

**Regular**

Council meets in formal session this day at 6:00 o'clock p.m., in the Council Chambers.

**Members Present:**

Mayor Francis  
Councillor Brister  
Councillor Dilkens  
Councillor Gignac  
Councillor Halberstadt  
Councillor Hatfield  
Councillor Jones  
Councillor Lewenza  
Councillor Marra  
Councillor Postma  
Councillor Valentinis

**Members Absent:**

None.

**Call to Order**

Following the playing of the Canadian National Anthem, Reverend Murray Steacy from New Beginnings Christian Church, offers the Opening Prayer.

**Disclosures of Pecuniary Interest and the General Nature Thereof**

Councillor Postma discloses an interest and abstains from voting on Item No. 8, being the report of the Executive Director of Housing and Children's Services regarding "Pathway to Potential Request for Proposals", as a Board she chairs is involved with this initiative.

Councillor Marra discloses an interest and abstains from voting on Item No. 8, being the report of the Executive Director of Housing and Children's Services regarding "Pathway to Potential Request for Proposals", as many of the agencies that have expressed interest in this initiative have a working relationship with his employer.

**Minutes**

Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That the Minutes of the regular meeting of Council held January 11, 2010 and the Minutes of the Special Meeting of Council held December 21, 2009, **BE ADOPTED** as presented.

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

**Notice of Proclamations**

None.

Committee of the Whole

Moved by Councillor Hatfield, seconded by Councillor Jones,  
That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals or referrals of any items of business;
- (d) hearing presentations and delegations;
- (e) consideration of business items;
- (f) consideration of Committee reports:
  - i. **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled);
  - ii. **Report of the Striking Committee** of its meeting held January 11, 2010;
  - iii. **Report No. 43 of the Audit Committee** of its meeting held December 16, 2009;
  - iv. **Report No. 81 of the Windsor Accessibility Advisory Committee** of its meeting held December 15, 2009; and
  - v. **Report No. 82 of the Windsor Accessibility Advisory Committee** of its meeting held December 15, 2009; and
  - vi. **Report No. 83 of the Windsor Accessibility Advisory Committee** of its meeting held December 15, 2009; and
  - vii. **Report No. 84 of the Windsor Accessibility Advisory Committee** of its meeting held December 15, 2009
- (g) consideration of by-laws 5-2010 through 17-2010 (inclusive).

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

Communications

Moved by Councillor Gignac, seconded by Councillor Marra,  
**M22-2010** That the following Communication Items 1 to 7 and 9 to 18 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 8 which is dealt with at the request for deferral stage of the meeting.

Item	From	Description
1	Ministry of Children and Youth Services	Full Day Learning Program Implementation Planning <b>Community Development &amp; Health Commissioner</b> Note & File SS2010
2	Association of Municipalities of Ontario (AMO)	Government Announces School Sites for First Phase of Early Learning <b>Community Development &amp; Health Commissioner</b> Note & File SSC/6751
3	Association of Municipalities of Ontario (AMO)	Overview of Successes in 2009 and Plan for 2010  Note & File MMA2010

4	Association of Municipalities of Ontario (AMO)	Federal / Provincial / Territorial Ministers Meet to Discuss Future of Housing and Homelessness Programs <b>Community Development &amp; Health Commissioner Chief Financial Officer &amp; City Treasurer</b> Note & File GH/6905
5	Association of Municipalities of Ontario (AMO)	Ministry of the Environment Issues New Brownfield Regulations <b>City Planner WECEC Coordinator</b> Note & File Z/8955
6	Association of Municipalities of Ontario (AMO)	Minister Watson Resigns From Cabinet and Interim Minister Appointed Note & File MMA2010
7	International Association of Fire Chiefs (IAFC)	Haiti Update: IAFC Continues to Monitor Situation; USFA Urges No Self-Deployment Note & File SF2010
8	Sara Marvelli, Ward 3 Resident	Reconsideration of Property Decision – 666-668 Chatham St. E. (Administrative Memo <i>previously distributed</i> ) <b>COUNCIL DECISION REQUESTED</b> <b>Chief Building Official &amp; Executive Director of Building</b> APM2010
9	Essex-Windsor Solid Waste Authority (EWSWA)	Minutes of the Essex-Windsor Solid Waste Authority Board Meeting – December 1, 2009 Note & File MB2010
10	Secretary/Treasurer Committee of Adjustment	Consent Authority Agenda Record Hearing to be held on Wednesday, January 27, 2010, Council Chambers, 3rd Floor, Windsor City Hall, 350 City Hall Square West, Windsor Note & File ZC2010
11	Executive Director, Human Resources	2009 Youth Employment Services – Summer Jobs Service Program <b>MYAC Coordinator</b> Note & File GP2010
12	Executive Director, Human Resources	Educational Assistance Reserve Account – Expenditures for 2008 Note & File AS2010
13	Chief Building Official & Executive Director of Building	Response to CQ51-2009 and CQ100-2009 – Redevelopment of Grace Hospital Site Note & File SB2010
14	Corporate Marketing & Communications Officer	Response to CQ98-2008 (C) – Regional Marketing Note & File APR2010
15	City Engineer	Let's Get Windsor-Essex Moving – Phase 1 Project Updates Note & File ST/5710

16	Chief Financial Officer & City Treasurer	2010 Interim Property Tax Billing	<b>Note &amp; File AF2010</b>
17	Audit Committee	Minutes of meeting held December 21, 2009 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> )	<b>Note &amp; File MB2010</b>
18	Provincial Emergency Response Centre	Message to CEMCs Regarding the Haitian Earthquake	<b>Note &amp; File GP2010</b>

