 8 – 2013



TO: MAYOR AND MEMBERS OF COUNCIL

The Planning and Development Committee presents its eight report of 2013 from its meeting held on May 27, 2013, and recommends:

PDC-0033-2013

That the report dated May 7, 2013 from the Commissioner of Planning and Building regarding Sign By-law 0054-2002, as amended, and the requested three (3) Sign Variance Applications described in the Appendices of the report, be adopted in accordance with the following:

1. That the following Sign Variances **be granted**:

- (a) Sign Variance Application 13-03750
Ward 5
Walmart
7333 Goreway Drive

To permit the following:

- (i) One (1) fascia sign attached to a building elevation which does not face a street or contains the main entrance for the public.

- (b) Sign Variance Application 13-03647
Ward 6
A & W
5880 Mavis Rd.

To permit the following:

- (i) One (1) fascia sign on the east (front) elevation with a sign area equal to 20.3% of the building façade and which projects above the parapet of the building.
- (ii) One (1) fascia sign on the north (side) elevation with a sign area equal to 26.9% of building façade.
- (iii) One (1) fascia sign on the south (side) elevation with a sign area equal to 26.9% of the building façade.

- (c) Sign Variance Application 12-03104
Ward 9
First Gulf Corporation
2476 Argentia Rd.

To permit the following:

- (i) A real estate sign with a sign area of 5.9 sq. m. (64 sq. ft.).

File: BL.03-SIG (2011)

PDC-0034-2013

That the report titled "Appeals to Region of Peel Official Plan Amendment (ROPA) 26" dated May 7, 2013 from the Commissioner of Planning and Building, be received for information.

File: LA.09 REG

PDC-0035-2013

That the Report dated May 7, 2013, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan for a portion of the subject lands from "Residential High Density – Special Site 6" to "Residential High Density - Special Site" and to change the Zoning from "H-RA2-46" (Apartment Dwellings), "H-C4-45" (Mainstreet Commercial) and "G1" (Greenbelt-Natural Hazards) to "H-RA2-Exception" (Apartment Dwellings), "H-C4-Exception" (Mainstreet Commercial) and "G1" (Greenbelt-Natural Hazards) to permit a 324 unit condominium apartment building ranging in height from 4 to 6 storeys with limited ground floor commercial uses and to complete the partially constructed 3-storey building at the southwest corner of the site for commercial/office uses under file OZ 12/010 W2, 2286974 Ontario Inc., 1571, 1575 and 1601 Lakeshore Road West, north side of Lakeshore Road West, east of Clarkson Road North, be received for information.

File: OZ 12/010 W2

PDC-0036-2013

- (a) That the Report dated May 7, 2013, from the Commissioner of Planning and Building under files OZ 11/019 W11 and T-M11006 W11, 1731860 Ontario Limited, 5267 Mississauga Road, be received, and that staff be directed to undertake a study to determine the appropriate land use for the site.

(b) That the following correspondence be received:

- 1) PETITION from 271 Residents in opposition of the development
(Page 1 of 16 attached). Full copies available upon request
- 2) Email dated May 1, 2013 from Peter Bowie and Family
- 3) Email dated May 1, 2013 from Shaibal Datta
- 4) Email dated May 5 and 13, 2013 from Tom and Pam Pitz
- 5) Email dated May 6 from Brian and Carol Ashford
- 6) Email dated May 6, 2013 from Sujata Hazari
- 7) Email dated May 14, 2013 from Irene Tse
- 8) Email dated May 16, 2013 from Keka Abdee
- 9) Email dated May 16, 2013 from Peter Papay and Family
- 10) Letter dated May 16, 2013 from Carmelo and Mary Boscarino
- 11) Email dated May 17, 2013 from Ed Choy
- 12) Email dated May 17, 2013 from George Kyriakis
- 13) Email dated May 17, 2013 from Yousef Botros
- 14) Letter dated May 19, 2013 from Scott and Patricia Patterson
- 15) Email dated May 21, 2013 from Joanne Klingenberg
- 16) Email dated May 21, 2013 from Patrick Castelino
- 17) Email dated May 21, 2013 from Aref and Nisreen Poonawala
- 18) Email dated May 22, 2013 from Gerry Nichol
- 19) Email dated May 22, 2013 from Ray Lessard
- 20) Email dated May 23, 2013 from Ron and Margaret Strain
- 21) Letter dated May 24, 2013 from Violet Aziz, Resident
- 22) Letter dated May 24, 2013 from Residents submitted by Violet Aziz
- 23) Email dated May 25, 2013, from Parvinder S. Saund, Resident
- 24) Email dated May 26, 2013 from John Soutsos, Resident
- 25) Email dated May 26, 2013 from David Ross, Resident
- 26) Email dated May 26, 2013 from P.J. & Angela Gallagher Residents
- 27) Email dated May 26, 2013 from Deepak Amarnani, Resident
- 28) Email dated May 27, 2013 from Michael Bishop, Resident
- 29) Letter dated May 27, 2013 from Saj Aziz, Resident
- 30) Email dated May 27, 2013 from Marcia Best, Resident
- 31) Email dated May 27, 2013 from Enkeleida & Dritan Alushi, Residents

File: OZ 11/019 W11 and T-M11006 W11

REPORT 11 - 2013

TO: THE MAYOR & MEMBERS OF COUNCIL

General Committee of Council presents its eleventh Report of 2013 and recommends:

GC-0339-2013

1. That the deputation by David Babstock, Ward 7 Resident and Dudley Briggs, Orchard Heights Ratepayer Association with respect to Orchard Heights Park access be received.
2. That the correspondence from a resident in the Orchard Heights area with respect to Orchard Heights Park be received.

(Ward 1)

GC-0340-2013

That vehicle access to Orchard Heights Park be reinstated immediately and remain available from April 1 to November 30 each year, as outlined in the Corporate Report dated May 9, 2013 from the Commissioner of Community Services.

(Ward 1)

GC-0341-2013

That the report dated May 6, 2013 from the Commissioner of Community Services entitled “Emerald Ash Borer Management Plan Update” be received for information.

GC-0342-2013

That a by-law be enacted to amend By-law 555-2000, as amended, to implement a parking prohibition on both sides of Barry Avenue from 11:00 p.m. to 7:00 a.m.

(Ward 11)

GC-0343-2013

That a by-law be enacted to amend By-law 555-2000, as amended, to implement lower driveway boulevard parking between the curb and sidewalk, at any time, on both sides of Tours Road between Winston Churchill Boulevard and Edenwood Drive.

(Ward 9)

GC-0344-2013

That a by-law be enacted to authorize the Commissioner of Transportation and Works and the City Clerk to execute and affix the Corporate Seal to the Warning Clause Agreement between David Lawrence Richardson and Donaria Dos Reis and The Corporation of the City of Mississauga to the satisfaction of the City Solicitor.

(Ward 1)

GC-0345-2013

1. That a by-law be enacted to amend the Transit By-law 425-2003, as amended, to include additional regulations with respect to incidences as outlined in this report from the Commissioner of Transportation and Works dated May 6, 2013.
2. That Legal Services be authorized to make an application to the Ministry of the Attorney General for set fines under Part I of the Provincial Offences Act for By-law 425-2003, as amended.

GC-0346-2013

That a by-law be enacted to amend By-law 555-2000, as amended, to remove the School Bus Loading Zone on the west side of Church Street between a point 15 metres (49 feet) south of Water Street and a point 30 metres (98 feet) southerly thereof.

(Ward 11)

GC-0347-2013

That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for CA'B'065-066/03, Joseph Batty, (lands located north Lakeshore Road West, east of the Credit River, west of Mississauga Road and south of The Queen Elizabeth Way, in Z-08, known as Temagami Crescent Extension) and that the Letter of Credit in the amount of \$43,848.29 be returned to the developer.

CA'B'065-066/03 (Ward 2)

GC-0348-2013

That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for CA'B'067-070/03, Castlegreen Building Corporation Limited, (lands located north Britannia Road West, east of Castlegrove Court, west of Grossbeak Drive and south of Prairie Circle, in Z-56, known as Residential Development – CA'B'067-070/03) and that the Letter of Credit in the amount of \$144,142.05 be returned to the developer.

CA'B'067-070/03 (Ward 10)

GC-0349-2013

That the report dated May 7, 2013, from the Commissioner of Community Services, entitled Toronto's Future Weather & Climate Driver Study be received for information.

