

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 Jones
Councillor Lewenza
Councillor Marra
Councillor Postma
Councillor Valentinis

Members Absent:

Councillor Hatfield

Call to Order

Following the playing of the Canadian National Anthem, Reverend Wendy Patterson from Paulin Memorial Presbyterian Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

None disclosed.

Minutes

Moved by Councillor Brister, seconded by Councillor Dilkens,
M1-2010 That the Minutes of the regular meeting of Council held December 14, 2009,
BE ADOPTED as amended to reflect that Councillor Halberstadt voted nay on PAC Item No. 4, and that the Report of the Striking Committee held December 7, 2009 (M427-2009) Section (1) should indicate that Councillors Brister and Valentinis disclosed an interest and abstained from voting on that particular item.
Carried.

Notice of Proclamations

None presented.

Committee of the Whole

Moved by Councillor Gignac, seconded by Councillor Brister,
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 Special In-Camera Meeting** held December 14, 2009; and
 - (iii) **Report of the Striking Committee** of its meeting held December 14, 2009.
 - (g) consideration of by-laws 1-2010 through 4-2010 (inclusive).
- Carried.

Communications

Moved by Councillor Lewenza, seconded by Councillor Marra,
M2-2010 That the following Communication Items 1 to 10 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted, and that the minutes of the Transit Windsor Board of Directors (public and in camera) and Windsor Chartabus Inc., all held November 24, 2009 **BE ADOPTED**:

Item	From	Description
1	Ministry of Municipal Affairs and Housing	Revised Planning Act Regulations to Comply With Recommendations of the Propane Safety Review Panel City Planner Note & File GP2010
2	Federation of Canadian Municipalities (FCM)	City of Windsor – Resolution: Crisis in Conventional Television Note & File MMF2010
3	Association of Municipalities of Ontario (AMO)	Ontario Municipal Partnership Fund (OMPF) Allocations Announcement Chief Financial Officer & City Treasurer Note & File MMA2010
4	Union Gas Limited	Union Gas – Winter Warmth Program Community Development & Health Commissioner Note & File MU2010
5	Transit Windsor Board of Directors	Minutes of the Transit Windsor Board of Directors meeting held November 24, 2009, In-Camera meeting held November 24, 2009 and the minutes of the Windsor Chartabus Inc. meeting held November 24, 2009 TO BE ADOPTED MB2010
6	Windsor West Home Owners Association	Letter to the Mayor Regarding Houses on Indian Road, Edison, Crawford, Etc. City Planner City Solicitor Chief Building Official & Executive Director of Building Note & File Z/8581
7	Manager of Development	Application of Hassan Skieneh for zoning amendment to permit a single-unit residential dwelling for lands located at 2129 Longfellow Note & File ZB/10555

8	Chief Financial Officer & City Treasurer	Windsor Canada Utilities Ltd. (WCUL) – Third Quarter 2009 Financial Statements Note & File MU2010
9	Windsor Bicycling Committee	Minutes of meeting held December 8, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
10	Small Business Advisory Panel	Minutes of meeting held December 9, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010

Carried.

Consent Agenda

Moved by Councillor Lewenza, seconded by Councillor Marra,

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

Item 3 Watson Drain – New Access Bridge – 7295 Baseline Road, Drainage Report

Item 4 2010 Annual Temporary Borrowing

Carried.

Deferrals and/or Referrals and Withdrawals

Item 2 – 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 Council, this matter is being deferred to allow for Councillor Hatfield to be in attendance.

Presentations & Delegations:

PRESENTATIONS:

Dieppe Memorial

Dave Woodall, representing The Essex & Kent Scottish Regiment along with Lt. Col. Morris Brause, Commanding Officer of The Regiment

Dave Woodall, representing The Essex & Kent Scottish Regiment along with Lt. Col. Morris Brause, Commanding Officer of The Regiment, appear before Council to request endorsement of the Dieppe Memorial Project (DMP) and its proposed site, north of the existing Dieppe Memorial, and provide background information on what is being proposed.

