

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, Pastor Ernie Harris from New Beginnings Christian Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Marra discloses an interest and abstains from voting on Communication No.11, being correspondence from the County of Essex requesting consultation on regional services and programs, specifically in reference to the closure of all municipal early learning and child care centres, as his employer has a financial relationship with at least one of the local private day-care facilities.

Councillor Jones discloses an interest and abstains from voting on Communication No.11, being correspondence from the County of Essex requesting consultation on regional services and programs, specifically in reference to the closure of all municipal early learning and child care centres, as he has a relative that is employed in the affected area.

Councillor Valentinis discloses an interest and abstains from voting on Item No. 4, being the report of the City Engineer respecting "CQ103-2009 Neighbourhood Parking Surrounding St. Clair College and M419-2009 Lennon Court Petition", as the item involves St. Clair College, which employs him.

Mayor Francis discloses an interest and abstains from voting on Report No. 4 of the Planning Advisory Committee (PAC) respecting "Zeno Hadadean, rezoning, 3501 Victoria Boulevard, to permit vehicular access to a garage from Beals Street West" as he resides in the general vicinity of the affected area.

Minutes

Moved by Councillor Brister, seconded by Councillor Dilkens,
That the Minutes of the regular meeting of Council held March 22, 2010 **BE ADOPTED**
as presented.

Carried.

Notice of Proclamations

Hôtel-Dieu Grace Hospital Physician Appreciation Day – March 30, 2010
 April *Fools for Health* Day – April 1, 2010
 Holocaust Remembrance Day – April 11, 2010

Committee of the Whole

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
 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); and**
 - (ii) **Report No. 27 of the International Relations Committee** of its e-mail poll conducted March 25, 2010.
 - (g) consideration of by-laws 53-2010 through 54-2010 (inclusive).
- Carried.

Communications

Moved by Councillor Hatfield, seconded by Councillor Jones,
M99–2010 That the following Communication Items 1 to 10, 12 to 21 and 23 to 28 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted; that Communication No. 22 **BE DEALT WITH** at the requests for referrals, deferrals and/or withdrawals stage”; and Communication No. 11 which is dealt with as follows:

Communication No. 11

Moved by Councillor Dilkens, seconded by Councillor Hatfield,
M100-2010 That the correspondence from Warden Santos, County of Essex, dated March 19, 2010 respecting “County of Essex request for consultation on regional services and programs” **BE RECEIVED**, and further, that the item **BE PLACED** on the agenda for discussion at an upcoming joint meeting of City and County Councils, and further, that administration consult with County administration to establish a working protocol between both Councils for addressing any issue deemed of “regional interest” and any alternatives that might be available for consideration, such as regional government.

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

ITEM	FROM	DESCRIPTION
1	Ministry of Education Early Learning Division	Board Responsibility Regarding Early Learning Program (ELP) Community Development & Health Commissioner Note & File SSC/6751

ITEM	FROM	DESCRIPTION
2	Ministry of the Environment	Certificate of Approval – Municipal and Private Sewage Works – Construct Storm and Sanitary Sewers on Clemenceau Boulevard from Rose Avenue to Grand Boulevard City Engineer Executive Director of Operations Manager of Environmental Services Note & File SL2010
3	Chair of Cabinet, Minister Without Portfolio, Responsible for Seniors	2010 Senior of the Year Award Seniors Advisory Committee Note & File GP2010
4	Ministry of Agriculture, Food and Rural Affairs	Audit of Windsor's Infrastructure Programs Under the Economic Action Plan Chief Financial Officer & City Treasurer City Engineer Note & File SR/10566
5	Association of Municipalities of Ontario (AMO)	Gas Tax Reporting Deadline is on March 31, 2010 Chief Financial Officer & City Treasurer General Manager of Transit Windsor Note & File MT2010
6	Association of Municipalities of Ontario (AMO)	Government Responds to AMO and Municipalities and Announces 2008 Reconciliation Chief Financial Officer & City Treasurer Note & File MMA2010
7	Association of Municipalities of Ontario (AMO)	Provincial Budget Maintains Child Care and Infrastructure Funding; Increases Social Assistance Costs Chief Financial Officer & City Treasurer Note & File MMA2010
8	Municipal Property Assessment Corporation (MPAC)	Negotiations With the Ontario Public Service Employees Union (OPSEU) Chief Financial Officer & City Treasurer Note & File ACEA2010
9	The Canadian Chamber of Commerce	Downturn, Recovery and the Future Evolution of the Labour Market Note & File AF2010
10	Mayor Michael Harding, City of Woodstock	The Power Pledge Community Challenge Note & File EI2010
11	Corporation of the County of Essex	County of Essex Request for Consultation on Regional Services and Programs Note & File GM2010

