



## **BRONTE BUSINESS IMPROVEMENT AREA (BIA)**

2360 Lakeshore Road West, Oakville

### **MINUTES OF THE BOARD OF DIRECTORS' MEETING**

Tuesday, April 27, 2021 at 8:00 a.m.

#### **Board Members**

Cheryl Etherington, CGA	Chair
Shannon Fogarty, Tim Hortons	Treasurer
Paul Cates, Property Owner	Director
Rano Dandybaeva, The Flavour Fox	Director
Rose Luxton, Lakeside Livin	Director
Sean O'Meara , Councillor, Halton Region and Ward 1	Director ( <i>departed at 8:32 a.m.</i> )

#### **Regrets**

Sherril Wright, RBC	Vice Chair
Dania Smiley, Dania Latina	Director

#### **Management**

Maureen Healey	Executive Director, Bronte BIA
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#### **Invited Guests**

Beth Robertson	Councillor, Ward 1 ( <i>arrived at 8:13</i> )
Lynn Clay	Recording Secretary, INaMINUTE

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### **1.0 CALL TO ORDER**

Due to the COVID-19 pandemic, the meeting was held by videoconference.

With a quorum of Directors present, C. Etherington presided as Chair and called the meeting to order at 8:04 a.m.

### **2.0 APPROVAL OF AGENDA**

The times listed on the agenda were changed from 10:00 a.m. to 8:00 a.m. and item 4.3 Town Update was moved forward, to be the next item on the agenda.

*It was the consensus of the Board to approve the amended agenda.*

## 4.3 **Town Update**

### 4.3.1 Lakeshore Road at Bronte Road Site Plan Application

Councillor O'Meara updated the Board on the site plan application for redevelopment of the properties [2432 – 2452 Lakeshore Road West & 87-99 Bronte Road](#) by developer J.M. Lakeshore – Bronte Inc. The site plan process is a technical review of the application and staff review things like building placement, grading and drainage matters, parking layout, and access to and from the site.

The Province's mandated growth of the Halton area will double our population by the year 2041. As such, the Province mandated the Town to identify growth areas, of which we have six: 3 BIA areas, Midtown (Cross Avenue and Trafalgar) Uptown (Dundas and Trafalgar) and Palermo (Bronte and Dundas).

A review of density in these areas in 2014 and through extensive consultation with the community, the Town passed the [Bronte Growth Area Review in 2017](#). Residents were encouraged to mark where additional heights would be appropriate and what sort of heights they would expect at all locations throughout Bronte Village. Bronte Village was allocated the lowest amount of density of all 6 growth areas and was endorsed unanimously by Council, the BIA and the residents' association at the time. The zoning on the property already is approved for 6 stories with the possible expansion of 4 more stories depending on bonusing as it is the gateway into the main area of the Village.

The 6-storey building will have retail on the ground floor with 5 stories above for condo residential totaling 188 residential units, with 283 parking spaces provided (38 spaces provided at grade and 245 spaces located within 2-levels of underground parking). Note: the zoning has already been established and matters such as land use, height, parking requirements, building setbacks, and landscape requirements are already in place.

The process could extend as long as 15 months, and timing would depend on the applicant's interest to push through the application process. The Councillors had asked staff to review the driveway design and egress from Lakeshore Road, to protect Bronte Road as a local road.

The expectation was that the residential units would be for sale and a sales office would likely be set up before the shovels went in the ground. There would be a mix of residents as the units varied from one (1) to three (3) bedrooms.

*Councillor B. Robertson arrived at the meeting at 8:13 a.m.*

A Board Director commented that there was a loss of parking and that this would be another parking issue for the BIA. The Councillor responded that there would in fact be more surface spots than are currently in place. The Town did not have the legal authority to force the developer to add more parking and, hopefully, the community would walk and not drive to visit the BIA businesses. Opportunities to add to the public parking inventory were always being considered.

Management advised that some tenants had been given notice in the last two (2) weeks. R. Dandybaeva advised that The Flavour Fox had not been given notice as of yet but it has been anticipated for some time.

Management commented that consideration should be given to how displaced businesses could be retained elsewhere within the BIA until the construction was completed. It was noted that there was not a lot of leasable space available. The BIA had received Canada Summer Job grant funding for a summer student to undertake an economic recruitment and retention project to better understand what empty retail spaces were available.

**ACTION:** Management to draft a letter on behalf of the BIA, and to circulate it to the Board for review and approval, to inform Town staff of the BIA's concern that smart principles, such as keeping traffic off local roads and providing street level retail, be applied to this and all development applications.