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

### Consent Agenda

Moved by Councillor Postma, seconded by Councillor Valentinis,

That the following Consent Agenda and the recommendations contained in the administrative reports **BE APPROVED** as amended:

Item 1 Religious Observances Policy and Procedure

Item 2 Appointments Under the Building Code Act

Item 5 RInC Project – McHugh Soccer Facility Buildings #130-09

Item 6 Water Management Governance and Organizational Review – SDR Showcase Project, Phase One

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

### Deferrals and/or Referrals and Withdrawals

PAC 1 P. Fletcher & L. Himsl, rezoning, 3139 Dougall Avenue, to permit a day nursery as an additional permitted use within the existing building – at the request of the Applicant, this matter is being deferred for six weeks to allow for further discussions with administration and the adjacent property owner.

Item 4 Application to close the east/west alleys north of the CNR lines extending from Prado Place easterly to St. Louis Avenue – at the request of the Ward Councillors, this matter is being deferred while discussions are conducted with interested parties to reach a possible compromise.

### Communication No. 8

Moved by Councillor Valentinis, seconded by Councillor Jones,

**M23-2010** That the correspondence from Sara Marvelli dated November 3, 2009 regarding “reconsideration of property decision at 666-668 Chatham St. E.) **BE DEFERRED** until such time as the administrative reviews of the Demolition Control By-law are completed.

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

Councillors Postma and Halberstadt voting nay.

**Presentations & Delegations:****DELEGATIONS****3491 Sandwich Street – Request for Building Permit****Shamshad Ahmed, Applicant**

Shamshad Ahmed, Applicant, appears before Council to request that Council approve his request for a building permit to erect a 25' by 12' (feet) overhang to the rear of the building located at 3491 Sandwich Street, to alleviate drainage issues impacting the use of the basement.

**Z/8581 9**

(For final disposition of this matter, see Clause **CR22/2010** in Schedule “A” attached hereto.)

**2009 Business Improvement Area Storefront Study Update****Chris Edwards, Executive Director, Downtown Windsor BIA**

Chris Edwards, Executive Director, Downtown Windsor BIA, appears before Council to speak in support of the 2009 Business Improvement Area Storefront Study Update, highlighting the fact that storefront vacancies are on the rise, and concludes by providing an overview of some of the initiatives being undertaken to reverse this slide.

**MI2010 7**

(For final disposition of this matter, see Clause **CR20/2010** in Schedule “A” attached hereto.)

**M311-2009 – Iris Place / Buckingham / Westminster Parking Regulations****Caroline Lekic, Ward 4 resident**

Caroline Lekic, Ward 4 resident, appears before Council to speak in support of the recommendation for a “no parking” sign on the north side of Iris Place, as there are safety concerns that need to be addressed, such as the lack of sidewalks on Iris Place.

Moved by Councillor Gignac, seconded by Councillor Postma,

That the report from the Executive Director of Operations in response to M311-2009 – Iris Place/Buckingham/Westminster Parking Regulations BE RECEIVED for information; and

That Schedule “C” of Parking By-law 9023, BE AMENDED to add no parking on the north side of Iris Place from Westminster Boulevard to Buckingham Drive, and, no parking on the west side of Buckingham Drive from Iris Place to 91 metres south of Haig Avenue.

The motion is **put** and is **lost**.

Aye votes: Councillors Brister, Postma, Halberstadt and Gignac.

Nay votes: Councillors Lewenza, Hatfield, Marra, Valentinis, Jones and Dilkens.

(For final disposition of this matter, see Clause **CR16/2010** in Schedule “A” attached hereto.)

### **Pathway to Potential Request for Proposals**

#### **Blodwen Reitz, Program Manager, Ready-Set-Go**

Blodwen Reitz, Program Manager, Ready-Set-Go, appears before Council, to express opposition to the list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, stating that they meet the qualifications needed to provide the service, and concludes by providing a brief overview of their program.

#### **Dr. Mary Louise Drake, Chairperson, Building Blocks for Better Babies**

Dr. Mary Louise Drake, Chairperson, Building Blocks for Better Babies, appears before Council to express opposition to the list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, stating that they meet the qualifications needed to provide the service and should therefore receive funding, and concludes by providing a brief overview of their program.

#### **Rose Anguiano Hurst, Executive Director of Women’s Enterprise Skills Training of Windsor Inc., along with Bushra Hanna (WEST Instructor), Itza Pinell (WEST Board President), Gemma Grey Hall (WEST Board Member) and Dr. Jessica Sartori (WEST Board Secretary)**

Rose Anguiano Hurst, Executive Director of Women’s Enterprise Skills Training of Windsor Inc., along with Bushra Hanna (WEST Instructor), Itza Pinell (WEST Board President), Gemma Grey Hall (WEST Board Member) and Dr. Jessica Sartori (WEST Board Secretary), appear before Council to express opposition to the list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, stating that they meet the qualifications needed to provide the service and should therefore receive some funding, and conclude by providing a brief overview of their program.

#### **Ray Poisson and Darlene Williams, Community Activists representing Voices Against Poverty**

Ray Poisson and Darlene Williams, Community Activists representing Voices Against Poverty, appear before Council to state the importance of funding community agencies for the delivery of programs that will reduce poverty for the residents of the City of Windsor, suggesting that a reduction in bus fare for citizens looking for employment is a good starting point, and an increase in transit ridership will boost the local economy.