12	South West Economic Alliance	2010 Ontario Budget	Note & File EI2010
13	Supervisor of Development Application Teams	Application of Chlumecky Holdings Inc. / Windsor Glass Company for Site Plan Approval to permit manufacturing located at 620 Sprucewood Plus lands to the north	Note & File ZS/10619
14	Supervisor of Development Application Teams	Application of McDonald's Restaurants of Canada Ltd. for Site Plan Amendment to permit side-by-side drive through lanes located at 883 Huron Church Rd.	Note & File ZS/10621
15	Supervisor of Development Application Teams	Application of McDonald's Restaurants of Canada Ltd. for Site Plan Amendment to permit side-by-side drive through lanes located at 2780 Tecumseh Rd. E.	Note & File ZS/10622
16	Supervisor of Development Application Teams	Application of Windsor-Essex Catholic District School Board for Site Plan Approval to permit a 5,108 square foot classroom addition including washroom facilities and storage area located at 1601 St. James St.	Note & File ZS/10620
17	City Solicitor	Response to CQ86-2009 – ERCA weighted votes	Note & File EI/10108
18	City Solicitor	Education Campaign on the Emission of Sound By-Law	Note & File AB2010
19	City Solicitor	CQ87-2009 – Architectural Firms	Note & File APM2010
20	Chief Building Official & Executive Director of Building	Response to CQ 33-2009 Clean Up of Undeveloped Serviced Lots	Note & File AF2010
21	Executive Director of Human Resources	Ministry of Labour Orders Issued at 400 City Hall Square	Note & File APM/7057
22	City Engineer	CQ81-2009 Traffic Calming Policy Progress	Note & File ST2010
23	City Engineer	ISF – Airport Operations Building Rehabilitation – Award of Tender 48-10 – HVAC Upgrade	Note & File AFB/10444
24	Community Development & Health Commissioner	Full Day Learning for Four and Five Year Olds	Note & File SSC/6751

25	Diversity Committee	Minutes of meeting held March 11, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
26	Windsor Bicycling Committee	Minutes of meeting held March 16, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
27	Association of Municipalities of Ontario (AMO)	Ontario Finance Minister Encourages Municipalities to Freeze Compensation Note & File GP2010
28	AMCTO – The Municipal Experts	AMCTO’s Advice to members on Ontario’s 2010 Budget Note & File GP2010

Carried.

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

Councillors Jones and Marra disclose an interest and abstain on voting on Communication No. 11, specifically relating to the reference to the closure of all municipal early learning and child care centres.

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 1 Request to close east/west alleys, north of Cabana Road West, immediately east and west of Curry Avenue

Item 2 Application to close part of the north/south alley west of Arthur Road, between Tecumseh Road East and Ypres Street

Item 3 Google Street View (*see revised recommendation in Section 8.1 of Consolidated Order of Business*)

Item 5 A By-law Authorizing the Federation of Canadian Municipalities 20-Year Amortizing Debenture

Item 7 RInC Project – McHugh Soccer Facility Buildings #130-09

Item 8 Additional Funding from Health Canada for the City’s Heart Alert and Response System (HARS) Pilot Project

Carried.

Deferrals and/or Referrals and Withdrawals

Communication No. 22

Moved by Councillor Dilkens, seconded by Councillor Valentinis,

M101-2010 That the report of the City Engineer dated March 12, 2010 entitled “CQ81-2009 Traffic Calming Policy Progress” **BE DEFERRED** to the August 9, 2010 meeting of Council, to allow for an update on progress relating to the outstanding traffic calming initiatives.

Carried.