*Councillor S. O'Meara departed the meeting at 8:32 a.m.*

### **3.0 APPROVAL OF MINUTES**

*On a **MOTION** by R. Dandybaeva, **seconded** by S. Fogarty, **it was resolved** to approve the minutes of the Board of Directors' meeting held on March 23, 2021, as presented.*

***The motion was carried.***

### **4.0 REPORTS**

#### **4.1 Financial**

The Treasurer, S. Fogarty, provided the Board with the financial report. Written reports and statements had been included in the meeting package.

##### **4.1.1 Budget Update - March 2021 Income Statement and Balance Sheet**

The levy payments were on schedule; the second levy transfer had arrived April 26, 2021. The Treasurer noted that the April financials may be delayed as the bookkeeper will be unable to visit the office due to the government stay-at-home order.

*On a **MOTION** by S. Fogarty, **seconded** by P. Cates, **it was resolved** to receive the March 2021 income statement and balance sheet, as presented.*

***The motion was carried.***

##### **4.1.2 2020 Draft Audited Financials**

The draft audited financial statements from KPMG had been included in the meeting package. No anomalies or outstanding issues had been highlighted in the report.

*On a **MOTION** by S. Fogarty, **seconded** by P. Cates, **it was resolved** to accept the draft 2020 audited financial statements, as presented.*

***The motion was carried.***

## **4.2     Operating Plan – March 2021 Update**

The Board received a written March 2021 update. Management advised that the final push for the *Bronte Forward!* visioning process campaign would be Management's focus for the next two (2) weeks. The survey would close on May 7, 2021. To date, 660 surveys had been completed in excess of the 400 respondents' goal. One-on-one interviews and focus groups were underway now. Amica Bronte had distributed surveys to their residents to obtain the senior response and postcards were being distributed to apartments to obtain multi-home responses. A stakeholder workshop was being held on May 18, 2021, and repeated on May 19, 2021, to accommodate that 50 people could attend at a time. Board members are welcome to attend one of the sessions. 8 80 Cities would present the final report to the Board at the June 2021 meeting.

Management provided responses to a Director's questions regarding items included in the written operating plan report, as follows:

- the waterfront park usage now was about being able to safely use the park through the pandemic, such as At Home Muskoka chair placement, as events were not happening;
- the status was not known of the hiring of a consultant by the Town to review the parking pilot; and
- the greening of local business practices was on hold temporarily until businesses were no longer being impacted by COVID-19 restrictions.

## **4.4     Town Code of Conduct for Local Boards**

The Town had updated the code of conduct for Council and Boards (refer to Appendix A). Management commented that time would be scheduled at a future meeting for the Board to review the code to ensure it was understood. Meeting time would also be scheduled over the upcoming year to review other Board policies.

## **5.0     COMMENTS / ANNOUNCEMENTS**

There were no items.

## **6.0     NEXT MEETINGS**

The next meetings of the Board of Directors, to be held by videoconference from 8:00 a.m. to 9:00 a.m., were scheduled for the following dates:

- Tuesday, May 25, 2021; and
- Tuesday, June 22, 2021.

## **7.0     CLOSE**

As there was no further business to conduct, the Chair declared the meeting closed at 8:43 a.m.

Attachment: Appendix A

## **APPENDIX A**

### **Town of Oakville Code of Conduct for Local Boards**

#### **Purpose Statement**

This document is a Code of Conduct for members of local boards and advisory committees. Formalized standards and guiding principles help to provide a useful reference guide and a supplement to the legislative parameters within which members must operate. Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

This Code of conduct (Code) is a general standard. It augments the laws which govern the behaviour of members, it is not intended to replace personal ethics. This Code cannot anticipate all circumstances in which members may need to exercise judgment. It is the responsibility of every member to conduct themselves ethically and professionally. Members seeking clarification on any part of this Code should consult with the Integrity Commissioner or Town Clerk.

Members must recognize the need to uphold both the letter and the spirit of the law including policies adopted by Council. This Code is consistent with the principles of transparent and accountable government, and reflective of the town's core values.

#### **Scope**

This Code applies to all members of local boards and advisory committees (herein referred to as 'local boards'), both adjudicative and non-adjudicative. Members of Town Council are also bound by the Council Code of Conduct.

Local boards, sometimes referred to as committees or tribunals, are as defined in s.223.1 of the Municipal Act and as identified by the municipality. Some additional restrictions apply to adjudicative boards and these are specified below.

#### **Guiding Principles**

1. Members shall serve the public in a conscientious and diligent manner.
2. Members should be committed to performing their functions with integrity, impartiality, and transparency.
3. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

#### **Principles of Conduct**

1. Avoidance of Conflicts of Interest
  - a. Members shall comply with their responsibilities under the Municipal Conflict of Interest Act and avoid situations of real or apparent conflict of interest with respect to their service on the local board.
  - b. Members shall avoid participating in or influencing a proceeding when the member or another person with whom the member has a close personal or professional relationship, has a financial or other private interest that may be affected by the proceeding or its outcome.
  - c. Members shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a member of a local board, and shall not in any case profit directly or indirectly from such business that does or has contracted with the Town of Oakville.