GC-0350-2013

1. That PN 13-315, Huron Park Outdoor Basketball Rejuvenation, be established with a gross and net budget of \$125,000.
2. That funds allocated for Ward 7 in the amount of \$125,000 be transferred from the 2009 Special Capital Project Reserve Fund (Account# 35574), into the Huron Park Outdoor Basketball Rejuvenation project (PN 13-315).
3. That all necessary by-laws be enacted.
(Ward 7)

GC-0351-2013

That the following naming request be considered for the period of 30 days:

1. That the Youth/Senior room in Clarkson Community Centre, located at 2475 Truscott Drive, be renamed in recognition of Margaret Marland; and,
2. That the requirement for the recognition of an individual be posthumous, as outlined in the City's "Property and Facility Naming and Dedications" Corporate Policy 05-02-02, be waived.

(Ward 2)

GC-0352-2013

That the following renaming request be considered for the period of 30 days:

That a portion of the Etobicoke Valley (P-238) be renamed and renumbered to "Pallett Green" (P-521).

(Ward 1)

GC-0353-2013

1. That Gledhill-Shaw Enterprises Ltd. (Gledhill-Shaw) be established as a single source vendor for the provision of Firefighter Applicant Testing.
2. That the Purchasing Agent or designate be authorized to continue to treat Gledhill-Shaw Enterprises Ltd. as a single source vendor for the provision of Firefighter Applicant Testing, as required, for the period June 1, 2013 to May 31, 2018, and execute forms of commitment satisfactory to Materiel Management, Fire & Emergency Services, Human Resources and Legal Services.

GC-0354-2013

1. That a portion of City owned property, known as Brookmede Park, located at 2264 Council Ring Road, containing a site area of approximately 335 square metres (3,605.91 square feet), be declared surplus to the City's requirements for the purposes of a proposed land exchange with Peel District School Board. The subject lands are legally described as Part of Block K, Plan 915, designated as Parts 1 and 2 on a Draft Reference Plan prepared by Tarasick McMillan Kubicki Limited (File No. 4638-RP), in the City of Mississauga, Regional Municipality of Peel, in Ward 8.
2. That the Realty Services Section of the Corporate Services Department be authorized to enter into negotiations for a Land Exchange Agreement between The Corporation of the City of Mississauga ("City") and the Peel District School Board (the "Board"), including all documents ancillary thereto, and, any amending agreements as may be required to exchange title to their respective lands.
3. That all steps necessary to comply with the requirements of Section 2.(1) of City Notice By-law 215-2008 be taken, including giving notice to the public by the posting of a notice on the City of Mississauga's website for at least three weeks prior to the execution of a land exchange agreement for the subject lands under Delegated Authority.

(Ward 8)

GC-0355-2013

1. That a portion of City owned property known as Hillside Park, located at 1311 Kelly Road, containing a site area of approximately 1.38 ha. (3.4 acres), be declared surplus to the City's requirements for the purpose of a proposed sale to the Peel District School Board. The subject lands are legally described as Part of Blocks D and E, Plan 587, designated as Parts 3, 4, 5, 6, 7, 8, 9 and 10 on a Draft Reference Plan prepared by Viorel Mares, OLS, (the Assistant City Surveyor), in the City of Mississauga, Regional Municipality of Peel, in Ward 2.
2. That the Realty Services Section of the Corporate Services Department be authorized to enter into negotiations for an Agreement of Purchase and Sale, including all documents ancillary thereto and amending agreements as may be required, between the Corporation of the City of Mississauga ("City"), as the vendor and the Peel District School Board ("PDSB") as the purchaser for the disposal of the subject lands.
3. That the Realty Services Section of the Corporate Services Department be authorized to enter into negotiations for an Agreement of Purchase and Sale, including all documents ancillary thereto and amending agreements as may be required, between the Corporation of the City of Mississauga ("City"), as the purchaser and the Peel District School Board ("PDSB") as the vendor for the acquisition of the Willow Glen Public School property.

4. That subject to successful negotiations, the Realty Services Section of the Corporate Services Department report to Council seeking approval of the Agreements of Purchase and Sale for the disposal of a portion of Hillside Park, and the acquisition of Willow Glen Public School.
5. That all steps necessary to comply with the requirements of Section 2.(1) of City Notice By-law 215-2008 be taken, including giving notice to the public by posting a notice on the City of Mississauga's website for a two week period, where the expiry of the two week period will be at least one week before the execution of the Agreement of Purchase and Sale of the said lands, as per the requirements of the City Notice By-law 0215-2008, as amended by By-law 0376-2008.

(Ward 2)

GC-0356-2013

That \$300.00 be spent from the 2013 Mississauga Cycling Advisory Committee operating budget to purchase a Go Pro.

(MCAC-0027-2013)

GC-0357-2013

That the email from Jack Petrilli, Resident regarding improving safety on our bike lanes be received.

(MCAC-0028-2013)

GC-0358-2013

That the Communications and Promotions Subcommittee Chair be authorized to contact and to choose the recipient of the 2012 Phil Green Recognition Award from the nominees discussed at the Mississauga Cycling Advisory Committee meeting held on May 14, 2013.

(MCAC-0029-2013)

GC-0359-2013

That the 2013 Calendar of Events regarding Mississauga cycling related events in 2013 be received as amended.

(MCAC-0030-2013)

GC-0360-2013

That the 2013 Mississauga Cycling Advisory Committee Action List be received as amended.

(MCAC-0031-2013)

GC-0361-2013

That recommendation RSM-0007-2013 that was previously adopted by Council through recommendation number GC-270-2013 be amended to the following: That the petition requesting to lower speed limit in Orchard Heights to 40km/hr be received and staff report back to the Road Safety Mississauga Advisory Committee (RSM) on how to handle future requests to lower speed limits to 40km/hr.

(RSM-0010-2013)

GC-0362-2013

1. That the report from the Commissioner of Transportation and Works dated May 13, 2013 entitled “40 km/h Speed Limits” be received and that staff incorporate a new policy to include an educational component.
2. That the Transportation and Works Department incorporate comments received from the Road Safety Mississauga Advisory Committee and prepare a report to be considered by General Committee on the recommended changes to implement lower posted speeds.

(RSM-0011-2013)

GC-0363-2013

That the Mississauga Road Watch program statistics for the month of March 2013 be received.

(RSM-0012-2013)

GC-0364-2013

That the letter dated April 25, 2013 from Stephanie Smith, regarding the Peter J. Marshall Municipal Innovation Award – Submission be received.

RSM-0013-2013

GC-0365-2013

That based on applications received by Traffic Safety Council for the 2012-2013 Wilde Wood Award for School Zone Safety and recommendations by members of the Kiss & Ride Subcommittee of Traffic Safety Council, that the following schools be awarded the Wilde Wood Award for School Zone Safety for 2012-2013 and that \$500.00 from the 2013 Traffic Safety Council budget be awarded to each school for school safety purposes:

Peel District School Board

Meadowvale Village Public School (Ward 11)

Oscar Peterson Public School (Ward 10)

Dufferin-Peel Catholic District School Board

St. Faustina Catholic School (Ward 10)

GC -0366-2013

Whereas the Dr. Arthur Wood Safety Award was established in 2005, in conjunction with the Mississauga Traffic Safety Council 50th Anniversary celebration;

AND Whereas this annual award was established to honour the late Dr. Arthur Wood who was instrumental in the establishment of the Mississauga Traffic Safety Council;

AND Whereas Louise Goegan has dedicated her time and effort to children's safety in school zones in Mississauga for over 15 years;

AND Whereas Louise Goegan has represented the Traffic Safety Council across the Province of Ontario at numerous transportation and traffic safety conferences and events;

AND Whereas Louise Goegan has been active in the School Zone Safety (Kiss and Ride) Program;

AND Whereas Louise Goegan has been a driving force in the design and implementation of school walking routes programs;

AND Whereas the Traffic Safety Council meeting scheduled for May 22, 2013 failed for quorum;

AND Whereas a majority of Traffic Safety Council have requested that in the interest of time, that Council consider Louise Goegan as the recipient of the 2013 Dr. Arthur Wood Safety Award.

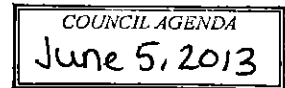
Now therefore be it resolved that Louise Goegan be the recipient of the 2013 Dr. Arthur Wood Safety Award.

GC-0367-2013

That a by-law be enacted authorizing the Commissioner of Community Services and the City Clerk to enter into an Agreement with SMG Canada ULC, in a form satisfactory to Legal Services, for the management and operation of the Hershey Spectator Arena Complex for a period of five (5) years, with an expiry date of June 30, 2018, with a possible renewal term of an additional five (5) years, subject to Council approval.

This is an extract of the Planning and Development Committee meeting held on May 27, 2013.