Report No. 27 of the International Relations Committee

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M102-2010 That **Report No. 27 of the International Relations Committee** of its e-mail poll conducted March 25, 2010, **BE DEFERRED** indefinitely.
Carried.

MB2010

Presentations & Delegations:**PRESENTATIONS:****Windsor Utilities Commission Presentation****John Wladarski, General Manager, and Councillor Ken Lewenza, Chair, Windsor Utilities Commission**

John Wladarski, General Manager, and Councillor Ken Lewenza, Chair, Windsor Utilities Commission (WUC), appear before Council to present City Council with the current and future strategic direction of WUC, including the mission statement, strategic direction from 2010 to 2014, system data, legislative/regulatory drivers, acts and impacts, costs and required revenue, implementing best practices and processes, gains from accomplishments, water system assessments, report recommendations, revenue requirement, rates and public review and an overview of upcoming public information sessions as part of community consultations.

Moved by Councillor Jones, seconded by Councillor Dilkens,
M103-2010 That the presentation by John Wladarski, General Manager, and Councillor Ken Lewenza, Chair, Windsor Utilities Commission (WUC) given to City Council on March 29, 2010 respecting the current and future strategic direction of WUC **BE RECEIVED**.

Carried.

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

Mayor Francis leaves the meeting at 8:22 o'clock p.m., and Councillor Jones assumes the Chair.

DELEGATIONS**Zeno Hadadean, rezoning, 3501 Victoria Boulevard, to permit vehicular access to a garage from Beals Street West****Karl Tanner, representing the Applicant**

Karl Tanner, representing the Applicant, appears before Council to speak in support of the rezoning application for 3501 Victoria Boulevard, to permit vehicular access to a garage from Beals Street West, providing a brief history of the application for the garage.

ZB/10540 PAC 4(For final disposition of this matter, see Clause **CR120/2010** in Schedule "A" attached hereto.)

Mayor Francis returns to the meeting at 8:45 o'clock p.m., and Councillor Jones returns to his seat at the Council table.

CQ103-2009 Neighbourhood Parking Surrounding St. Clair College and M419-2009 Lennon Court Petition**John Lee, Acting Assistant Chief Fire Prevention Officer, Windsor Fire & Rescue Services**

John Lee, Acting Assistant Chief Fire Prevention Officer, Windsor Fire & Rescue Services, appears before Council regarding the parking situation on Stratford Court, suggesting that vehicles are regularly parking on both sides of the road, and that these vehicles largely belong to students of St. Clair College and not the residents, and concludes that given that the design of the street makes access for firefighting difficult at the best of times and parking on both sides of the road severely restricts and hampers access for an effective fire response, it is recommended that parking only be allowed on one side of the road at all times.

Vince Skinner, Ward 1 resident

Vince Skinner, Ward 1 resident, appears before Council regarding the parking situation on Stratford Court, expressing opposition to any proposal to permanently remove parking on the north and west sides of Stratford, as it does not resolve the issue of St. Clair College students parking on the street, and suggests that alternate side, month to month parking be implemented, or to implement residential parking permits

Bruce Vince, Ward 1 resident

Bruce Vince, Ward 1 resident, appears before Council regarding the parking situation on Stratford Court, suggesting that there be no parking from 9 a.m. to 6 p.m. Monday through Friday, on the northwest side of Stratford Court including the cul-de-sac.

Moved by Councillor Dilkens, seconded by Councillor Brister,

That the report of the City Engineer dated February 17, 2010 entitled "CQ103-2009 Neighbourhood Parking Surrounding St. Clair College and M419-2009 Lennon Court Petition" BE RECEIVED, and further, that Council overturn the administrative decision to restrict parking on Stratford Court, and that no action be taken until residents come back with a petition that meets the 60% threshold.

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

Aye votes: Councillors Dilkens, Brister and Jones.

Nay votes: Councillors Postma, Halberstadt, Lewenza, Gignac, Hatfield and Marra.

Councillor Valentinis discloses an interest and abstains from voting on this matter.

Moved by Councillor Dilkens, seconded by Councillor Brister,

That the report of the City Engineer dated February 17, 2010 entitled "CQ103-2009 Neighbourhood Parking Surrounding St. Clair College and M419-2009 Lennon Court Petition" BE DEFERRED to allow for a comprehensive plan to be developed in terms of the greater surrounding area.