## 2. Gifts and Benefits

- a. Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with their service on the local board, except compensation or reimbursement authorized by established policies, procedures, or by-laws.
- b. A gift provided with the member's knowledge to a family member that is connected directly or indirectly to their service on the local board, is deemed to be a gift to that member.

## 3. Accessibility

- a. Members will be aware and respectful of social, cultural and other differences and act in a manner that promotes an appreciation of diversity. Members must be aware of barriers which may restrict access and participation in a manner contrary to the town's Accessibility policy.

## 4. Confidential information

### a) A member shall:

- i. only be entitled to have access to information in the possession of the town that is relevant to matters before the local board or that is relevant to their role as a member. Otherwise, they have the same access rights to information as any member of the public;
- ii. follow the procedures for requesting information contained in the Access to Records and Information Policy and related procedure; and
- iii. have a continuing obligation to keep confidential information confidential, even if the member ceases to be a member.

### b) A member shall not:

- i. obtain access, or attempt to gain access, to confidential information in the custody or control of the town except in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
- ii. disclose, release or publish by any means, including social media, any confidential information acquired by virtue of his or her service on the local board, in any form, except when required or authorized by Council or otherwise by law to do so;
- iii. use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- iv. disclose to any individual or corporate third party, any information until such time that the local board has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the MFIPPA or if directed to do so by a court.

## 5. Use of town resources

- a. No member shall use for personal purposes any town resource, town staff services, property, equipment, services, supplies, websites, webboards, or other town-owned materials, other than for purposes connected with the discharge of their duties.
- b. No member shall obtain personal financial gain from the use or sale of town developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Members acknowledge and do not dispute that all such property remains exclusively that of the Town of Oakville.
- c. No member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her service on the local board.
- d. No member shall use the services of town staff, or make requests for documents or information from town staff, unless such information is required for the purpose of carrying out their duties as public officials.

## 6. Work of a political nature

- a. No member shall use for election campaign purposes, any town resource, town staff services, property, equipment, services, supplies, websites, web boards, or other town-owned materials, other than for purposes connected with the discharge of their duties.
- b. No member, while identifying themselves as a member of a local board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the local board.
- c. If a member is seeking elected office personally, they may note their service on a town local board in their personal campaign materials as background information; however, these materials must not imply that the town or local board is contributing to or endorsing the member's campaign in any way.
- d. Members may not use town resources for any type of political activity, including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

## 7. Improper use of influence, business prospects

- a. Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any other individuals.
- b. Members shall not exert undue influence on staff and shall not engage in any harassment of staff.
- c. No member shall use the influence of his or her position for any purpose other than the duties as a member of the local board.

## 8. Business relations

- a. No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the local board, detrimentally or otherwise.
- b. No member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded or who is regularly in the business of lending money, such as a bank or a credit union.
- c. No member shall act as an agent before Council or a committee of Council or any agency, board or committee of the Town.
- d. No member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

## 9. Communications

- a. Members shall accurately communicate recommendations and proceedings of their local board.
- b. If a member is contacted directly by the media, the member should refer the media to the local board's staff representative or the director of the town's Communications department, or designate.
- c. Members will keep confidential information confidential, until such time as the matter can properly be made public.
- d. In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

## 10. Member conduct

Members shall:

- a. conduct themselves with decorum at all times;
- b. maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting; and

- c. attend all meetings of the local board. If a member misses more than three (3) meetings during their term, the committee or board, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

#### 11. Respect for Town By-laws, Policies, and Workplace

- a. Members shall adhere to and encourage public respect for the local board, the town and its by-laws, policies and procedures.
- b. Members are governed by the Town's Respectful Conduct Policy. All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
- c. All complaints received involving members under the Respectful Conduct Policy shall be referred to the Integrity Commissioner for processing in accordance with the Integrity Commissioner – Inquiries/Advice Procedure.
- d. The Ontario Human Rights Code applies in addition to the Town's Respectful Conduct Policy.

#### 12. Conduct Respecting Staff

- a. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council.
- b. No member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
- c. Members shall respect the professionalism of staff, and not exert undue influence on staff.
- d. No member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the Town.