Councillor Dale, Chair, called this public meeting to order at 7:02 p.m.



2. PUBLIC MEETING

Information Report on Official Plan Amendment and Rezoning Applications to permit a 324 unit condominium apartment building ranging in height from 4 to 6 storeys with limited ground floor commercial uses and to complete the partially constructed 3-storey building at the southwest corner of the site for commercial/office uses at 1571, 1575 and 1601 Lakeshore Road West, north side of Lakeshore Road West, east of Clarkson Road North

Owner: 2286974 Ontario Inc.

Applicant: Bousfields Inc., Bill 51 (Ward 2)

File: OZ 12 010 W2

Lindsay Dale-Harris, Bousfields Inc., reviewed the development including the history of the site designated for high density residential and mixed-use commercial, and the Clarkson Village Study which recommends moderate development with a maximum height of 6 storeys. The height has been reduced from 6 storeys to primarily 4 storeys with pop-ups rising to 6 storeys due to ground elevation. The proposal calls for 324 units split between 1 and 2 bedrooms. The project is designed to respond to the character of the neighbourhood.

Boyd Upper, Resident, addressed the Committee. He spoke in support of the project but noted that concerns expressed by the residents have not been alleviated with respect to traffic flow on Lakeshore Road, the necessity for commercial development that is not fronting the street, and the question of Section 37 of the Planning Act. He stated that over the years various proposals have been made for the redevelopment of the property, and the zoning changed each time, yet the proponents did not pursue further. He suggested that the calculation of community benefits be applied from the time the property was initially zoned for 3 single family dwellings.

In response to Madam Mayor's query as to whether the residents from the proposed development could walk to existing retail, Mr. Boyd responded in the affirmative. Madam Mayor noted that this will encourage people to walk instead of driving.

Marilyn Ball, Director of Development and Design, noted that the Section 37 requirements came into place after the previous zoning and after the Official Plan designation was put in place on the property. Consideration for the uplift would be based on the current proposal of 374 units from the previously approved 246 units, and cannot be retroactive to previous applications.

Mr. Upper noted that Section 37 was put into the Ontario Planning Act in 1987 and its application is being considered for other projects where there is significant increase in height or density. He reiterated his recommendation not to eliminate the community benefit that this site would generate if the calculation is applied from the time the property was initially going to be developed.

Councillor Mullin noted her disagreement with staff comments on the application of Section 37. The City had the opportunity for years to apply Section 37 and chose not to do so. Councillor Mullin said that logical use of Section 37 should not be disregarded as the community benefit would be significant if the uplift was based on the original designation of the property.

Madam Mayor agreed with Councillor Mullin's comments.

Ed Sajecki, Commissioner, Planning and Development, responded that staff will review the matter with Legal Services and report back to the Committee.

Councillor Mullin commented that the site had been an eyesore for a number of years. Residents raised a number of concerns at public meetings, including traffic concerns. She requested the Transportation and Works Department to review the traffic study to ensure that safety is addressed. With regard to the retail space, she concurs with the residents. Councillor Mullin noted that community benefits are needed and Section 37 calculation should be based on the original proposal when there were 3 single family dwellings. She hopes that the issues with respect to traffic, retail space and community benefits can be addressed and that the project can move forward.

Madam Mayor said the project will be an asset to the area. She noted that the way to alleviate the traffic problem will be with the provision of a public transit system to avoid gridlock.

Councillor Iannicca agreed with Madam Mayor's comments. He said that the development was moving in the right direction but the retail component needs to be resolved.

In response to Councillor Crombie's query regarding fly ash containment, David Breveglieri, Development Planner, responded that it has been capped underneath Birchwood Park and has not spilled over on the subject site.

Councillor Dale spoke of a similar mid-rise development in Ward 4, built by Vandyk, which has been very well received by the community.

Councillor Mullin advised that Birchwood Park had been newly layered with trees and fencing to ensure fly ash containment.

Councillor Mullin moved the following motion which was voted on and carried:

PDC-0034-2013

- (a) That the Report dated May 7, 2013, from the Commissioner of Planning and Building regarding the applications to amend the Official Plan for a portion of the subject lands from "Residential High Density – Special Site 6" to "Residential High Density - Special Site" and to change the Zoning from "H-RA2-46" (Apartment Dwellings), "H-C4-45" (Mainstreet Commercial) and "G1" (Greenbelt-Natural Hazards) to "H-RA2-Exception" (Apartment Dwellings), "H-C4-Exception" (Mainstreet Commercial) and "G1" (Greenbelt-Natural Hazards) to permit a 324 unit condominium apartment building ranging in height from 4 to 6 storeys with limited ground floor commercial uses and to complete the partially constructed 3-storey building at the southwest corner of the site for commercial/office uses under file OZ 12/010 W2, 2286974 Ontario Inc., 1571, 1575 and 1601 Lakeshore Road West, north side of Lakeshore Road West, east of Clarkson Road North, be received for information.

RECEIVED – (Councillor P. Mullin)
File: OZ 12/010 W2

This Public Meeting closed at 7:34 p.m.

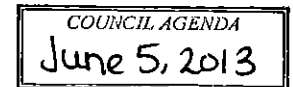
4. PUBLIC MEETING

Information report on Official Plan Amendment, Rezoning and Draft Plan of Subdivision Applications to permit 5 commercial buildings and 11 detached dwellings on 5267 Mississauga Road, East side of Mississauga Road, north of Melody Drive and south of the CPR rail corridor

Owner: 1731860 Ontario Limited

Applicant: John D. Rogers & Associates Inc., Bill 51, (Ward 11)

File: OZ 11/019 W11 & T-M11006 W11



Councillor Dale, Chair, called this public meeting to order at 7:35 p.m.

Michael Crabtree, John D. Rogers & Associates Inc., and Patrick Luckie, Architect, Romanov and Romanov Architects Inc., presented to the Committee. Mr. Crabtree noted that the Ontario Municipal Board had refused a previous proposal for residential development and another for industrial on the basis that they did not represent good planning given the surrounding land uses.

Patrick Luckie reviewed the site plan and highlighted the commercial buildings, the landscape amenities within the development, the streetscape and artists concepts as well as a pedestrian friendly plan and a bike lane. He noted that the commercial buildings would be indicative of those along the Main Street of Streetsville and the dwellings along Melody Drive would match the character of the neighbourhood. The 2 storey commercial office building will act as a buffer between the development and the residential area as well as address the site-line issues from Melody Drive.

Councillor Carlson noted that a solution for the use of this property has been very challenging, and there appears to be no common ground between the applicant and the residents. He said that it is a bottle-necked area, that Mississauga Road is narrow in the area with 80 to 100 trains blocking the road daily, that there are a myriad of issues with respect to access and egress, as well as the issue of it being a scenic route into Streetsville. The proposed development will significantly change the area. Councillor Carlson said he had no issues with the applicant, just the application.

Pam Pitz, Resident, spoke in opposition to the development. She spoke of the traffic implications for residents of Credit Mills, particularly on Erin Centres Boulevard and Forest Hill Drive, as drivers try to avoid the gridlock on Mississauga Road. The situation would be further complicated if GO Transit plans for additional trains are implemented requiring track alterations on Mississauga Road. She felt that this development was not suitable for "The Village within the City" and would also pose added stress to existing businesses. Mrs. Pitz noted that there was a transportation issue and requested that a study be conducted at the developer's expense which should include the impact on the Credit Mills neighbourhood.

Rod Ramlalsingh, Resident, spoke in opposition to the development except for the residential component on Melody Drive. However, he noted that the dwellings should be built within the "R3" Zone provisions like the rest of the sub-division, and not within the "R4" Zone provisions, and requested this not be accepted. Mr. Ramlalsingh also noted that the developer is proposing a parking lot on the top end of Melody Drive and he foresees an application in the future that will be made to open an entrance into the sub-division due to the traffic chaos on Mississauga Road. He suggested that the developer build the 50 ft. lot houses by taking part of the proposed parking lot fronting Melody Drive to prevent a future entrance into the sub-division.

Sajid Aziz, Resident, spoke in opposition to the development. He noted that the traffic study for the proposal is based on is inadequate and was isolated to the Erin Centre Boulevard and Melody Drive/Mississauga Road intersections, disregarding the railway tracks, future tracks, grade separation and the traffic coming out of Reid Drive. Mr. Aziz said that with an office building being proposed for the corner lot by another owner, the anticipated expansion in train traffic, and the proposed additional parking for over 500 vehicles, a more comprehensive traffic study is required. He requested that the Committee refrain from making a decision that will fundamentally change the neighbourhood.