#### **Lorraine Goddard, Senior Director of Community Impact, United Way**

Lorraine Goddard, Senior Director of Community Impact, United Way, appears before Council to express support for the proposed list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, stating that they meet the qualifications needed to provide the service, which will help to ensure that people’s basic needs are met.

**Adam Vasey, Poverty Reduction Coordinator, Pathway to Potential**

Adam Vasey, Poverty Reduction Coordinator, Pathway to Potential, appears before Council to express support for the proposed list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, stating that they meet the qualifications needed to provide the service, which in turn will help leverage and mobilize other resources.

**Catherine Shanahan, Executive Director, Family Respite Services**

Catherine Shanahan, Executive Director, Family Respite Services, appears before Council to express support for the proposed list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, stating that they meet the qualifications needed to provide the service, and concludes by providing a brief overview of their program, and stressing the need to focus in on issues related to children with disabilities.

**Tony Houad, Director of Corporate Services and Penny Williams, General Manager of Transit Windsor**

Tony Houad, Director of Corporate Services and Penny Williams, General Manager of Transit Windsor, appear before Council to speak in support of the proposed list of community agencies chosen to receive funding for the delivery of programs that will reduce poverty for the residents of the City of Windsor, and give a brief backgrounder on the need for affordability of public transit, changes implemented in 2009, proposed cash fares, proposed ticket/value card, passes, low income passes, open window transfers, day passes, family day passes and the low income bus pass strategy.

SS/10488 8

(For final disposition of this matter, see Clause **CR21/2010** in Schedule “A” attached hereto.)

**PRESENTATION – Torsten Rasch, President; and Richard Smith, Secretary General – International Children’s Games (ICG)**

Mayor Francis welcomes Torsten Rasch, President, and Richard Smith, Secretary General for the International Children’s Games (ICG) to Windsor, as they prepare to tour the city and county to study the area for possibly hosting the 2013 summer games, and the visiting representatives are given an opportunity to provide a brief overview of the International Children’s Games.

**CQ52-2009 – Status of BUMP****Christopher Waters, Tristan Fehrenbach, members Windsor Bicycling Committee along with Mark Lindquist, Chairperson of the Windsor Bicycling Committee**

Mayor Francis leaves the meeting at 8:03 o’clock p.m., and Councillor Marra assumes the Chair.

Christopher Waters, Tristan Fehrenbach, members Windsor Bicycling Committee along with Mark Lindquist, Chairperson of the Windsor Bicycling Committee, appear before Council to discuss the importance of promoting bicycle use in 2010, as well as the need to invest in infrastructure to accommodate cyclists, and conclude by suggesting that the BUMP study needs to be updated and that money should be allocated to make this a reality.

**David Hanna, Ward 1 Resident**

David Hanna, Ward 1 Resident, appears before Council to applaud the efforts of the Windsor Bicycling Committee, and speaks in support of BUMP and that it should be a goal to merge together planning and pedestrian issues, which in turn will benefit the community as a whole.

Mayor Francis returns to the meeting at 8:20 o'clock p.m., and Councillor Marra returns to his seat at the Council table.

**MB/5331 10**

(For final disposition of this matter, see Clause **CR23/2010** in Schedule "A" attached hereto.)

**Windsor International Airport – Capital Funding for Phase 2 of Lufthansa’s Commercial Feasibility Study on Air Cargo****Chris Schnurr, Ward 3 resident**

Chris Schnurr, Ward 3 resident, appears before Council to express concern with regards to a pre-commitment of the 2010 Capital Budget to a maximum of \$100,000 for funding the second phase of Lufthansa’s Commercial Feasibility Study on Air Cargo, as the Airport Board should first provide funding for this, given that they have reported profit, and further asks for any information in terms of what mechanism is in place for the city to recover these funds in the future.

**APM/10336 11**

(For final disposition of this matter, see Clause **CR24/2010** in Schedule "A" attached hereto.)

**Audit Committee Report No. 43****Al Nelman, Ward 4 resident**

Al Nelman, Ward 4 resident, appears before Council to express concern regarding the “Post Construction Audit Report on the 400 City Hall Square East Building Report”, suggesting that Council should never undertake risky ventures such as this, especially where there is a lack of expertise, and concludes by asking for an explanation in terms of the chain of command and who knew what when regarding this file, and also who withheld the 11 boxes that were ultimately given to the auditors, and whether that person was held accountable for that action.

**Alex Foley, Ward 1 resident**

Alex Foley, Ward 1 resident, appears before Council to express concern regarding the “Post Construction Audit Report on the 400 City Hall Square East Building Report”, commending the internal auditors and the Audit Committee for completing the audit under the most challenging of circumstances, stating that the project itself should never have exceeded \$28.2M, and suggests that there was no demonstrated accountability for what transpired, and concludes by stating that it is imperative that the recommendations in the audit be adopted and status updates be given quarterly.



**Merv dePendleton, Ward 5 resident**

Merv dePendleton, Ward 5 resident, appears before Council to express concern regarding the “Post Construction Audit Report on the 400 City Hall Square East Building Report”, suggesting that the city should not undertake risky ventures, and only stick to “basics”, and expresses disappointment that the tendering process and applicable laws were not followed for this project.

