

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 Valentinis

Members Absent:

Councillor Postma

Call to Order

Following the playing of the Canadian National Anthem, Reverend Gilvan Azevedo from First Lutheran Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Jones discloses an interest and abstains from voting on Communication No. 3, respecting the Canadian Mental Health Association (CMHA), as an immediate family member is part of the subject event organizing committee.

Minutes

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the Minutes of the regular meeting of Council held November 8, 2010 **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

Thanks and Appreciation to Jerry Barycki – November 14, 2010

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);
 - (g) consideration of by-laws 177-2010 through 178-2010 (inclusive).
- Carried.

Communications

Moved by Councillor Lewenza, seconded by Councillor Marra,
M309–2010 That the following Communication Items 1 to 12 inclusive, as set forth in the Council Agenda
BE REFERRED as noted:

| Item | From | Description |
|------|--|---|
| 1 | Ontario Municipal Board (OMB) | Decision/Order of the Board regarding the appeal of Croatian National Sports Club & Windsor Christian Fellowship, under the <i>Planning Act, R.S.O. 1990</i> regarding Official Plan Amendment No. OPA 74 and By-Law 110-2009 City Planner Chief Building Official City Solicitor Zoning Clerk Note & File ZB/10347 |
| 2 | Association of Municipalities of Ontario (AMO) | 2011 Municipal Blue Box Funding Distribution Executive Director of Operations Note & File EI2010 |
| 3 | Canadian Mental Health Association (CMHA) | Request for Sponsorship – Black and White Event COUNCIL DIRECTION REQUESTED MH2010 |
| 4 | Municipal Property Assessment Corporation (MPAC) | Property Assessment Notices Chief Financial Officer & City Treasurer Note & File ACEA2010 |
| 5 | Municipal Property Assessment Corporation (MPAC) | Court of Appeal Decision – Toronto Bank Towers Chief Financial Officer & City Treasurer Note & File ACEA2010 |
| 6 | City Planner | Application of City of Windsor – Corporate Projects, for Site Plan Amendment to permit minor changes to the parking layout located at 1380 Mathew Brady Boulevard Note & File ZS/10585 |
| 7 | City Planner | Application of Tuscany Oaks Ltd. for Site Plan Amendment to permit conversion to two additional handicapped parking spaces and barrier free parking and curbs located at 11003 Tecumseh Rd. East Note & File ZS/10686 |

| | | |
|----|--|---|
| 8 | Windsor International Film Festival (WIFF) | Can-Am Grand Prix of Cinema Peoples' Choice Award 2010 Note & File APR2010 |
| 9 | City Solicitor | CQ27-2010 Closed to the public council meetings Note & File MB2010 |
| 10 | Windsor Accessibility Advisory Committee | Minutes of meeting held October 26, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010 |
| 11 | Museum Advisory Committee (MYAC) | Minutes of meeting held October 28, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010 |
| 12 | Mayor's Youth Advisory Committee (MYAC) | Minutes of meeting held November 2, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010 |

Carried.

Councillor Jones discloses an interest and abstains from voting on Communication No. 3.

Consent Agenda

Moved by Councillor Brister, seconded by Councillor Valentinis,

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

Item 1 Pot in Pot Nursery JCP-MTCU Grant

Item 2 Jackson Park Trellis – Infrastructure Stimulus Fund (ISF)

Carried.

Deferrals and/or Referrals and Withdrawals

None.

Presentations & Delegations:

PRESENTATIONS:

Peter Coady, Executive Director, Windsor International Film Festival

Peter Coady, Executive Director, Windsor International Film Festival, appears before Council to provide a brief overview of the recent film festival, and concludes by presenting to the City of Windsor the Can-Am Grand Prix of Cinema People's Choice Award 2010.

DELEGATIONS

Ni.

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

None

Consideration of Committee Reports

None presented.