Brian Ashford, Resident, spoke in opposition of the development. He said that the proposed parking on both sides of the residential development on Melody Drive showed a lack of respect for the community. Mr. Ashford suggested that this parking be situated behind the residential development. He also noted that GO Transit was planning continuous daily train service requiring an additional track and grade separation at Queen Street, further complicating exit and entry issues.

Steve Barrett, Manager, Transportation Asset Management, commented that staff were waiting for a feasibility study from GO Transit.

Emelie Vea, Resident, noted her support for the development but agreed with the concerns raised by the community. She expressed concern with the design and the proposal to amend the Official Plan. She commented that the built form fronting Mississauga Road should be carefully designed to maintain continuity of the scenic route. With respect to the proposal to amend the Official Plan to "Mixed-Use – Special Site" and "C2-Exception", Ms. Vea felt this contradicts with the values and character of a small town main street prohibiting both residential uses as well as schools and day-care centres and suggested that the developer design a live/work environment.

Adly Banoub, Resident, spoke in opposition of the development. He said that the Streetsville community is already served well by the many retail outlets in Mississauga. He saw this development as a purely commercial venture and an opportunity for the City to collect more taxes, but it does not serve the community. The project also does not

clearly identify the types of commercial uses and the additional 507 vehicles will pose a problem for pedestrians.

June Samaras, Resident, expressed concern about the negative impact of the proposed development would have on life in Streetsville. Existing traffic volume had already put Mississauga Road/Queen Street beyond its capacity and the traffic study did not reflect the expansion of the GO Station parking lot. She noted that it is almost impossible to exit Old Station Road to make a left turn.

Mary Bull, Solicitor for Mondalez International, (formerly Kraft Canada), who operate the mill north of the proposed development, addressed the Committee. Mondalez International has no objection to the development as long as it does not impact the operation of the mill. A concern is the noise impact on the proposed dwellings from the mill therefore posing a threat to its operation, but with careful design between the commercial and residential development, a buffer to the noise can be created. Achieving this balance must be reflected in the Official Plan and the Zoning By-Law. Mondalez International does not yet have sufficient details on the specific design of the development, but will continue to work with the proponent to ensure compatibility with the mill. However, when the Committee considers this proposal further, and sufficient details have not been provided by the developers to Mondalez International, they will request an amendment to the Official Plan to ensure compatibility with the mill.

Carmelo Boscarino, Resident, spoke in opposition of the development. He said that the development will destroy Mississauga Road and cripple Streetsville. He suggested that the City has collected enough taxes from residents to be able to afford the purchase of the land and turn it into a park. He cited concerns with noise and traffic, especially when the road is closed for trains to pass.

Michael Lubinsky, Resident, spoke in opposition of the development. He noted that the concept of a noise buffer is great however the mill itself is composed of silos, hence sound reverberates. Mr. Lubinsky spoke of the existing gridlock, especially on Sundays because of the church, and suggested that the site could be suitable for a farmers market.

Madam Mayor agreed with Councillor Carlson that this was a problem site. She noted that in addition to the noise from the mill, the noise from the railroad tracks will soon become a major issue once all day service is implemented by GO Transit. As well, with more tracks, there will be an increase in the movement of goods by train and the number of times the road is closed for them to pass will add considerably to the gridlock. As long as people own numerous cars, traffic will continue to be heavy across the city, but the train traffic in Streetsville is a problem and will continue to grow. She noted that grade separation was not an option. She suggested that the solution might be more residential development in the area and a buffer to the track. Commercial development is going to add to the traffic in a major way. Madam Mayor

recommended that instead of waiting for a developer to come up with a solution for the use of the site, it was time for staff to conduct a study for a suitable plan for it, taking into account the increased train traffic. She spoke of the fact that Mississauga Road is the entrance to the beautiful "Village in the City".

Ed Sajecki, Commissioner, Planning and Development, commented that there are major issues particularly around GO Transit expansion and the resultant impact this will have in the area, but details of their proposed expansion have not been provided. Madam Mayor responded that many proposals have to-date been made for the site development over the years, but it was time for staff to take the lead with respect to a plan to address the appropriate use of the land.

Councillor Iannicca spoke of a similar development in Ward 7 which the Ontario Municipal Board ruled in favour of the developer, despite the area being designated the "Gateway to the City". The resultant strip plaza has created considerable parking and traffic challenges.

Councillor Carlson felt that as an entrance feature to Streetsville, permanent residential is the answer for the area, but in order for this to work, Mondalez International must be on side. Councillor Carlson noted that he was at a loss for a suitable resolution and suggested it could come from a corridor study or the Scenic Route Study underway. He will continue to work with the residents, the applicant, and the Mayor for a solution.

Councillor Carlson moved the following motion which was voted on and carried:

PDC-0036-2013

- (a) That the Report dated May 7, 2013, from the Commissioner of Planning and Building under files OZ 11/019 W11 and T-M11006 W11, 1731860 Ontario Limited, 5267 Mississauga Road, be received, and that staff be directed to undertake a study to determine the appropriate land use for the site.
- (b) That the following correspondence be received:
 - 1) PETITION from 271 Residents in opposition of the development *(Page 1 of 16 attached). Full copies available upon request*
 - 2) Email dated May 1, 2013 from Peter Bowie and Family
 - 3) Email dated May 1, 2013 from Shaibal Datta
 - 4) Email dated May 5 and 13, 2013 from Tom and Pam Pitz
 - 5) Email dated May 6 from Brian and Carol Ashford
 - 6) Email dated May 6, 2013 from Sujata Hazari
 - 7) Email dated May 14, 2013 from Irene Tse
 - 8) Email dated May 16, 2013 from Keka Abdee
 - 9) Email dated May 16, 2013 from Peter Papay and Family
 - 10) Letter dated May 16, 2013 from Carmelo and Mary Boscarino

- 11) Email dated May 17, 2013 from Ed Choy
- 12) Email dated May 17, 2013 from George Kyriakis
- 13) Email dated May 17, 2013 from Yousef Botros
- 14) Letter dated May 19, 2013 from Scott and Patricia Patterson
- 15) Email dated May 21, 2013 from Joanne Klingenberg
- 16) Email dated May 21, 2013 from Patrick Castelino
- 17) Email dated May 21, 2013 from Aref and Nisreen Poonawala
- 18) Email dated May 22, 2013 from Gerry Nichol
- 19) Email dated May 22, 2013 from Ray Lessard
- 20) Email dated May 23, 2013 from Ron and Margaret Strain
- 21) Letter dated May 24, 2013 from Violet Aziz, Resident
- 22) Letter dated May 24, 2013 from Residents submitted by Violet Aziz
- 23) Email dated May 25, 2013, from Parvinder S. Saund, Resident
- 24) Email dated May 26, 2013 from John Soutsos, Resident
- 25) Email dated May 26, 2013 from David Ross, Resident
- 26) Email dated May 26, 2013 from P.J. & Angela Gallagher Residents
- 27) Email dated May 26, 2013 from Deepak Amarnani, Resident
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- 29) Letter dated May 27, 2013 from Saj Aziz, Resident
- 30) Email dated May 27, 2013 from Marcia Best, Resident
- 31) Email dated May 27, 2013 from Enkeleida & Dritan Alushi, Residents

RECEIVED – (Councillor G. Carlson)
File: OZ 11/019 W11 and T-M11006 W11

This public meeting closed at 8:49 p.m.



LIFESAVING SOCIETY®

The Lifeguarding Experts

I-1

COUNCIL AGENDA

June 5, 2013

May 8th, 2013

Ontario

Paul Mitcham
Commissioner
Mississauga Recreation & Parks
Program Development
201 City Centre Drive, Suite 900
Mississauga, ON L5B 2T4

Dear Paul,

Congratulations! The City of Mississauga operated the largest lifesaving program in Ontario, the 2nd largest leadership training program and the 3rd largest first aid program for 2012.

Your efforts are reflected in the standings for Arthur Lewis Cochrane Cup, R. Bredin Stapells Cup – Open category and William M. Brummitt Bowl as follows:

ARTHUR LEWIS COCHRANE CUP: Awarded to the affiliate member with the largest lifesaving program.