The motion is **put** and is **lost** due to an equality of votes.

Aye votes: Councillors Dilkens, Brister, Lewenza, Hatfield and Jones.

Nay votes: Councillors Postma, Halberstadt, Gignac, Marra and Mayor Francis.

Councillor Valentinis discloses an interest and abstains from voting on this matter.

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

- PAC 1 Pezzol Incorporated, draft plan of condominium approval, 1070 Chatham Street East, conversion of an existing 10-storey rental apartment building (Riverside Heights) to condominium tenure - Deferred
- PAC 2 Inuk Incorporated, draft plan of condominium approval, 4665 Riverside Drive East, conversion of an existing 9-storey rental apartment building (Harbour Towers) to condominium tenure – Deferred
- PAC 3 Y. Vandebovenkamp, rezoning, north side of Ottawa Street west of Argyle Road, permit a medical office – Deferred
- Item 6 Demolition of 641 Chatham Street East

Consideration of Committee Reports

M104-2010 Moved by Councillor Brister, seconded by Councillor Dilkens,
That the **Report of the special In-camera** meeting held March 29, 2010, **BE ADOPTED**
as presented.

Carried.

ACO2010

By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the following By-laws No. 53-2010 through 54-2010 (inclusive), be introduced and read a first and second time:

53-2010 "A BY-LAW TO AUTHORIZE THE BORROWING UPON AMORTIZING DEBENTURES IN THE PRINCIPAL AMOUNT OF \$2,000,000 FOR A PURPOSE OF THE CORPORATION OF THE CITY OF WINDSOR"

54-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE TWENTY-NINTH DAY OF MARCH, 2010"

Carried.

Moved by Councillor Hatfield, 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 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 Lewenza, seconded by Councillor Marra,
That the following By-laws No. 53-2010 through 54-2010 (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

Moved by Councillor Postma, seconded by Councillor Valentinis,
M105-2010 That the petition presented by Councillor Jones from residents requesting the closure of the pedestrian walkway connecting Brock Street and Birch Street **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the City Solicitor for the purpose of an examination of the requested works or undertakings; and further that a report **BE PROVIDED** consistent with the direction provided.

Carried.

ACO/10546

Council Questions

Moved by Councillor Brister, seconded by Councillor Dilkens,
M106-2010 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.

ACQ2010

Adjournment

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
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 9:40 o'clock p.m.

MAYOR

THIS IS A DRAFT COPY

CITY CLERK

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Lewenza
Marra

CR107/2010

That the 4.88 metre (16 feet) wide east/west alleys, north of Cabana Road West, immediately east and west of Curry Avenue as shown on Drawing Number CC-1597, attached hereto as Appendix "A"

BE ASSUMED for subsequent closure and conveyance to the Roman Catholic Episcopal Corporation of the Diocese of London in Ontario, and further the City Solicitor **BE REQUESTED** to prepare the necessary by-law.

Carried.

Report Number **14594 SAA/10570 C1**

APPENDICES

Drawing No. CC-1597

Aerial Photo

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal [Sharon Amlin]

Legal [Frank Scarfone; Shelby Askin Hager]-Prepare the Easement/Assuming/Closing By-law.

Lewenza
Marra

CR108/2010

That the 4.88 metre (16 feet) wide east/west alleys, north of Cabana Road West, immediately east and west of Curry Avenue as shown on Drawing Number CC-1597, attached hereto as Appendix "A"

BE CLOSED AND CONVEYED to the Roman Catholic Episcopal Corporation of the Diocese of London in Ontario, owner of Corpus Christi Parish site, 1400 Cabana Road, subject to the following:

- (a) No easements are required.
- (b) the lands are to be conveyed at:
 - \$32.30 per square metre (\$3.00 per square foot) for lands abutting properties zoned ID1.1 and containing no easements;
 - \$16.15 per square metre (\$1.50 per square foot) for lands abutting properties zoned ID1.1 and containing easements;
 - plus deed preparation cost and proportionate share of the 12R cost as invoiced to the City of Windsor by an Ontario Land Surveyor

and further, the City Solicitor, **BE AUTHORIZED** to publish the required legal notice, the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1597, attached hereto as Appendix "A", and the City Solicitor **BE REQUESTED** to prepare the By-law to close and further the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved in form and content satisfactory to the City Solicitor, and the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Account Number: 001 6650 1805 03735 0125180

Carried.