Les Chaif, Ward 2 resident

Les Chaif, Ward 2 resident, appears before Council to request that Council endorse the Dieppe Memorial Project (DMP) and its proposed site, north of the existing Dieppe Memorial, stating that money should be no object for a project of this importance.

APR2010 1

DELEGATIONS**747-757 Ouellette Avenue – former Bentley’s Tavern – Rezoning****Dario Silvaggi, Entertaining Assets; and Karl Tanner, Dillon Consulting**

Dario Silvaggi, Entertaining Assets; and Karl Tanner, Dillon Consulting, appear before Council and are available for questions with regards to their rezoning request for property located at 747-757 Ouellette Avenue, to allow for renovations to the existing building to provide 16 new one bedroom loft style residential units on the ground floor of the existing structure, and to provide a commercial Laundromat on the Pelissier Avenue frontage of the building.

ZB/10550 6

(For final disposition of this matter, see Clause **CR6/2010** in Schedule “A” attached hereto.)

Regular Business Items (for final disposition of these matters see Schedule “A” attached)

Item 5 Assessment of the City of Windsor’s Pay for Performance Pilot Program

Consideration of Committee Reports

M3-2010 Moved by Councillor Brister, seconded by Councillor Dilkens,
presented. That the **Report of the special In-camera** meeting held January 4, 2010, **BE ADOPTED** as

Carried.

ACO2010

M4-2010 Moved by Councillor Brister, seconded by Councillor Dilkens,
presented. That the **Report of the Special In-Camera Meeting** held December 14, 2009 **BE ADOPTED** as

Carried.

MB2010

M5-2010 Moved by Councillor Brister, seconded by Councillor Dilkens,
BE ADOPTED as presented. That the **Report of the Striking Committee** of its meeting held December 14, 2009

Carried.

MB2010

By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the following By-laws No. 1-2010 through 4-2010 (inclusive), be introduced and read a first and second time:

1-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 395-2004, BEING A BY-LAW RESPECTING THE ISSUANCE OF CERTAIN LICENCES" authorized by Procedure By-Law 420/2001, adopted November 19, 2001

2-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NO. 395-2004 BEING A BY-LAW RESPECTING THE ISSUANCE OF CERTAIN LICENCES" authorized by Procedure By-Law 420/2001, adopted November 19, 2001

3-2010 "A BY-LAW TO FURTHER AMEND BY-LAW 245-2004, BEING A BY-LAW FOR THE REGISTRATION AND LICENSING OF DOGS AND FOR THE CONTROL OF DOGS GENERALLY WITHIN THE CITY OF WINDSOR" authorized by Procedure By-Law 420/2001, adopted November 19, 2001

4-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE FOURTH DAY OF JANUARY, 2010"

Carried.

Moved by Councillor Valentinis, seconded by Councillor Jones,
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 presented)**
- 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 presented)**
- 6) **By-laws given first and second readings (as presented)**

Carried.

Notices of Motion

None presented.

Third Reading of By-laws

Moved by Councillor Lewenza, seconded by Councillor Marra,
That the following By-laws No. 1-2010 through 4-2010 (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 Brister, seconded by Councillor Dilkens,
M6-2010 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 11, 2010

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
M7-2010 That the following proposed In Camera Agenda for January 11, 2010, **BE APPROVED**:

Item No.	Subject	Section – Pursuant to Municipal Act, 2001, as amended
1.	Property Matter – Ontario Municipal Board decision	239(2)(c)(e)
2.	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.

Adjournment

Moved by Councillor Valentinis, seconded by Councillor Jones,
 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 6:38o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

MANAGER OF COUNCIL/COMMITTEE SERVICES/DEPUTY CLERK

Marra
Dilkens

CR1/2010

That City Council **ENDORSE** the Dieppe Memorial Project (DMP) and its proposed site, north of the existing Dieppe Memorial (See Appendix 'A') and that the final project design **BE COMMUNICATED** back to Council.

Carried.

Report Number **14423 APR2010 1**

Appendices

Drawing

Internal Distribution

Manager of Cultural Affairs [Mary E. Baruth]
Community Development and Health Commissioner

Gignac
Dilkens

CR2/2010

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 a future meeting of Council to allow for Councillor Hatfield to be in attendance at the meeting.