1 st	City of Mississauga	146,765	11 th	Brock University	32,374
2 nd	City of Ottawa	132,659	12 th	City of Kitchener	28,718
3 rd	City of Brampton	97,780	13 th	City of Burlington	28,344
4 th	City of Vaughan	78,095	14 th	University of Waterloo	23,077
5 th	City of Markham	72,436	15 th	Town of Halton Hills	18,437
6 th	Town of Richmond Hill	64,678	16 th	City of Oshawa	17,547
7 th	City of Hamilton	47,491	17 th	Town of Newmarket	17,276
8 th	City of Barrie	37,929	18 th	Town of Milton	17,268
9 th	Town of Oakville	37,818	19 th	City of Windsor	16,684
10 th	City of London	34,285	20 th	Lifesavers Training Academy	16,532

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<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services <input type="checkbox"/> Corporate Services	For <input type="checkbox"/> Appropriate Action <input checked="" type="checkbox"/> Information
<input type="checkbox"/> Planning & Building <input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply <input type="checkbox"/> Report

Reg. Charity No. 10809 7270 RR0001

400 Consumers Road
Toronto, Ontario M2J 1P8 Canada

Tel: 416-490-8844 Fax: 416-490-8766
E-mail: experts@lifeguarding.com
www.lifesavingsociety.com

I-1(a)

R. BREDIN STAPELLS CUP: Awarded to the affiliate member with the largest leadership training program.

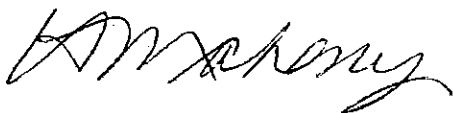
1 st	City of Toronto	65,415	6 th	City of Ottawa	18,770
2 nd	City of Mississauga	29,920	7 th	City of Vaughan	17,915
3 rd	Town of Richmond Hill	23,670	8 th	City of Hamilton	14,295
4 th	City of Markham	23,380	9 th	Town of Oakville	9,030
5 th	City of Brampton	20,780	10 th	City of Barrie	7,455

WILLIAM M. BRUMMITT BOWL: Awarded to the affiliate with the largest first aid program.

1 st	City of Toronto	87,468	6 th	City of Vaughan	24,115
2 nd	City of Ottawa	64,645	7 th	Town of Richmond Hill	22,102
3 rd	City of Mississauga	62,250	8 th	University of Waterloo	21,586
4 th	City of Brampton	48,583	9 th	City of Hamilton	19,633
5 th	Town of Markham	28,559	10 th	Brock University	19,026

This standing is a reflection of the conscientious efforts of your aquatic staff. Please accept our congratulations and thank them for their work in providing drowning prevention education.

Sincerely,



Wendy Mahony
Member Services Director

Cc: Ryan Marlow, Standards and Training Coordinator, Aquatics
Howie Dayton, Recreation Director
Lois Thornton, Youth Services

**RECEIVED**

REGISTRY No. 1486

DATE MAY 22 2013

FILE No.

May 16, 2013

The Honourable Linda Jeffrey
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

MAYOR'S OFFICE

RE: THE CITY OF MARKHAM TO SUPPORT BILL 41
- PRESERVING EXISTING COMMUNITIES ACT (13.0)

Dear Ms. Jeffrey:

This will confirm that at a meeting held on May 13, 2013, Council of the City of Markham adopted the following resolution:

"Whereas municipalities are required to approve Official Plans containing the goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it; and,

Whereas municipalities rely on these plans when determining the allocation of capital investment within the community to provide infrastructure to service future growth according to those plans; and,

Whereas the introduction of intensification in areas not identified for such purposes in the Official Plan may require changes to long term infrastructure planning at additional costs to the municipality and subtract from, and limit a municipalities' ability to implement the policies of that plan; and,

Whereas the Planning Act treats appeals of municipal planning decisions to the OMB as de novo hearings and allows the OMB to substitute its decisions for those taken by democratically elected municipal councils; and,

Whereas it is manifestly undemocratic for an appointed board such as the OMB to substitute its opinions for the considered judgment of elected councillors and professional city staff on matters affecting municipalities; and,

Whereas municipal councillors make determinations on issues of planning based on direct and personal knowledge of the community, its challenges, potential and opportunities that are not restricted to the boundaries of the Planning Act, such as strategic plans, including Markham's Growth Alternative to 2031; and,

.....2/

1-2(a)

- 2 -

Whereas Bill 41, "Preserving Existing Communities Act, 2013" is currently before the Provincial Legislature; and,


Whereas Bill 41 proposed to amend the Places to Grow Act, 2005 to provide that certain municipal decisions rejecting development proposals that would involve intensification in areas designated Stable Residential or Parks and Open Space not be subject to appeal to the Ontario Municipal Board; and,

Now therefore be it resolved:

- 1) That the Province of Ontario be advised that the City of Markham support the principles of Bill 41; and,
- 2) That the Province of Ontario be requested to ensure that where the municipality has an Official Plan, approved by the Province which conforms with the requirements of the Province's Places to Grow Act, that where a development application is submitted to the municipality requesting an Official Plan amendment to enable development within areas designated Stable Residential or Parks and Open Space, which Council deems not in conformity with its Official Plan, the development application shall have no right of appeal to the Ontario Municipal Board and the decision of Council shall be final; and,
- 3) That, despite subsection 22(7) of the Planning Act, there be no appeal permitted in respect of the official plan policies of a municipality or a planning board, adopted to conform to the growth management population, intensification and employment targets and policies as set out in the Provincial Growth Plan for the Greater Golden Horseshoe area and related regulations and Provincial policies; and further,
- 4) That copies of this Resolution be sent to the Minister of Municipal Affairs and Housing, all local members of Provincial Parliament, GTA municipalities, registered ratepayer associations in the City of Markham, Markham Action Group for Improved Community, the Large Urban Mayors Caucus of Ontario (LUMCO) and the Association of Municipalities of Ontario (AMO).

If you have any questions, please contact Jim Baird, Commissioner of Development Services, at 905-477-7000 ext. 4875.

Yours sincerely,



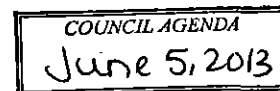
Kimberley Kitteringham
City Clerk

Copy to: Local Members of Provincial Parliament
GTA Municipalities
Ratepayer Associations in the City of Markham
Large Urban Mayors Caucus of Ontario
Association of Municipalities of Ontario

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<input type="checkbox"/> Planning & Building <input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply <input type="checkbox"/> Report

Carmela Radice

From: Hazel McCallion
Sent: 2013/05/17 3:27 PM
To: Crystal Greer; Carmela Radice
Subject: FW: Minister Jeffrey's' response regarding: the City of Mississauga's recommendation to improve communications and education for municipal elections candidates. File:59747



From: Minister (MAH) [mailto:minister.mah@ontario.ca]

Sent: 05/17/2013 2:44 PM

To: Hazel McCallion

Subject: FW: Minister Jeffrey's' response regarding: the City of Mississauga's recommendation to improve communications and education for municipal elections candidates. File:59747

May 17, 2013

Your Worship
 Mayor Hazel McCallion
 City of Mississauga
 300 City Centre Drive
 Mississauga ON L5B 3C1

Dear Mayor McCallion:

Thank you for your recent correspondence regarding the City of Mississauga's recommendation to improve communications and education for municipal election candidates.

Ministry staff will be revising and updating the Municipal Elections Guide prior to the 2014 municipal and school board elections. Please be assured that your recommendations will be considered as this work is undertaken.

Once again, thank you for bringing your concerns to my attention. Please accept my best wishes.

Sincerely,

Linda Jeffrey
 Minister

<input checked="" type="checkbox"/> Receive	<input type="checkbox"/> Resolution
<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
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I-3(a)



OFFICE OF THE MAYOR

March 13, 2013

The Honourable Linda Jeffrey
Ministry of Municipal Affairs and Housing
777 Bay Street
17th Floor
Toronto, Ontario
M5G 2E5

Dear Madam Minister:

Re: Improving Communication and Education for Municipal Election Candidates

The Council of the Corporation of the City of Mississauga at its meeting on March 6, 2013, adopted the enclosed recommendation with respect to improving communication and education for municipal election candidates.

On behalf of the members of Council, I request that the Provincial Government seriously consider improving the information available for municipal election candidates. The municipal elections guide in many cases is not clearly understood and candidates need to be provided with more education and resources to adhere to their roles and responsibilities as mandated under the *Municipal Elections Act*. Providing an interactive website where candidates have the opportunity to ask questions and receive quick answers, providing webinars and live chats are examples of tools that could provide candidates with training and maintain a consistent message. In addition, these improvements would be of benefit to municipal election candidates province wide.