**Paul Fields, owner, Eagle Office Furnishings Inc.**

Paul Fields, owner, Eagle Office Furnishings Inc., appears before Council to express concern regarding the “Post Construction Audit Report on the 400 City Hall Square East Building Report”, stating that Eagle Office Furnishings participated in the bidding process early and in compliance, and was the only compliant bidder, suggesting that the process was altered to make it appear that their bid was the highest, and concludes by applauding the final audit report, but suggests that there is still unanswered questions and missing information.

**Chris Schnurr, representing Windsor Association of Concerned Tax Payers**

Chris Schnurr, representing Windsor Association of Concerned Tax Payers, appears before Council to express concern regarding the “Post Construction Audit Report on the 400 City Hall Square East Building Report”, suggesting that the issue of “accountability” has not been addressed, and that perhaps an investigation with witnesses under oath, needs to be conducted immediately.

**Bruce McLeod, Ward 1 resident**

Bruce McLeod, Ward 1 resident, appears before Council to express concern regarding the “Post Construction Audit Report on the 400 City Hall Square East Building Report”, stating that Vindella Enterprises was given preferential treatment, and that the issue of “accountability” has yet to be addressed, and concludes by requesting that the contents of the “Dunbar Report” be released.

**Lead Auditor Angela Berry; Paul Ross, KPMG; and Andrew Roman, Miller Thomson**

Lead Auditor Angela Berry, Paul Ross, KPMG; and Andrew Roman, Miller Thomson, appear before Council and are available for questions with regards to the “Post Construction Audit Report on the 400 City Hall Square East Building Report”.

Mayor Francis leaves the meeting at 10:07 o'clock p.m., and Councillor Marra assumes the Chair.

Mayor Francis returns to the meeting at 10:09 o'clock p.m., and Councillor Marra returns to his seat at the Council table.

Moved by Councillor Marra, seconded by Councillor Gignac,  
**M25-2010** That Report No. 43 of the Audit Committee of its meeting held December 16, 2009

**BE RECEIVED.**

Carried.

**Regular Business Items (for final disposition of these matters see Schedule "A" attached)**

PAC 2 F. Apollonio, draft plan of condominium approval, 1160 Howard Avenue, convert a 3-storey apartment building containing 12 residential dwelling units from rental to condominium status

**Consideration of Committee Reports**

M24-2010 Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That the **Report of the special In-camera** meeting held January 18, 2010 [Session 1],  
**BE ADOPTED** as presented.  
Carried.

ACO2010

M26-2010 Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That the **Report of the Striking Committee** of its meeting held January 11, 2010,  
**BE ADOPTED** as presented.  
Carried.

MB2010

M27-2010 Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That **Report No. 81 of the Windsor Accessibility Advisory Committee** of its meeting held  
December 15, 2009, **BE ADOPTED** as presented.  
Carried.

MB2010

M28-2010 Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That **Report No. 82 of the Windsor Accessibility Advisory Committee** of its meeting held  
December 15, 2009, **BE ADOPTED** as presented.  
Carried.

MB2010

M29-2010 Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That **Report No. 83 of the Windsor Accessibility Advisory Committee** of its meeting held  
December 15, 2009, **BE ADOPTED** as presented.  
Carried.

MB2010

M30-2010 Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That **Report No. 84 of the Windsor Accessibility Advisory Committee** of its meeting held  
December 15, 2009, **BE ADOPTED** as presented.  
Carried.

MB2010

**By-laws**

Moved by Councillor Hatfield, seconded by Councillor Jones,  
That the following By-laws No. 15-2010 through 17-2010 (inclusive), be introduced and read a first and second time:

- 15-2010      “A BY-LAW TO APPOINT A CHIEF BUILDING OFFICIAL AND INSPECTORS TO ENFORCE THE BUILDING CODE ACT AND REGULATIONS IN WINDSOR”
- 16-2010      “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES”
- 17-2010      “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE EIGHTEENTH DAY OF JANUARY, 2010”

Carried.

Moved by Councillor Lewenza, seconded by Councillor Marra,  
That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1)            **Communication Items (as amended)**
- 2)            **Consent Agenda (as amended)**
- 3)            **Items Deferred**  
              **Items Referred**
- 4)            **Consideration of the Balance of Business Items (see Schedule “A”)**
- 5)            **Committee Reports (as amended)**
- 6)            **By-laws given first and second readings (as presented)**

Carried.

**Notices of Motion**

None presented.

**Third Reading of By-laws**

Moved by Councillor Postma, seconded by Councillor Valentinis,  
That the following By-laws No. 15-2010 through 17-2010 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

**Petitions**

None presented.

**Council Questions**

Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
**M31 -2010** That the Council Questions arising from the previous meeting of Council and listed by the Clerk **BE NOW CONSIDERED** for purposes of discussion, and further, that the Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Questions consistent with Council's instructions.  
 Carried.

ACOQ2010

**PROPOSED IN-CAMERA AGENDA FOR JANUARY 25, 2010**

Moved by Councillor Hatfield, seconded by Councillor Jones,  
**M32-2010** That the following proposed In Camera Agenda for January 25, 2010 **BE APPROVED**:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Legal/property matter – litigation	239(2)(a)(e)
2.	Personal/Legal matter – Solid Waste Authority	239(2)(b)(d)
3.	Border Update – update on Legal matters (verbal report as necessary)	239(2)(a), (c), (e) and (f)

and further, that in accordance with By-law 46-2003, the Chief Administrative Officer, in consultation with the Mayor **BE AUTHORIZED** to add matters deemed to be of an urgent or time sensitive nature.  
 Carried.