Carried.

Report Number **14319 SAA/10281 2**

Internal Distribution

Planning [Don Wilson, Supervisor, Development Applications]
CityPlanner
Chief Building Official
Building - Sharon Amlin

Lewenza
Marra

CR3/2010

That in accordance with Section 8 of the *Ontario Drainage Act*, the firm of Dillon Consulting Limited, **BE APPOINTED** as the Drainage Engineer for the preparation of a drainage report for a new access bridge over the Watson Drain, serving Property Roll No. 090-030-02700 (7295 Baseline Road), under Section 78 of the *Drainage Act*.

Carried.

Report Number **14426 SW/10544 C3**

Internal Distribution

Public Works [Paul Mourad]
City Engineer

Lewenza
Marra

CR4/2010

THAT City Council **AUTHORIZE** the temporary borrowing of money for current expenditures for the year 2010, if and when required, as provided for under the provisions of Section 407 of the *Municipal Act*.

THAT the City Solicitor **BE DIRECTED** to prepare the necessary by-law AND

THAT City Council **AUTHORIZE** the City Treasurer to borrow on a temporary basis, such sums, if any, as considered necessary to meet the current expenditures of the Corporation for the year until the taxes are collected and other revenues are received.

Carried.

Report Number 14428 AF2010 C4

Internal Distribution

Corporate Services [Vince Grillo]
Chief Financial Officer/City Treasurer
City Solicitor

Halberstadt
Dilkens

CR5/2010

THAT City Council **DISCONTINUE** the Pay for Performance Program **EFFECTIVE IMMEDIATELY**, with no additional payments to be made on a Pay for Performance basis beyond the salary increases and payments already made under the Pilot Program in 2008;

AND THAT City Council **CONTINUE TO ENDORSE** Non-Union/Management employees' entitlement to annual step increases until they reach the top rate of their respective salary ranges, consistent with existing and past practices;

AND FURTHER THAT City Council **RECEIVE FOR INFORMATION** the report containing the Assessment of the City of Windsor's Pay for Performance Pilot Program.

Carried.

Report Number 14436 AS/9521 5

Internal Distribution

Human Resources [Bruno Ierullo]
Executive Director of Human Resources
City Clerk
Chief Financial Officer/City Treasurer
City Solicitor

Lewenza
Postma

C6/2010

- I. That a site specific amendment to the City of Windsor Official Plan **BE APPROVED** for Lot 14, Block II, Plan 256 (747-757 Ouellette Avenue) to permit development of residential dwelling units on the ground floor of a building in a Mixed Use designation; and
- II. That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lot 14, Block II, Plan 256 (747-757 Ouellette Avenue) from CD3.1 to CD3.1 with site specific holding provisions to permit residential dwelling units on the ground floor of a combined use building; and
- III. That the combined use (commercial\residential) development at Lot 14, Block II, Plan 256 (747-757 Ouellette Avenue) **BE DEEMED** a development for the purposes of the Planning Act and **BE REQUIRED** to apply for Site Plan Control approval; and
- IV. That the holding symbol **BE REMOVED** when the owner submits an application to remove the holding symbol and when the following conditions are satisfied:
 - i. A site plan control application acceptable in form and content to the City Planner is submitted and approved that includes, but is not limited to:
 - a. Elevation drawings of the Ouellette Avenue and Pelissier Avenue facades including written and graphic indication of all proposed cladding materials,, as well as a plan drawing showing the proposed treatment of the Ouellette Avenue Right of Way; and
 - b. A minimum of three (3) individually articulated ground floor entrances (1 common, 2 private unit) be provided on the Ouellette Avenue elevation (see photo, page 10, applicant's Planning Justification Report); and
 - c. A semi-private landscaped area be provided in front of each Ouellette Avenue private entrance (see photo, page 16, applicant's Planning Justification Report)
 - d. The applicant confirm required amenity space is provided on site; and
 - ii. The applicant provide evidence that a Record of Site Condition (RSC) has been filed on the Environmental Site Registry;
 - iii. The applicant enter into a development agreement with the city
- V. That Notwithstanding By-law 11275, requiring Council approval for all Site Plan Control Applications in the Downtown Business Improvement Area, Administration **BE DELEGATED** approval authority for development at Lot 14, Block II, Plan 256 (747-757 Ouellette Avenue).