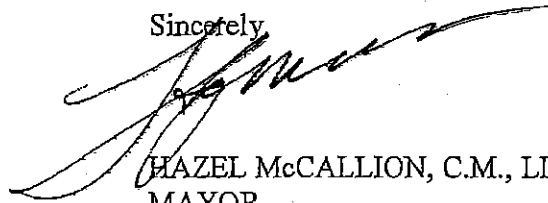


THE CORPORATION OF THE CITY OF MISSISSAUGA
300 CITY CENTRE DRIVE, MISSISSAUGA, ON L5B 3C1
TEL: 905-896-5555 FAX: 905-896-5879
mayor@mississauga.ca

-2-

I urge you to address this matter before the 2014 municipal election so that candidates may have a clear understanding of their roles and responsibilities. I look forward to receiving your favourable reply.

Sincerely



HAZEL McCALLION, C.M., LL.D.
MAYOR

cc: Mississauga MPPs
Association of Municipalities Ontario
Members of Council
Brenda Breault, Commissioner of Corporate Services and Treasurer
Crystal Greer, Director of Legislative Services and City Clerk

Enc.

I-3(c)



RECOMMENDATION GOV-0018-2013
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on March 6, 2013

GOV-0018-2013

1. That the Report dated February 20, 2013 from the Commissioner of Corporate Services and Treasurer entitled "Feasibility of Establishing an Election Finance Review Committee" be received.
2. That a letter be sent from the Mayor to the Minister of Municipal Affairs and Housing and the Association of Municipalities Ontario to request better communication and education for municipal election candidates.



Corporate Report

Clerk's Files

Originator's
Files

I-3(d)

Governance Committee

FEB 27 2013

DATE: February 20, 2013

TO: Chair and Members of Governance Committee
Meeting Date: February 27, 2013

FROM: Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

SUBJECT: Feasibility of Establishing an Election Finance Review Committee

RECOMMENDATION: That the Report dated February 20, 2013 from the Commissioner of Corporate Services and Treasurer entitled "Feasibility of Establishing an Election Finance Review Committee" be received.

**REPORT
HIGHLIGHTS:**

- At its January 14, 2013 meeting, the Governance Committee directed staff to report on the feasibility of creating an Election Finance Review Committee.
- Given the concerns identified with the establishment of the Committee, it is not recommended that the City establish an Election Finance Review Committee.
- Instead, it is recommended that the Elections Office focus on improving the communication with candidates regarding the candidates' responsibilities for filing Financial Statements including hosting educational sessions for candidates and creation of a Financial Statement Checklist.

BACKGROUND:

On January 14, 2013, the Governance Committee approved Recommendation GOV-0002-2013 which stated:

WHEREAS the foundation of the City of Mississauga has been built on the principles of good governance, integrity and ethics;

AND WHEREAS the Council of the City of Mississauga conducts its business in an open, transparent and publicly accessible manner;

AND WHEREAS there does not currently exist a dedicated oversight body to review election expenses of all candidates running for municipal office;

AND WHEREAS it is in the best interest of the residents of the City of Mississauga to ensure that all candidates properly file their election financial returns in accordance with all rules and regulations;

AND WHEREAS the federal and provincial election bodies regularly review the financial filings of candidates immediately following an election to ensure that candidate's financial submissions are complete and accurate;

THEREFORE, BE IT RESOLVED THAT the Governance Committee directs staff to prepare a report on the feasibility of creating an Election Finance Review Committee.

Recommendation GOV-002-2013 was adopted by Council on February 6, 2013 and this report explores the feasibility of creating this committee.

PRESENT STATUS:

Prior to each Municipal Election, the Ministry of Municipal Affairs and Housing produces a Municipal Elections Guide to assist candidates. The 2010 Guide, which was distributed by the Ministry of Municipal Affairs and Housing and provided to all candidates by the City of Mississauga, states "It is the responsibility of the candidate to file a complete and accurate Financial Statement on time".

The *Municipal Elections Act, 1996* as amended (MEA) requires interpretation of reasonableness with respect to expenditures and other provisions of the Act. In accordance with the MEA, Financial Statements are not reviewed in detail by City of Mississauga staff for financial accuracy or contraventions, due to the need for interpretation of the legislation and to ensure staff neutrality. According to the MEA, the Clerk's responsibility is limited to notifying the candidate and the council or board in writing of any default as a result of a candidate being found to have violated one of four provisions found in Section 80 (1) of the MEA, specifically:

- a) If he or she fails to file a document as required under section 78 or 79.1 by the relevant date;
- b) If a document filed under section 78 shows on its face a surplus, as described in section 79, and the candidate fails to pay the amount required by subsection 79(4) to the clerk by the relevant date;
- c) If a document filed under section 78 shows on its face that the candidate has incurred expenses exceeding what is permitted under section 76; or
- d) If a document filed under section 79.1 shows on its face a surplus and the candidate fails to pay the amount required by subsection 79.1(7) by the relevant date.

To ensure transparency, the Clerk is required to make the Financial Statements filed available for public viewing on a website or other electronic format as soon as possible after the documents are filed. In addition, Sections 78 (4) and 78 (5) of the MEA state "*An auditor's report shall be prepared by an auditor licensed under the Public Accounting Act, 2004. No auditor's report is required if the total contributions received and the total expense incurred in the election campaign up to the end of the relevant period are each equal to or less than ten thousand dollars (\$10 000)*". Therefore, candidates who have incurred over \$10,000 in contributions and expenses are already required to have their Financial Statements audited by a licensed auditor.

COMMENTS:

In reviewing the feasibility of establishing an Election Finance Review Committee, it is noted that there are no provisions contained in MEA which would require a candidate to submit the candidate's Financial Statement for review by the Committee. In addition, the legislation does not provide the Committee with any legal authority to confirm or provide assurance that a Financial Statement has been prepared in compliance with the MEA.

In consultation with the City Solicitor, the Elections Office has identified a number of concerns relating to the responsibility that the City and the Committee would be accepting when signing off on Financial Statements and with the liability incurred by both the City and the Committee, should the Committee inadvertently sign off on a Financial Statement that contained errors.

There is another issue regarding what impact or relevance the decision of the Election Finance Review Committee would be given by the Election Campaign Finances Committee or the Courts. The Election Campaign Finances Committee is legislated by the MEA to respond to requests for compliance audit of a candidate's Financial Statements, and their decision could be perceived to be biased for any Financial Statement that had been vetted by the Election Finance Review Committee. The Courts would not be bound by any decision made by the Election Finance Review Committee. It is also highly likely that the Court could hold the City responsible for the costs of an appeal, if it determined that the City's Committee process in any way caused the appeal. It would not matter that the City was trying to be helpful. The Ontario Court of Appeal in the recent decision of *Cusimano v. City of Toronto and Augimeri*, in which the validity of an election was challenged on account of procedural errors and not misconduct, required the City to pay the costs of both the individuals who were party to the proceeding.

Under the current legislation, Financial Statements filed with Clerk are public documents and must be posted to a website for public review. Statements submitted for review by the Election Finance Review Committee would not be subject to the same legal provisions, however, could be subject to access requests through the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Candidates may not want the first drafts of their Financial Statements

to be available through MFIPPA; however, the City may have no cause to withhold disclosure.

Finally, there is no flexibility in the deadline for submitting a Financial Statement, nor in the requirement that Financial Statements reflecting expenses and donations in excess of \$10,000 be audited by a licensed auditor. Administering the review by the Committee would require coordination to ensure that sufficient time remained for the candidate to make changes and have their Financial Statement audited as required by the MEA.

Given the number of concerns identified, it is not recommended that the City establish an Election Finance Review Committee. Instead, it is recommended that the Elections Office focus on improving communication with candidates regarding the candidates' responsibilities for filing Financial Statements. The Elections Office has identified the following as educational tools and improved communication mechanisms:

- Educational Session organized in consultation with the Ministry of Municipal Affairs and Housing and streamed on the Election website. (It is noted that an education session focusing on Election Finances was held prior to the 2010 Municipal Election, however, this session was not well attended).
- The Municipal Elections Guide prepared by the Ministry of Municipal Affairs and Housing; staff will request that the Ministry provide further information and clarification regarding election campaign finances to candidates in The Municipal Elections Guide.
- The Mississauga Municipal Election Candidates Package Quick Reference Guide (hardcopy and online versions made available).

Creation of a Financial Statement Checklist which will highlight common errors and omissions such as omitting to include the Auditor's registration number, attaching the Auditor's statement for all Financial Statements over \$10,000,

and printing the candidates name in the Declaration prior to signing the declaration. The Financial Statement Checklist will be reviewed with candidates at the time that the Financial Statement is filed with the Clerk.

FINANCIAL IMPACT: There would be costs incurred if an Election Finance Review Committee were established by the City to cover recruitment costs for the Committee, candidate communication and meeting expenses. The recommended communication channels are not anticipated to require additional costs, given that the proposal is an enhancement of activities currently undertaken. Any costs would be incorporated into the existing Election budget.