ACO2010

**Adjournment**

Moved by Councillor Lewenza, seconded by Councillor Marra,  
 That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.  
 Carried.

Accordingly, the meeting is adjourned at 10:55 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

MANAGER OF COUNCIL/COMMITTEE SERVICES/DEPUTY CLERK

Postma  
Valentinis

***CR14/2010 REPEALED BY CR592/2019 ADOPTED DECEMBER 2, 2019 AND CONVERT THE DOCUMENTS TO PROCEDURES***

CR14/2010

**THAT** the Religious Observances Policy and Procedure included in this report of the Executive Director of Human Resources dated December 2, 2009, **BE APPROVED**.

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

Report Number **14442 AS2010 C1**

Appendices  
Policy

Internal Distribution

Human Resources [Jennifer Kehoe]  
Executive Director of Human Resources  
City Clerk

Postma  
Valentinis

CR15/2010

That Council **PASS By-law 15-2010** to appoint a Chief Building Official (CBO), a Deputy Chief Building Official, and Inspectors who have the same powers and duties as the Chief Building Official in relation to plumbing and sewage systems, effective October 14, 2008.

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

Report Number **14313 AB2010 C2**

Internal Distribution

Legal [Wira Vendrasco]  
City Solicitor  
Chief Building Official

Lewenza  
Marra

CR16/2010

That the report of the Executive Director of Operations dated December 7, 2009 entitled "M311-2009 – Iris Place/Buckingham/Westminster Parking Regulations" **BE DEFERRED** to allow for the Ward Councillors to liaise with the affected residents to discuss additional information provided by Fire and Rescue Services dated December 22, 2009.

Carried.

Report Number 14437 ACO/10302 3

Internal Distribution

Public Works [Josette Eugeni]  
City Engineer  
Executive Director of Operations  
Acting Assistant Chief Fire Prevention Officer – John Lee

Hatfield  
Gignac

CR17/2010

That the report of the City Planner dated October 23, 2009 entitled “Application to close the east/west alleys north of the CNR lines extending from Prado Place easterly to St. Louis Avenue **BE DEFERRED** to allow for the Ward Councillors to continue discussions with interested parties to reach a possible compromise.

Carried.

Report Number 14319 SAA/10281 4

Internal Distribution

Planning [Don Wilson]  
City Planner  
City Solicitor

Postma  
Valentinis

***CR18/2010 RESCINDED BY CR115/2010 ADOPTED MARCH 29, 2010***

CR18/2010

**THAT** Tender No. 130-09 McHugh Soccer Facility Buildings **BE APPROVED** to supply all labour and materials as stipulated in the tender to construct a new change room building, concession/ washroom building and a clubhouse building.

And further, **THAT** the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with the lowest compliant tenderer (Loaring Construction Ltd. in the amount of \$754,853.00 excluding GST), satisfactory in form to the City Solicitor, in technical content to the Executive Director of Recreation and in financial content to the City Treasurer and Chief Financial Officer.

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

Report Number 14448 SR/10565 C5

Internal Distribution

Recreation [Tim Burston]  
Executive Director of Recreation  
City Engineer  
Chief Financial Officer/City Treasurer  
City Solicitor

Postma  
Valentinis

CR19/2010

That City Council **APPROVE** Phase One of the Water Management Governance and Organizational Review Showcase Project; and

That City Council **APPROVE** a budget for Phase One of the Water Management Governance and Organizational Review Showcase Project not to exceed \$50,000; and

That City Council **APPROVE** that the funding for Phase One of the Water Management Governance and Organizational Review Showcase Project be provided from the SDR Showcase Budget placeholder approved in the 2009 Capital Budget.

That City Council **APPROVE** a sole source purchase of services with the firm of KPMG LLP jointly with EnWin Utilities and/or the Windsor Utilities Commission pursuant to sections 32(a) and (i) of the City of Windsor Purchasing By-Law; and

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract for consulting services with KPMG LLP, EnWin Utilities and/or the Windsor Utilities Commission, together with appropriate ancillary information sharing agreements satisfactory in form to the City Solicitor, in technical content to the City Engineer and the Service Delivery Review Program Manager and in financial content to the City Treasurer and Chief Financial Officer.

Carried.

Councillor Lewenza was absent from the meeting when the vote was taken on this matter.

Report Number 14461 GM/10567 C6

Internal Distribution

Chief Administrative Office [Melinda Munro]  
City Engineer  
Chief Financial Officer/City Treasurer  
City Solicitor

Lewenza  
Postma

CR20/2010

- I. **THAT** the *2009 Business Improvement Area Storefront Study Update* report dated September 2009 **BE RECEIVED** for information; and
- II. **THAT** the *2009 Business Improvement Area Storefront Study Update* **BE REFERRED** to the Windsor Business Area Advisory Committee (WBIAAC) and the Small Business Advisory Committee; and
- III. **THAT** the City Planner **BE DIRECTED** to report back summarizing past studies undertaken in terms of incentives and other steps that could be taken for the downtown area.

Carried.

Report Number 14449 MI2010 7

Internal Distribution

Planning [Rose MacLachlan; Kerri Killen]  
City Planner  
City Solicitor  
Coordinator, WBIAAC

Lewenza  
Hatfield

CR21/2010

THAT City Council **ACCEPT** the report of the Community Development and Health Commissioner on the proposal to allocate Pathway to Potential funding to community agencies for the delivery of programs that will reduce poverty for the residents of the City of Windsor.