Carried.

Report Number 14445 ZB/10550 6

Internal Distribution

Planning [Jim Abbs]

City Planner

Acting Manager of Development

Executive Director of Building/Chief Building Official

City Engineer

City Solicitor

Zoning Clerk - Council Services

ADOPTED by Council at its meeting held January 4, 2010 [M3-2010]
VC/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA January 4, 2010

Meeting called to order at: 4:04 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister
Councillor D. Dilkens
Councillor C. Postma (arrives at 4:10
p.m.)
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor B. Marra
Councillor J. Gignac

Members Absent:

Councillor P. Hatfield
Councillor K. Lewenza

Also in attendance:

H. Reidel, Chief Administrative Officer
R. Warsh, Community Development and Health Commissioner
M. Sonogo, City Engineer
G. Wilkki, City Solicitor
V. Critchley, City Clerk
H. Turnbull, Executive Director Information Technology
P. Carter, Administrative Assistant, Mayor's Office

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

<u>o.</u>	<u>Subject</u>	– Pursuant to Municipal Act, 2001, as amended
1.	Personal matter – litigation	239(2)(b)(e)(f)
	Update – update on Legal matters	239(2)(a), (c), (e) and (f)

	al Matter – related to identifiable individual(s) – See Item 5 on regular agenda	239(2)(b)
	ty Matter – sale of city-owned land	239(2)(c)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1, 4)

All Administration except the Chief Administrative Officer, City Clerk and City Solicitor leave the meeting at 4:30 p.m.

Discussion on the items of business (Items 3 and 2)

Councillor Marra leaves the meeting at 4:45 p.m.

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

**Moved by Councillor Postma, seconded by Councillor Dilkens,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the
report(s) discussed at the In-Camera Council Meeting held January 4, 2010 directly to
Council for consideration at the next Regular Meeting.**

1. That the confidential report from the City Solicitor, Senior Legal Counsel, Executive Director of Human Resources and Chief Financial Officer **BE DEFERRED** one week.
Councillors Hatfield and Lewenza absent for vote.
2. That the verbal report respecting the border issue **BE RECEIVED FOR INFORMATION.**
Councillors Marra and Hatfield absent for vote.
3. That the recommendation contained in the in-camera report from the Chief Administrative Officer respecting a personal matter related to identifiable individual(s) **BE DEFERRED** one week.
Councillors Hatfield and Marra absent for vote.

4. That the recommendation contained in the in-camera report from the Property Agent, Senior Property Agent, City Solicitor and Chief Financial Officer and City Treasurer respecting a property matter related to sale of city-owned land **BE APPROVED.**

Councillors Hatfield and Lewenza absent for vote.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Postma,
That the special meeting of council held January 4, 2010 BE ADJOURNED.**

(Time: 4:57 p.m.)

Motion Carried.

ADOPTED by Council at its meeting held January 4, 2010 [M4-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
December 14, 2009**

Meeting called to order at: 4:34 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister
Councillor D. Dilkens
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor K. Lewenza (arrives at
4:39 p.m.)
Councillor B. Marra
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor C. Postma

Also in attendance:

H. Reidel, Chief Administrative Officer
R. Warsh, Community Development and Health Commissioner
M. Sonego, City Engineer
G. Wilkki, City Solicitor
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer
T. Knight Lepain, Executive Assistant to Chief Administrative Officer (Item 3)
V. Mihalo, Executive Director of Human Resources (Items 3 and 5)

Verbal Motion is presented by Councillor Brister, seconded by Councillor Jones, 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>
1.	Legal matter – potential litigation	239(2)(e)(f)
	matter – contracts	239(2)(a)

	al matter – staffing update	239(2)(b)(d)
	matter – litigation update	239(2)(e)
	al matter – PETU certification (verbal update)	239(2)(d)
	r Update – update on Legal matters – NO REPORT	239(2)(a), (c), (e) and (f)

Motion Carried.