CONCLUSION: As a result of the number of concerns which exist with the establishment of an Election Finance Review Committee, it is recommended that instead, the Elections Office continue to focus on providing educational and communication tools to aid candidates with the administration of their campaigns.



Brenda R. Breault, CMA, MBA
Commissioner of Corporate Services and Treasurer

Prepared By: Pina Mancuso, Manager, Elections

Mayor Hazel McCallion
Mississauga City Council
City of Mississauga
300 City Centre Drive
Mississauga, ON. L5B 3C1

CC: Paul Mitcham, Commissioner of Community Services

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<input type="checkbox"/> Community Services <input type="checkbox"/> Corporate Services	For <input type="checkbox"/> Appropriate Action <input checked="" type="checkbox"/> Information
<input type="checkbox"/> Planning & Building <input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply <input type="checkbox"/> Report

Dear Mayor McCallion and members of Mississauga City Council,

On behalf of the Peel Children and Youth Initiative (PCYI) Board of Directors, we are pleased to announce the release of *Peel's Kids Participate: A Recreation and After School Strategy 2013-2018*. We have enclosed a Summary Report for you, *Strategies for Year One*.

This report is a comprehensive, long-term strategy that is rooted in extensive high-quality research and based on the principle of collective impact. Its development has been a collaborative process with numerous stakeholders across Peel Region. The report's recommendations aim to increase the number of Peel's children who can participate in good quality, safe and healthy recreational and after school activities – with the support of many community partners. Given the range of benefits that come from participation in healthy recreational activities, the Board of PCYI believes that enabling greater engagement of children and youth is a shared, community wide, responsibility.

In addition to the enclosed Summary Report, we hope you will view the full strategy online at www.pcyi.org/recreation-after-school-project.

We look forward to sharing the research findings, report and recommendations with you in person in the near future. We will also provide regular community updates as the work proceeds.

Thank you for your continued support of the Peel Children and Youth Initiative.

Sincerely,

Tony Pontes
Co-chair, Board of Directors
Peel Children and Youth Initiative

Joan Arruda
Co-chair, Board of Directors
Peel Children and Youth Initiative

Enclosed

**Summary Report available
for viewing at the Clerk's
Office**

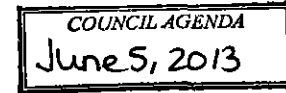


Jean-Marc Rouleau, RPA,FMA
Director, Retail
Square One Shopping Centre
Mall Management Office
100 City Centre Drive
Mississauga, ON L5B 2C9

T/ 905-272-6205
F/ 905-270-1180
jrrouleau@oxfordproperties.com
www.oxfordproperties.com

I-5

May 16, 2012



Mayor Hazel McCallion
Office of the Mayor
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

RECEIVED

REGISTRY No. 1515

DATE MAY 24 2013

FILE No.

MAYORS OFFICE

- and -

Councillor Frank Dale
Ward 4 Councillor
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C9

Dear Madame Mayor and Councillor Dale,

On April 2, 2013, Metrolinx released a short list of tools it favours to pay for expansion of the transportation system in the GTHA. Square One Shopping Centre and Oxford Properties acknowledge that there are pros and cons to each of the potential revenue generation tools. It is our position that parking space levies have a negative economic impact and should be removed from consideration.

We fully support a comprehensive regional transportation infrastructure program as we believe it is important to the social and economic viability and sustainability of the Region. We also believe that such a program should be responsibly financed. We support revenue generating tools based on the following guiding principles:

1. We support revenue sources that have traffic demand management qualities and are environmentally proactive.
2. We support 'user pay' principles, in other words, those that use the public transportation system and road networks should pay to support the system.
3. We support revenue sources that are transparent, fair, equitable, accountable and cost effective to implement.

4. We support revenue sources that solve the long-term financial transportation challenges of the region.

Parking Space Levy

We believe this tool is not fully understood and, as a result of the recent interest by some to consider this revenue tool, we feel it is necessary to make the distinction between the two types of parking spaces to which this tool applies. We understand the implementation of the parking space levy would impact all parking lot owners within the GTHA. This includes both paid parking lots and free parking.

Parking Space Levy On Free Parking

We strongly oppose a parking space levy that applies to free parking. Again, as a result of the recent interest in this tool, we see it as imperative that you understand the following negative impacts associated with it:

- Per-space parking levy on free parking does not support user pay principles, lacks transparency, fairness and equity and taxes a very small and specific segment of the economy, small retail businesses.
- The number of parking spaces in shopping centres is based on municipal zoning and is contractually tied to anchor tenant leases. As a result, the parking space levy is unlikely to result in a reduction of parking spaces.
- A parking levy on free parking spaces is a hidden tax paid by the supplier of parking (and their tenants), and is not paid by the users or motorists. Therefore, it has no behavioral transportation changing characteristics or environmental benefits. As most shopping centres have anchor leases that do not allow property owners to install fee collection mechanisms to pass the levy on to motorists, the cost of parking to motorists would remain free, due to net leases this would place the cost of parking on small retail businesses, the economic engine of the Province.
- Metrolinx potential annual revenue estimate is based on the range of \$1 per space per day. The cost of this funding tool to small tenants is estimated to be between \$2.00 and \$4.00 per square foot annually. To put this in to perspective, at \$3.00 per square foot, a typical retailer occupying 2,000 square feet would be required to pay an additional \$6,000 in annual parking charges. At a 6% return on investment, this translates to \$100,000 in additional annual sales - the amount that would be required in order to pay this new cost.

I-5(b)

- The current competitive retail environment will preclude the parking levy from being passed on in the way of higher prices and will no doubt increase costs to small retailers. These costs will most certainly result in decreased employment as retailers attempt to match expenses to revenues.
- The parking levy is similar to a general property tax but applies specifically to parking facilities or areas. When added to the existing value-based property tax, it effectively acts as double taxation and represents a growing imbalance between commercial and residential taxpayer.
- A per-space parking levy is very challenging to implement because it requires an inventory of qualifying parking facilities. In Vancouver, Translink's implementation of the Parking Site Tax was shown to be expensive and administratively difficult to implement and both complex and inefficient to administer. The momentum of the public outcry that ensued following its implementation between 2002 and 2005 from 23,000 businesses led to the subsequent replacement of the levy by the provincial government in 2007.

Parking Levy On Paid Parking

In the case of paid parking, the levy would likely be passed on to the parking lot users in the form of increased parking charges, however, it is not a given that increased parking charges will have the desired result. The following must be considered:

- Alternatives to driving may not be viable to paid parking space users to/from some areas of the Region that are not well connected with the public transit system
- Downtown employers may elect to change their office locations to outside of the capture area to minimize the exposure to the parking levy for their employees.
- Pay parking facilities are also utilized for weekend and off hour events such as trade shows, theatre, restaurants, sporting events and shopping. Additional parking costs will likely have a negative impact on the viability of events and activities during times when congestion is not an issue.
- The Melbourne tax on long-stay parking spaces has had only a minimal impact in reducing congestion as "it has been estimated that only 11% of the theoretical reduction in car demand that was expected from the levy has in fact been achieved." (pg 176 AECOM/KPMG Metrolinx report)

I-5(c)

Conclusion

In summary, we believe that while there are pros and cons to all of the proposed tools, based on the guiding principles, we strongly oppose a parking tax in any form. A parking tax is not economically viable to small businesses, impacts employment negatively, fails to promote public transportation, acts as double taxation, and based on the Vancouver attempt, it has been shown to be costly and cumbersome to administer.

Thank you very much for considering our thoughts. We do appreciate it. If you would like to talk further, I would be happy to meet with you in person, or talk via the telephone.

Yours truly,

SQUARE ONE PROPERTY CORPORATION



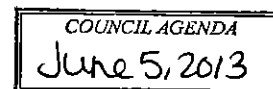
Jean-Marc Rouleau, RPA, FMA
Director, Retail
JMR:jw

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1-6

Diana Haas

From: Diana Haas
Sent: 2013/05/28 11:40 AM
To: Debbie Sheffield; George Carlson; Mumtaz Alikhan; Stacey Ballan
Subject: FW: Opponents OZ.11/019



From: Vassilios Kreatsoulas
Sent: 2013/05/27 9:14 PM
To: Diana Haas
Subject: Opponents

Dear Mrs. Haas

My name is Ploumi Kreatsoulas and my husband is Vassilios Kreatsoulas leaving in Erin Centre Blvd Mississauga On. L5M 5H8 for the last 21 Years

We like to inform you that we are really concern and strongly opposing to the new development on "Credit Mills Commercial Center" 5267 Mississauga road

Please register both of us as Opponents to this project and inform me if possible on any future meetings

Thanking you

Ploumi & Vassilios Kreatsoulas

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Please be informed of a proposed development
in your neighbourhood



COUNCIL AGENDA

June 5, 2013

This is to inform you that the land owner at 7535 Bath Road, southeast corner of Bath Road and Thamesgate Drive has applied to the City to permit the existing parcel delivery service (truck terminal by Zoning by-law definition) to remain on the subject property. Below is a short description of the application. The City will be processing the application as required by the Provincial *Planning Act* and we would welcome any comments you may have.