THAT City Council **AUTHORIZE** the Community Development and Health Commissioner, or the CAO should the net city contribution exceed \$150,000 to enter into agreements with community agencies in the provision of services related to poverty reduction for residents of Windsor and Essex County under Pathway to Potential funding, contingent upon availability of funds and satisfactory in form to the City Solicitor, in technical content to the Executive Director of Housing & Children's Services and financial content to the Chief Financial Officer or designate.

Carried.

Councillors Postma and Marra disclose an interest and abstain from voting on this matter.

Report Number 14462 SS/10488 8

Internal Distribution

Community Development and Health [Debbie Cercone; Shannon Hyatt]  
Community Development and Health Commissioner  
Chief Financial Officer/City Treasurer  
City Solicitor

Postma  
Dilkens

CR22/2010

That the request for a building permit to erect a 25' by 12' (feet) overhang to the rear of the building located at 3491 Sandwich Street **BE APPROVED** .

Carried.

Councillors Jones and Valentinis voting nay.

Report Number 14358 Z/8581 9

Internal Distribution

Planning [Kevin Alexander]  
City Planner  
Chief Building Official



City Solicitor

Halberstadt  
Valentinis

CR23/2010

That the report of the Executive Director of Operations dated November 30, 2009 entitled "CQ52-2009 – Status of BUMP" **BE RECEIVED** for information, and further, that Administration **REPORT BACK** on an estimated cost for updating the BUMP study.

Carried.

Councillor Postma was absent from the meeting when the vote was taken on this matter.

Report Number 14387 MB/5331 10

Internal Distribution

Public Works [J. Leitzinger]  
Executive Director of Operations  
City Engineer  
Coordinator, Windsor Bicycling Committee

Gignac  
Lewenza

CR24/2010

THAT City Council **APPROVE** the economic development initiative to complete Phase 2 of the Commercial Feasibility Study for air cargo at Windsor International Airport and **AUTHORIZE** the funding of the second phase of the study as a pre-commitment of the 2010 Capital Budget to a maximum of \$100,000 plus all applicable taxes; and

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign the first Addendum to the original agreement with Lufthansa Consulting, satisfactory in content to YQG, in form to the City Solicitor and in financial content to the Chief Financial Officer and City Treasurer.

Carried.

Councillor Halberstadt voting nay.

Report Number 14482 APM/10336 11

Internal Distribution

Mayor Eddie Francis  
Chief Administrative Officer  
Chief Financial Officer/City Treasurer  
City Solicitor  
President and CEO, YQG – Federica Nazzani

Dilkens  
Brister

CR25/2010

That the report of the Planning Advisory Committee dated January 18, 2010 respecting "P. Fletcher &

L. Himsl, rezoning, 3139 Dougall Avenue, to permit a day nursery as an additional permitted use within the existing building” **BE DEFERRED** for six weeks, as requested by the Applicant to allow for further discussions with Administration and the adjacent property owner.

Carried.

Councillor Halberstadt voting nay.

Report Number **14440 ZB/10492 PAC 1**

Internal Distribution

City Planner

Acting Manager of Development

Chief Building Official

City Engineer

City Solicitor

Zoning Clerk - Council Services

Licence Commissioner

Dilkens

Gignac

CR26/2010

**I** That the application of Frank Apollonio for approval of a draft plan of condominium for a property legally described as Lots 8 to 11 Plan 362, City of Windsor at 1160 Howard Avenue to permit the conversion of a 3-storey apartment building containing 12 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-004/09-2, **BE APPROVED** subject to:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on January 18, 2013 (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
- E. The owner shall agree to remedy all site and building defects as documented in the:
  - 1. Building Condition Assessment report prepared by GS Engineering Inc., dated July 23, 2009 with all corrections and improvements to be cleared as completed by an engineer retained by the owner;
  - 2. Works Department - Engineering and Corporate Projects comments listed in ‘Section 6 Consultation’ of this report;

All corrections and improvements shall be to the satisfaction of the Chief Building Official and the Office of the City Engineer;

- F. The owner shall agree to remedy all safety and security as identified in the report of the Windsor Police Service dated October 30, 2009 and attached as **Appendix 'A'** and that the doors used for common entry to the building (front and back), need to have locks installed on them that are of higher security and cannot be duplicated (such as MEDECO or PRIMUS) to establish an acceptable level of building entry security for all tenants. All corrections and improvements shall be to the satisfaction of the Chief of Police;
- G. The owner agrees to address the requirements and deficiencies identified in the report from the Planning Department's Landscape Architect, dated September 17, 2009, as attached as Appendix 'B', and to submit a photometric plan. The photometric plan will be reviewed in consultation with Windsor Police Services and will be to the satisfaction of both the Landscape Architect and the Director of Planning for Windsor Police Services.
- H. The owner shall agree to provide adequate screened storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws to the satisfaction of the Manager of Environmental Services and Chief Building Official.
- I. The owner shall agree to provide 1 designated visitor parking space. All improvements are to be to the satisfaction of the General Manager of Public Works and Chief Building Official;
- II** Final approval of the plan of condominium shall not be considered until all of the required works under '**1. Recommendations I A. to I.**', have been completed to the satisfaction of the respective departments and a condominium agreement has been registered against the subject lands.

Carried.