Report Number 14594 SAA/10570 C1

APPENDICES

Drawing No. CC-1597

Aerial Photo

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal – Sharon Amlin – Prepare Ad

Legal - Legal Documents Clerk - Laura MacDonald

City Planner

City Engineer

City Solicitor

City Treasurer

Lewenza

Marra

CR109/2010

That part of the 3.66 metre (12 feet) wide north/south alley west of Arthur Road, from the south limit of the east/west alley next south of Tecumseh Road East, southerly to the southern property limit of the improved property municipally known as 4451 – 4559 Tecumseh Road East as shown on Drawing No. CC-1592, attached hereto as Appendix “A” **BE ASSUMED** for subsequent closure and conveyance to the abutting property owners and further the City Solicitor **BE REQUESTED** to prepare the necessary by-law.

Carried.

Report Number #: 14551 SAA/10462 C2

APPENDICES

Drawing No. CC-1592

Aerial Photo

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal [Sharon Amlin]

Legal [Frank Scarfone; Shelby Askin Hager]-Prepare the Easement/Assuming/Closing By-law.

Lewenza

Marra

CR110/2010

That part of the 3.66 metre (12 feet) wide north/south alley west of Arthur Road, from the south limit of the east/west alley next south of Tecumseh Road East, southerly to the southern property limit of the improved property municipally known as 4451 – 4459 Tecumseh Road East as shown on Drawing No. CC -1592, attached hereto as Appendix “A” **BE CLOSED AND CONVEYED** to the abutting property owners, subject to the following:

- (a) Easements in favour of:
- Bell Canada for aerial plant
 - Cogeco Cable Systems
 - Enwin Utilities – hydro for overhead hydro services
 - Union Gas for plant
- (b) the alley lands are to be conveyed at:
- \$1.00 plus deed preparation cost (approximately \$400.00) *plus* proportionate share of survey cost as invoiced to the City of Windsor by an Ontario Land Surveyor for lands abutting properties zoned RD1.2
 - \$107.64 per square metre (\$10.00 per square foot) for lands containing no easements and abutting properties zoned CD2.1, plus proportionate share of the 12R cost (deed preparation fees included);
 - \$53.82 per square metre (\$5.00 per square foot) for lands containing easements and abutting properties zoned CD2.1 plus proportionate share of the 12R cost (deed preparation fees included)

and further, the City Solicitor, **BE AUTHORIZED** to publish the required legal notice, the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1592, *attached* hereto as Appendix “A”, and the City Solicitor **BE REQUESTED** to prepare the By-law to close and further the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved in form and content satisfactory to the City Solicitor, and the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Account Number: 001 6650 1805 03735 0125180

Carried.

Report Number 14551 SAA/10462 C2

APPENDICES

Drawing No. CC-1592

Aerial Photo

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal – Sharon Amlin – Prepare Ad

Legal - Legal Documents Clerk - Laura MacDonald

City Planner

City Engineer

City Solicitor

City Treasurer

Lewenza

Marra

CR111/2010

That the report of the Corporate Marketing & Communications Officer dated March 11, 2010 entitled “Google Street View” **BE NOTED AND FILED**.

Carried.

Report Number 14595 APM2010 C3

Internal Distribution

City Clerks [Mary Rodgers]

City Clerk

Lewenza

Postma

CR112/2010

That the report of the City Engineer dated February 17, 2010 entitled "CQ103-2009 Neighbourhood Parking Surrounding St. Clair College and M419-2009 Lennon Court Petition" **BE RECEIVED**, and

That Schedule "D" Alternate Side Parking of the Parking By-Law 9023, **BE AMENDED** to add no parking on north and west sides of Stratford Court during the months of January, February, March, May, July, September, November and December effective 9am on the 1st day of each month and no parking on the south and east sides of Stratford Court during the months of April, June, August and October effective 9am on the 1st day of each month; and

That Schedule "C" No Parking of the Parking By-Law 9023 **BE AMENDED** to add no parking on Stratford Court on the north and west sides from 65m east of Mount Carmel Drive to 30m east/north thereof, including the cul-de-sac.