Proposal:

- To change the zoning for the subject lands from "E2-38" (Employment) to "E2-Exception" (Employment) to permit the proposed truck terminal use.

The following studies/information were submitted in support of the application:

- Plan of Survey, Site Plan and Context Map
- Tree Survey
- Planning Justification Report
- Phase I Environmental Site Assessment
- Letter of Reliance
- Easement Documents
- Draft Zoning By-law

File:

OZ 13/007 W5

**Applicant/
Owner:**

John D. Rogers & Associates
Inc./SREIT (Malton) Ltd.

**More
Information:**

Lauren Eramo-Russo, City
Planner, Planning & Building
Department at 905-615-3200,
Ext. 5403 or by e-mail at
lauren.eramorusso@
mississauga.ca

Notice Date:

May 28, 2013

Planning Act Requirements:

The *Planning Act* requires that all complete applications be processed.

The above-noted application is now being circulated to City Departments and Public Agents for technical review.

Once this has been completed, a report summarizing the development and the comments received will be prepared by staff and presented at a Public Meeting.

Notice of the Public Meeting will be given in accordance with the *Planning Act* requirements.

A recommendation on the application will not be presented until after the Public Meeting and all technical comments have been received.

Please contact Mississauga City Council, c/o Diana Haas, Office of the City Clerk, in writing by mail at 300 City Centre Drive, Mississauga ON L5B 3C1 or by e-mail at Diana.haas@mississauga.ca if:

- you would like to forward your views on the proposed development. Written submissions will become part of the public record; or
- you wish to be notified of any upcoming meetings.

More Information:

Contact the person responsible for the file (noted above) for further details on the actual proposal.

The public may view planning documents and background material at the Planning and Building Department, Mississauga Civic Centre between 8:30 a.m. and 4:30 p.m., Monday through Friday.

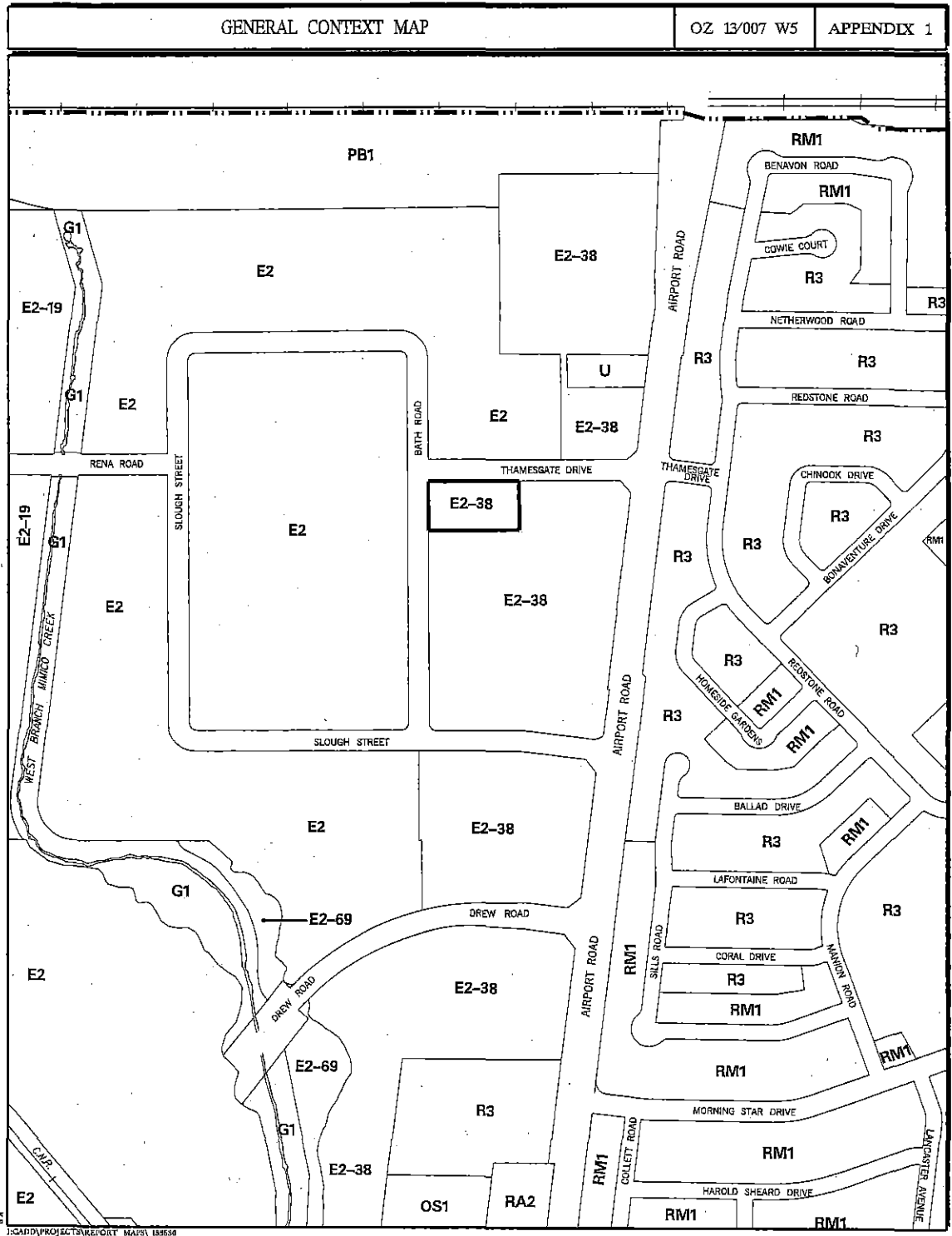
For residential applications, information regarding education and school accommodation is available from the Peel District School Board at 905-890-1099 or the Dufferin-Peel Catholic District School Board at 905-890-1221.

Marilyn Ball, Director
Development and Design Division
Planning and Building Department

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<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services <input type="checkbox"/> Corporate Services <input type="checkbox"/> Planning & Building <input type="checkbox"/> Transportation & Works	For <input type="checkbox"/> Appropriate Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Reply <input type="checkbox"/> Report

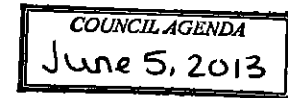
I-7(a)



I-8

Mumtaz Alikhan

From: Diana Haas
Sent: 2013/05/28 11:40 AM
To: George Carlson; Debbie Sheffield; Stacey Ballan; Mumtaz Alikhan
Subject: FW: Files OZ11/019 W11 T-M11006 W 11



-----Original Message-----

From: June Samaras
Sent: 2013/05/27 6:09 PM
To: Diana Haas
Subject: Files OZ11/019 W11 T-M11006 W 11

I am very concerned about the negative impact of this proposed development on life in Streetsville.

Given that this section of Mississauga Rd/Queen St. is at present more or less beyond its capacity with existing traffic volumes I cannot even imagine the chaos that these proposals will generate in the future.

The traffic report presented at the recent public meeting in Streetsville did not reflect the reality on the ground as it is ALREADY in 2013 and does not take into consideration current developments - the expansion of the eastern GO station parking lot to accommodate an additional 60 spaces. This means 120 trips per day into or out of Queen Street, just where traffic is already backed up in both directions at the level crossing. It is almost impossible to exit Old Station Road and make a left turn.

The workable option is to turn right, then to take a right turn onto Erin Centre Blvd and then another right turn to go north on Erin Mills Parkway. Any additional traffic entering or leaving Erin Centre will cause total gridlock.

The only creative suggestion I can make to ameliorate this gridlock is that proposed commercial businesses only be allowed to operate between 9.00 am and 3.00pm!

June Samaras
Old Station Rd
Streetsville, Ontario
Canada L5M 2V1
Tel :
E-mail :

<input checked="" type="checkbox"/> Receive	<input type="checkbox"/> Resolution
<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input checked="" type="checkbox"/> Appropriate Action
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