Declarations of Pecuniary Interest:

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 1, 2, 3, 4 and 5)

The meeting recesses at 5:49 p.m. and resumes at 9:14 p.m., with the following members present:

Members in Attendance:

Mayor E. Francis
 Councillor D. Brister
 Councillor R. Jones
 Councillor A. Halberstadt
 Councillor F. Valentinis
 Councillor B. Marra
 Councillor P. Hatfield
 Councillor J. Gignac

Members Absent:

Councillor C. Postma
 Councillor D. Dilkens
 Councillor K. Lewenza

Also in attendance:

H. Reidel, Chief Administrative Officer
 M. Sonogo, City Engineer
 G. Wilkki, City Solicitor
 V. Critchley, City Clerk
 O. Colucci, Chief Financial Officer and City Treasurer

Discussion on the items of business (Item 5)

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

Motion Carried.

Moved by Councillor Valentinis, seconded by Councillor Hatfield, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held December 14, 2009 directly to Council for consideration at the next Regular Meeting.

1. That the confidential report from the Risk Management Supervisor, Manager of Purchasing and Risk Management, City Solicitor and Chief Financial Officer and City Treasurer respecting potential litigation **BE RECEIVED FOR INFORMATION.**

Councillors Postma and Lewenza absent for vote

2. That the recommendation contained in the in-camera report from Senior Legal Counsel and City Solicitor respecting a legal matter - contracts **BE APPROVED.**

Councillor Postma absent for vote

3. That the confidential report from the Executive Assistant to the Chief Administrative Officer, City Clerk, Executive Director of Human Resources and Chief Financial Officer and City Treasurer respecting staffing update **BE RECEIVED FOR INFORMATION.**

Councillor Postma absent for vote

4. That the confidential report from the City Solicitor respecting litigation update **BE RECEIVED FOR INFORMATION.**

Councillor Postma absent for vote

5. That the verbal report respecting the PETU certification **BE RECEIVED FOR INFORMATION.**

Councillor Brister voting nay

Councillors Dilkens, Postma and Lewenza absent for vote

6. No report.

Motion Carried.

Moved by Councillor Brister, seconded by Councillor Halberstadt, That the special meeting of council held December 14, 2009 BE ADJOURNED.

(Time: 9:40 p.m.)

Motion Carried.

ADOPTED by Council at its meeting held January 4, 2010 [M5-2010]

VC/bm

Windsor, Ontario, January 4, 2010

REPORT OF THE STRIKING COMMITTEE
of its meeting held
December 14, 2009

PRESENT: Mayor E. Francis
Councillor J. Gignac
Councillor F. Valentinis
Councillor A. Halberstadt
Councillor D. Brister
Councillor R. Jones
Councillor K. Lewenza
Councillor B. Marra
Councillor D. Dilkens
Councillor P. Hatfield

ABSENT: Councillor C. Postma

Your Committee submits the following recommendation:

(1) That the following persons **BE APPOINTED** to the *Tourism Windsor Essex Board of Directors*:

- Lynnette Bain, Holiday Inn Select (large hotel)
- Shelley Sechopolous, Caesars Windsor (gaming)
- Wayne Strong, Ye Olde B&B (at large - City)
- David McGregor, Anderdon Creek Inn (small hotel)
- Tanya Mitchell, Sprucewood Winery (winery)
- Debi Croucher, Indaba Marketing (at large - County)
- Chuck Roy, Subway (restaurant)
- Lisa Kolody, Multicultural Council (festivals/events)
- John Morris Russell, Windsor Symphony (arts/culture)
- Tom Morrison, Southwestern Ontario Bow & Gun (outdoor)
- Jake Rondot, Human Kinetics Publishers (sport)
- Frank Mancini, Italia Bakery (retail/BIA)
- Tim Towle, Shoreline Charters & Tours (transportation)

CHAIR

CLERK