Carried.

Councillors Jones and Dilkens voting nay.

Councillor Valentinis discloses an interest and abstains from voting on this matter.

Report Number 14579 ST2010 4

Internal Distribution

Public Works [J.M. Eugeni]

Public Works – Steve Kapusta

City Engineer

Deputy Engineer

Fire – John Lee

Council Secretariat – re Council Question

Executive Director of Operations - M. Palanacki

Manager of Traffic Operations – John Wolf

Supervisor of Signs & Markings, Traffic – Roberto Peticca

Manager of Compliance & Enforcement - Mobile Unit – Sandra Taziker

Chief of Police

City Solicitor - Please prepare the necessary by-law.

Lewenza

Marra

CR113/2010

THAT a By-Law, being a by-law authorizing the **ENTERING INTO** an agreement with the Federation

of Canadian Municipalities (FCM) as Trustee of the Green Municipal Fund for a 20-Year Amortizing Debenture loan, in the amount of \$2,000,000 to assist in the purchase of Hybrid Electric Vehicles for the City of Windsor Transit Services, **BE PASSED**; and

THAT the Chief Administrative Officer and the Treasurer are **AUTHORIZED** to sign the debenture-loan agreement with FCM, to enable the Debentures to be issued and the Clerk and Treasurer are individually authorized to generally do all things and to execute all documents and other papers in the name of the City in order to carry out the issue of the Debentures pursuant to the debenture – loan agreement with FCM and the Clerk is **AUTHORIZED** to affix the City's municipal seal to any of such documents and papers.

Carried.

Report Number **14592 MMF/10593 C5**

Internal Distribution

Finance [Vince Grillo]
Chief Financial Officer/City Treasurer
General Manager, Transit Windsor
City Solicitor

Marra
Postma

CR114/2010

1. That Council **APPROVE** the demolition of the building at 641 Chatham Street East by the Building Department in accordance with Section 15.4 of the Building Code Act and Demolition Control By-law 11806 due to the deteriorated structural condition of the building and the owner's failure to comply with a deemed confirmed Property Standards Order to Demolish the building; and
2. That the east side of the then vacant property **BE ENCLOSED** with a permanent security fence.
3. That Council **DIRECT** Finance Department to forward the necessary funds for demolition from the Budget Stabilization Fund.

Carried.

Report Number **14584 SB2010 6**

Internal Distribution

Building [Al Peach]
Chief Building Official
Chief Financial Officer/City Treasurer
City Solicitor

Lewenza
Marra

CR115/2010

1. 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.

2. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with Bear Construction Ltd. in the amount of \$697,800.00, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks and Facilities and in financial content to the City Treasurer and Chief Financial Officer.
3. That a contingency amount of \$100,000 **BE APPROVED** to allow for potential upgrades to the base contract.
4. That CR18/2010 awarding Tender #130-09 to Loaring Construction **BE RESCINDED**.

Carried.

Report Number **14598 SR/10565 C7**

Internal Distribution

Parks & Facilities [Don Sadler]
City Engineer
Manager of Purchasing and Risk Management
Chief Financial Officer/City Treasurer
City Solicitor

Lewenza
Marra

CR116/2010

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an amendment to the memorandum of agreement (MOA) endorsed by City Council (CR63/2009) with Health Canada before March 30, 2010 satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer, for an additional \$5,000 contribution from Health Canada for the City's pilot Heat Alert and Response System (HARS) project.

Carried.

Report Number **14602 MH/11217 C8**

Internal Distribution

Public Works [Paul Drca]
Environmental Coordinator – Chris Brown & Karina Richters
City Engineer
Chief Financial Officer/City Treasurer
City Solicitor

Brister
Postma

CR117/2010

That the report of the Planning Advisory Committee dated March 29, 2010, advising of the deferral of the rezoning application of Pezzol Incorporated for a plan of condominium approval, 1070 Chatham Street East, to permit the conversion of an existing 10-storey rental apartment building (Riverside Heights) to condominium tenure **BE RECEIVED** for information.