Report Number **14439 ZB/10457 PAC 2**

Appendices

Map No. CDM-004/09-2  
Windsor Police Service Report  
Landscape Architect Report

Internal Distribution

City Planner  
Acting Manager of Development  
Chief Building Official  
City Engineer  
City Solicitor  
Zoning Clerk - Council Services  
Licence Commissioner  
Chief of Police

ADOPTED by Council at its meeting held January 18, 2010 [M24-2010]  
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA [Session 1]  
January 18, 2010**

**Meeting called to order at: 3:03 p.m.**

**Members in Attendance:**

Mayor E. Francis  
Councillor D. Brister (arrives at 3:06  
p.m.)  
Councillor D. Dilkens  
Councillor R. Jones  
Councillor A. Halberstadt  
Councillor F. Valentinis  
Councillor K. Lewenza (arrives at 3:04  
p.m.)  
Councillor B. Marra  
Councillor P. Hatfield  
Councillor J. Gignac

**Members Absent:**

Councillor C. Postma

**Also in attendance:**

H. Reidel, Chief Administrative Officer (arrives at 3:11 p.m.)  
R. Warsh, Community Development and Health Commissioner (arrives at 3:04 p.m.)  
M. Sonogo, City Engineer  
G. Wilkki, City Solicitor  
V. Critchley, City Clerk  
O. Colucci, Chief Financial Officer  
N. Coleman, Mayor's Chief of Staff  
P. Brode, Senior Legal Counsel (Item 2)  
L. Lombardo, Administrator Huron Lodge (Item 4)  
V. Mihalo, Executive Director of Human Resources (Items 4 and 5)  
C. Martini, Legal Counsel (Item 1)  
N. Taylor, Legal Counsel (Item 3)  
G. King, Legal Counsel (Items 3 and 4)

**Verbal Motion is presented by Councillor Marra, seconded by Councillor Gignac,  
to move in Camera for discussion of the following item(s):**

<u>o.</u>	<u>Subject</u>	<u>– Pursuant to Municipal Act, 2001, as amended</u>
	al Matter – Integrity Commissioner	239(2)(b)
	ty Matter – expropriation of land	239(2)(c)
	al Matter – Human Rights complaint – verbal report	239(2)(b)
	al Matter – Human Rights complaint	239(2)(b)
	al Matter – CANUE agreement	239(2)(d)
	al Matter – Pay for Performance – report from Mayor	239(2)(b)
	r Update – update on Legal matters – NO REPORT	239(2)(a), (c), (e) and (f)

**Motion Carried.**

**Councillors Lewenza and Brister absent for vote.**

#### **Declarations of Pecuniary Interest:**

Councillor Jones declares a conflict of interest and abstains from voting on Item 1 as it involves him.

Councillor Jones declares a conflict of interest and abstains from voting on Item 5 as his sister-in-law is now a non-union employee.

Councillor Lewenza declares a conflict and abstains from voting on Item 5 as his employer is funding PETU.

#### **Discussion on the items of business. (Items 2, 5, 1, 4 and 3)**

**Verbal Motion is presented by Councillor Brister, seconded by Councillor Marra, to move back into public session.**

**Motion Carried.**

**Moved by Councillor Dilkens, seconded by Councillor Valentinis, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 18, 2010 directly to Council for consideration at the next Regular Meeting.**

1. That the confidential reports from E. Basse, Integrity Commissioner **BE DEFERRED**.  
**Mayor Francis, Councillors Hatfield, Gignac, Halberstadt and Brister in favour. Councillors Lewenza, Marra and Valentinis opposed.**
2. That the recommendation contained in the in-camera report from Senior Legal Counsel, City Solicitor and Chief Financial Officer and City Treasurer respecting an expropriation of land **BE APPROVED**.  
**Councillors Brister and Lewenza absent for vote**
3. That the verbal report regarding a personal matter – Human Rights complaint **BE RECEIVED** and further that Administration **BE AUTHORIZED** to proceed with the verbal instructions of Council.
4. That the recommendation contained in the in-camera report from the Administrator Huron Lodge, Executive Director of Human Resources, Community Development and Health Commissioner, City Solicitor and Chief Financial Officer and City Treasurer respecting a Human Rights complaint **BE APPROVED**.  
**Councillor Gignac opposed**
- 5(a). That the recommendation contained in the in-camera report from the City Clerk, Executive Director of Human Resources, Chief Financial Officer and City Treasurer and City Solicitor respecting CANUE agreement **BE APPROVED**.  
**Councillor Brister opposed**
- 5(b). That the verbal report from the Chief Administrative Officer respecting a personal matter regarding identifiable individuals **BE RECEIVED** and that the Chief Administrative Officer **PROCEED** on the verbal direction of Council.  
**Councillor Brister opposed**
- 5(c). That the verbal report of the Chief Administrative Officer regarding a Human Resource issue involving identifiable individuals **BE RECEIVED**.
6. That the verbal report respecting Pay for Performance **BE DEFERRED**.
7. No report.

**Motion Carried.**

**Moved by Councillor Jones, seconded by Councillor Marra, That the special meeting of council held January 18, 2010 BE ADJOURNED.**  
**(Time: 5:14 p.m.)**

**Motion Carried.**

ADOPTED by Council at its meeting held January 18, 2010 [M25-2010]  
KK/  
Windsor, Ontario, January 18, 2010

**REPORT NO. 43**  
of the  
**AUDIT COMMITTEE**  
of its meeting held  
December 16, 2009

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**Present:** Maxwell Zalev, Chair  
Councillor Alan Halberstadt  
Bill Carter  
George Sandala

Your Committee submits the following recommendations:

- I. That the “Post Construction Audit Report on the 400 City Hall Square East Building Report II-A The Design Build RFP” **BE APPROVED.**
- II. That the “Post Construction Audit Report on the 400 City Hall Square East Building Report II-B Furniture Tender” **BE APPROVED.**
- III. That the “Post Construction Audit Report on the 400 City Hall Square East Building Report II-A The Design Building RFP” and the “Post Construction Audit Report on the 400 City Hall Square East Building Report II-B Furniture Tender” **BE RELEASED** to the Mayor and Members of City Council on this day, December 16, 2009 and further, that the above-noted documents be made available to the public on Monday, December 21, 2009.