#### 13. Reprisals and Obstruction

- a. Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for members of local board and advisory committees may be subject to sanctions recommended by the Integrity Commissioner. Members may also be subject to such other remedial actions recommended by the Integrity Commissioner, if approved by Council, that directly flow from the action or behaviour of the member.
- b. Any complaint alleging failure to adhere to this Code by a member shall be referred to the Integrity Commissioner and the complaint will be dealt with in accordance with the Integrity Commissioner – Inquiries/Advice procedure.
- c. In extreme circumstances, members may be subject to removal from the local board or committee, or from their role as Chair of the local board or committee, if approved by Council.
- d. It is a violation of this Code to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.
- e. No member shall threaten or undertake any reprisal against a person initiating an inquiry or complaint under this Code, or against a person who provides information to the Integrity Commissioner in any investigation.
- f. It is a violation of this Code to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under this Code.

#### 14. Acting on Advice of Integrity Commissioner

- a. Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the member adhered to the advice given.



15. Additional requirements applicable to members of adjudicative local boards. In addition to the other provisions of this Code, the following additional requirements are applicable with respect to member of adjudicative boards when conducting hearings, or other proceedings:

a) Communications

Members of adjudicative boards should not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to him/her.

b) Communications with Parties

- i. Written communication to an adjudicative board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board, and shall be copied to all parties or their representatives as appropriate. Oral communications with the adjudicative board about current proceedings shall take place only in the presence of or with the consent of all parties.
- ii. Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, with the exception of notices of hearing, which shall be served upon all parties and their representatives known to the adjudicative board as appropriate.

c) Independent Nature of Adjudicative Boards

- i. The Chairs of adjudicative boards should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.
- ii. Members of adjudicative boards operating at arm's-length from Council should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.
- iii. An adjudicative board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the adjudicative board. Under the Council Code of Conduct, members of Council are only permitted to communicate to the adjudicative board regarding a matter before the board by a letter addressed to the Secretary of the board or the appropriate municipal staff assigned to such board which is available to all parties.

## Definitions

Adjudicative board: means a local board or committee which conducts hearings or other proceedings pursuant to law such as the Statutory Powers Procedure Act, including the following:

- i. Appeals Committee;
- ii. Committee of Adjustment;
- iii. Property Standards Committee; and
- iv. Municipal Election Compliance Audit Committee.

Adjudicator: means a person appointed by Town Council to an adjudicative board. Clerk: means the Town of Oakville Town Clerk, or designate.

Code: means the "Code of Conduct for members of local boards and advisory committees" as established by Council pursuant to Section 223.2 of the Municipal Act, 2001.

Committee: means a committee, task force or other body constituted and appointed by Council, with the exception of adjudicative boards.

**Complaint:** means a written objection filed with the Integrity Commissioner pursuant to this Code and/or the Municipal Conflict of interest Act respecting a member. **Council:** means the Council of the Corporation of the Town of Oakville.

**Family:** includes “child”, “parent” and “spouse” as those terms are defined in the Municipal Conflict of Interest Act, and also includes: step-child and grand-child, siblings and step- siblings, aunt/uncle, niece/nephew, first cousins, in-laws, including mother/father, sister/brother, daughter/son, any person who lives with the member on a permanent basis.

**Gift:** means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a member’s duties of office, but excludes:

- a. Compensation authorized by law;
- b. Political contributions otherwise reported by law, in the case of members running for office;
- c. Services provided by persons volunteering their time;
- d. Contributions of value that are specifically addressed in other provisions of this Code
- e. Gifts provided to the Town of Oakville and which are logged, archived and/or publicly displayed as such.

**Integrity Commissioner:** means the Integrity Commissioner appointed by Council pursuant to section 223.3 of the Municipal Act, 2001.

**Local board:** any board, commission, committee, body or local authority established or existing any power under any Act with respect to the affairs or purposes of the Town, including but not limited to those set out in Appendix A, excluding a school board, conservation authority, public library board, police services board, Oakville Enterprises Corporation and its subsidiaries, or the Oakville Municipal Development Corporation (O. Reg. 599/06).

**Member:** means a member of a local board of the Town of Oakville.

**Publications:** means communication to the offices of a Member, including subscriptions to newspapers, and periodicals.

**Social media:** means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.

**Staff:** means direct employees of the town whether full-time, part-time, contract or casual (including students and volunteers).

**Town:** means The Corporation of the Town of Oakville.

**Town resources:** includes, but it is not limited to, facilities, infrastructure, assets, branding, intellectual property, equipment, supplies, services, staff or any resource that belongs to or is funded by the town.

## Appendix A – List of local boards

A local board is defined as any board, commission, committee, body or local authority established or existing any power under any Act with respect to the affairs of purposes of the Town, excluding a school board, conservation authority, public library board, police services board, or Oakville Enterprises Corporation and its subsidiaries, or the Oakville Municipal Development Corporation (O. Reg. 599/06).

This list may not be all inclusive and shall be amended by the Clerk’s department, as required.

## Boards

Bronte Village BIA

Downtown Oakville BIA

Kerr Village BIA

Visit Oakville

Town of Oakville Water & Air Rescue Force (T.O.W.A.R.F).

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