Carried.

Report Number **ZB/10517 PAC 1**

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
City Solicitor
Zoning Clerk - Council Services
Manager of Business Administration – Licensing

Marra

Postma

CR118/2010

That the report of the Planning Advisory Committee dated March 29, 2010, advising of the deferral of the rezoning application of Inuk Incorporated (4665 Riverside Drive East), for a draft plan of condominium approval to permit the conversion of an existing 9-storey rental apartment building (Harbour Towers) to condominium tenure **BE RECEIVED** for information.

Carried.

Report Number **ZB/10516 PAC 2**

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
City Solicitor
Zoning Clerk - Council Services
Manager of Business Administration – Licensing

Postma

Hatfield

CR119/2010

That the report of the Planning Advisory Committee dated March 29, 2010, advising of the deferral of the rezoning application of Yvonne Vandebovenkamp for rezoning on the north side of Ottawa Street west of Argyle Road, to permit a medical office **BE RECEIVED** for information.

Carried.

Report Number **ZB/10547 PAC 3**

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
City Solicitor
Zoning Clerk - Council Services
Manager of Business Administration – Licensing

Brister
Gignac

CR120/2010

That the application of Zeno Hadadean for an amendment to Zoning By-law 8600, changing the zoning of Lot 215, Registered Plan 1124 (southwest corner of Beals Street West and Victoria Boulevard), by providing relief from Section 21 (10) (c) of the By-Law, to permit vehicular access to a garage from Beals Street West, **BE DENIED.**

Carried.

Councillors Valentinis, Marra and Dilkens voting nay.

Mayor Francis discloses an interest and abstains from voting on this matter.

Report Number **14510 ZB/10540 PAC 4**

Internal Distribution

City Planner

Manager of Development

Chief Building Official

City Engineer

City Solicitor

Zoning Clerk - Council Services

Manager of Business Administration – Licensing

ADOPTED by Council at its meeting held April 12, 2010 [M111-2010]
and March 29, 2010 [M104-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
March 29, 2010 (Session 1)**

Meeting called to order at: 3:06 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 3:21
p.m.)
Councillor B. Marra (arrives at 3:55
p.m.)
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor C. Postma

Also in attendance:

H. Reidel, Chief Administrative Officer
J. Wilson, Executive Director Recreation and Culture (for R. Warsh)
(arrives at 3:45 p.m.)
M. Sonogo, City Engineer
M. Nazarewich, Senior Legal Counsel (for G. Wilkki)
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer
T. Gilbert, Dr. G. Diamond, D. McDougall, Ministry of Environment (Item 1)
L. George, Zalev Brothers (Item 1)
Dr. A. Heimann, Medical Officer of Health (Item 1)
S. Johnson, representing J. Slopen, Legal Counsel for Zalev Brothers (Item 1)

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

o.	Subject	n – Pursuant to Municipal Act,
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		2001, as amended
1.	Matter – Solicitor-client privilege (verbal report)	239(2)(f)
2.	ty Matter – acquisition of easement	239(2)(c)
	ty Matter – acquisition of easement	239(2)(c)
	ty Matter – expropriation of properties for Walker/Provincial improvements	239(2)(c)
	al Matter – Solicitor-client privilege	239(2)(b)
	Matter – litigation	239(2)(e)
	r Update – update on Legal matters	239(2)(a), (c), (e) and (f)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

Delegations

D. McDougall, T. Gilbert and Dr. G. Diamond, representing the Ministry of Environment and Dr. A. Heimann, Medical Officer of Health, enter the meeting at 3:32 p.m. Discussion regarding legal issues. The delegations leave the meeting at 3:40 p.m.

L. George, representing Zalev Brothers and S. Johnson, representing J. Slopen, Solicitor for Zalev Brothers enter the meeting at 3:42 p.m. Discussion regarding legal issues. The delegations leave the meeting at 3:46 p.m.

Verbal Motion is presented by Councillor Valentinis, seconded by Councillor Dilkens,
to move back into public session.
Motion Carried.

Moved by Councillor Dilkens, 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 March 29, 2010 (Session 1) directly to Council for consideration at the next Regular Meeting.