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CHAIR

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COMMITTEE COORDINATOR

ADOPTED by Council at its meeting held January 18, 2010 [M26-2010]  
SV/bm  
Windsor, Ontario, January 18, 2010

**REPORT OF THE STRIKING COMMITTEE**  
**of its meeting held**  
January 11, 2010

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**PRESENT:** Mayor E. Francis  
Councillor J. Gignac  
Councillor F. Valentinis  
Councillor A. Halberstadt  
Councillor D. Brister  
Councillor R. Jones  
Councillor K. Lewenza  
Councillor P. Hatfield  
Councillor C. Postma

**ABSENT:** Councillor B. Marra  
Councillor D. Dikens

Verbal Motion is presented by Councillor Jones, seconded by Councillor Valentinis,  
That Rule 3.3(a) of the *Procedure By-law, 420-2001 as amended*, BE WAIVED to allow for the  
Mayor to call a special Striking Committee meeting without 24 hours notice.

**Motion Carried.**

Your Committee submits the following recommendation:

(1) That the following persons **BE APPOINTED** to the *Windsor-Essex County Solid Waste Authority* for the term ending November 30, 2010:

- Mayor Francis
- Councillor P. Hatfield
- Councillor J. Gignac
- Councillor D. Dikens
- Councillor A. Halberstadt

CHAIR

CLERK



ADOPTED by Council at its meeting held January 18, 2010 [M27-2010]

**MLM**

**Windsor, Ontario January 18, 2010**

REPORT NO. 81  
of the  
**WINDSOR ACCESSIBILITY ADVISORY COMMITTEE**  
at its meeting held on December 15, 2009

Present: Ken Vickers, Chair  
Wayne Meneguzzi  
Peter Best  
Eric Cross  
Bryan Deloranzi  
Kathy Iacovone  
David Kerr  
Reverend Charles Payne

Your Committee submits the following recommendation:

That approval BE GIVEN to an expenditure in the upset amount of \$60,000 from the Windsor Advisory Accessibility Committee Accessibility Fund (Capital Project 7086008) for re-equipping the Fitness Centre at Windsor Water World with fitness equipment that is accessible to persons of all abilities.

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**CHAIRPERSON**

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**COUNCIL COMMITTEE COORDINATOR**

**ADOPTED** by Council at its meeting held January 18, 2010 [M28-2010]  
MLM  
Windsor, Ontario January 18, 2010

REPORT NO. 82  
of the  
**WINDSOR ACCESSIBILITY ADVISORY COMMITTEE**  
at its meeting held on December 15, 2009

Present: Ken Vickers, Chair  
Wayne Meneguzzi  
Peter Best  
Eric Cross  
Bryan Deloranzi  
Kathy Iacovone  
David Kerr  
Reverend Charles Payne

Your Committee submits the following recommendation:

That approval BE GIVEN to an expenditure in the upset amount of \$3,025 from the Windsor Advisory Accessibility Committee Non-Built Fund for training for accessible customer service for City of Windsor employees.

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**CHAIRPERSON**

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**COUNCIL COMMITTEE COORDINATOR**

ADOPTED by Council at its meeting held January 18, 2010 [M29-2010]

**MLM**

**Windsor, Ontario January 18, 2010**

REPORT NO. 83  
of the  
**WINDSOR ACCESSIBILITY ADVISORY COMMITTEE**  
at its meeting held on December 15, 2009

Present: Ken Vickers, Chair  
Wayne Meneguzzi  
Peter Best  
Eric Cross  
Bryan Deloranzi  
Kathy Iacovone  
David Kerr  
Reverend Charles Payne

Your Committee submits the following recommendation:

That approval BE GIVEN to an expenditure in the upset amount of \$1,000 from the Windsor Advisory Accessibility Committee Non-Built Fund for the purchase of two (2) assistive push chairs for the Windsor Family Credit Union (WFCU) Centre.

\_\_\_\_\_  
**CHAIRPERSON**

\_\_\_\_\_  
**COUNCIL COMMITTEE COORDINATOR**

ADOPTED by Council at its meeting held January 18, 2010 [M30-2010]

MLM

Windsor, Ontario January 18, 2010

REPORT NO. 84  
of the  
**WINDSOR ACCESSIBILITY ADVISORY COMMITTEE**  
at its meeting held on December 15, 2009

Present: Ken Vickers, Chair  
Wayne Meneguzzi  
Peter Best  
Eric Cross  
Bryan Deloranzi  
Kathy Iacovone  
David Kerr  
Reverend Charles Payne

Your Committee submits the following recommendation:

That approval BE GIVEN to an expenditure in the upset amount of \$7,300 from the Windsor Advisory Accessibility Committee Non-Built Fund for the purchase of equipment and supplies for Municipal Child Care Centres and Services for the children with disabilities and autism.

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CHAIRPERSON

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**COUNCIL COMMITTEE COORDINATOR**