By-laws

Moved by Councillor Hatfield, seconded by Councillor Jones,
That the following By-laws No. 177-2010 through 178-2010 (inclusive), be introduced and read a first and second time:

177-2010 "A BY-LAW TO FURTHER AMEND BY-LAW 188-2000, BEING A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR"

178-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE FIFTEENTH DAY OF NOVEMBER, 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 presented)**
- 2) **Consent Agenda (as presented)**
- 3) **Items Deferred**
Items Referred
- 4) **Consideration of the Balance of Business Items (see Schedule "A")**
- 5) **Committee Reports**
- 6) **By-laws given first and second readings (as presented)**

Carried.

Notices of Motion

Moved by Councillor Gignac, seconded by Councillor Dilkens,
M310-2010 That Rule 13.9(a) of the Procedure By-law regarding business not already before Council
BE WAIVED, to permit Councillor Gignac to introduce a motion for consideration without prior notice respecting a desire to have electricity and heating rates exempt from the Harmonized Sales Tax (HST).
Carried.

Moved by Councillor Gignac, seconded by Councillor Brister,
M311-2010 **WHEREAS** residents have identified escalating electricity and heating rates as a major concern; and
WHEREAS electricity and heating, like municipal water, are not luxury items but a basic necessity;
THEREFORE BE IT RESOLVED that Council petition our Provincial and Federal partners, to request that like the current Municipal Water category, electricity and heating be exempt from Harmonized Sales Tax (HST); and further,
That this motion **BE FORWARDED** to the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM) requesting support from their respective members.
Carried.

MU2010

Third Reading of By-laws

Moved by Councillor Brister, seconded by Councillor Valentinis,
That the following By-laws No. 177-2010 through 178-2010 (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,
M312-2010 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 NOVEMBER 22, 2010

M313-2010 Moved by Councillor Hatfield, seconded by Councillor Jones,
That the following proposed In Camera Agenda for November 22, 2010 **BE APPROVED**:

| Item No. | Subject | Section – Pursuant to Municipal Act, 2001, as amended |
|-----------------|---|--|
| 1. | Property matter – expropriation of land | 239(2)(c) |

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 6:18 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Brister
Valentinis

CR411/2010

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to apply for funding and execute an agreement with MTCU for the **Pot in Pot** project under the Job Creation Partnership Program for an estimated contribution of **\$91,594** and in-kind contribution from the City of Windsor of **\$125,000**, and a cash contribution from the City of Windsor Tree planting Reserve Fund of **\$5,000** which, with a contribution of labour costs by MTCU estimated at **\$291,870** results in a total project cost of **\$513,464**; and further, THAT the necessary agreement **BE EXECUTED** by the Chief Administrative Officer and the City Clerk with CUPE Local 82, satisfactory in form to the City Solicitor and in content to the Executive Director of Human Resources and in financial content to the CFO/City Treasurer.

Carried.

Report Number 14965 SR/10827 C1

Internal Distribution

Parks [Bill Roesel; Don Sadler, Executive Director]
City Engineer
Executive Director of Human Resources
Executive Director of Employment and Social Services
Career Development Services – Diane Holman
Chief Financial Officer/City Treasurer
City Solicitor

Brister
Valentinis

CR412/2010

THAT Tender No. #157-10 for the Jackson Park Trellis **BE APPROVED** to supply all labour and materials as stipulated in the tender to construct a new trellis, walkways and ramps in Jackson Park; and further,

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with the lowest compliant tenderer, Sherway Contracting (Windsor) Limited in the amount of \$333,314.68, (Including contingency, excluding HST), 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; and,

THAT Council **APPROVE** additional funding of \$300,314.68 from project #7095000 (Capital Contingency – 5 Year Plan), due to an increase in total project costs from \$800,000 to \$1,100,314.68.

Carried.

Report Number 14966 SR/10828 C2

Internal Distribution

Parks [Mike Clement]
Executive Director of Parks and Facilities
City Engineer
Manager of Purchasing and Risk Management
Chief Financial Officer/City Treasurer
City Solicitor