1. That the verbal report respecting a legal matter – solicitor-client privilege **BE RECEIVED FOR INFORMATION**, and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Councillor Postma absent for vote.

2. That the recommendation contained in the in-camera report from the Property Coordinator, Property Supervisor, City Solicitor and Chief Financial Officer and City Treasurer respecting a property matter – acquisition of easement **BE APPROVED**.

Councillors Postma, Marra and Lewenza absent for vote.

3. That the recommendation contained in the in-camera report from the Property Coordinator, Property Supervisor, City Solicitor and Chief Financial Officer and City Treasurer respecting a property matter – acquisition of easement **BE APPROVED**.

Councillors Postma, Marra and Lewenza absent for vote.

4. That the recommendation contained in the in-camera report from the Property Coordinator, Property Supervisor and City Solicitor respecting a property matter – expropriation of properties for Walker/Provincial improvements **BE APPROVED**

Councillors Postma, Marra and Lewenza absent for vote.

5. That the confidential report from the City Solicitor and Manager of Purchasing and Risk Management respecting a personal matter – solicitor-client privilege **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Councillors Postma, Marra and Lewenza absent for vote.

6. That the confidential report from the Executive Director of Parks, City Engineer and City Solicitor respecting Item 7 on the Regular Agenda **BE RECEIVED** and further that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Councillors Postma and Marra absent for vote.

7. That the verbal report respecting the border issue **BE RECEIVED FOR INFORMATION**.

Councillors Postma and Marra absent for vote.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Brister,
That the special meeting of council held March 29, 2010 (Session 1) BE ADJOURNED.
(Time: 4:00 p.m.)**

Motion Carried.

ADOPTED by Council at its meeting held April 12, 2010 [M112-2010]
and March 29, 2010 [M104-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
March 29, 2010 (Session 2)**

Meeting called to order at: 4:06 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister
Councillor D. Dilkens
Councillor R. Jones (arrives at 4:07
p.m.)
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor K. Lewenza
Councillor B. Marra
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor C. Postma

Also in attendance:

H. Reidel, Chief Administrative Officer
J. Wilson, Executive Director Recreation and Culture (for R. Warsh)
M. Sonego, City Engineer
M. Nazarewich, Senior Legal Counsel (for G. Wilkki)
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer

Verbal Motion is presented by Councillor Hatfield, 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 meeting without 24 hours notice, to discuss a legal matter - Solicitor-client privilege – request for proposal update *Section 239(2)(f) of the Municipal Act*)

Motion Carried.

Verbal Motion is presented by Councillor Hatfield, seconded by Councillor Valentinis,

to move in Camera for discussion of the following item(s):

<u>o.</u>	<u>Subject</u>	n – Pursuant to Municipal Act, 2001, as amended
1.	Matter – Solicitor-client privilege – Request for Proposal update (verbal report)	239(2)(f)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Item 1)

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

Motion Carried.

Moved by Councillor Dilkens, seconded by Councillor Brister, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held March 29, 2010 (Session 2) directly to Council for consideration at the next Regular Meeting.

8. That the verbal update from the Chief Administrative Officer and City Solicitor regarding a Request for Proposal process BE RECEIVED FOR INFORMATION and that Administration BE AUTHORIZED to proceed in accordance with the verbal direction of Council.

Councillor Postma absent for vote.

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Brister, That the special meeting of council held March 29, 2010 (Session 2) BE ADJOURNED. (Time: 4:10 p.m.)

Motion Carried.

DEFERRED Indefinitely
as ADOPTED by Council at its meeting held March 29, 2010 [M102-2010]
RB/
Windsor, Ontario, March 25, 2010

REPORT NO. 27
of the
INTERNATIONAL RELATIONS COMMITTEE
of its electronic poll held on March 24, 2010

Replies as of 5:00 o'clock p.m., March 25, 2010:

Councillor D. Dilkens, Chairperson
Councillor R. Jones
F. Simpson
B. Roberts
M. Lefebvre
P. Bondy

Your Committee submits the following recommendations:

1. That the International Relations Committee **RECEIVE** and **HOST** and Official Delegation from Changchun, China scheduled to visit Windsor in late May or early June 2010 for one half-day.

CHAIRPERSON

SECRETARY