

Regular

Council meets in formal session this day at 6:07 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, Bishop Lionel Riley from Harrison Memorial Church (Ontario) of God in Christ, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

None presented.

Minutes

Moved by Councillor Valentinis, seconded by Councillor Brister,
That the Minutes of the regular meeting of Council held October 4, 2010 **BE ADOPTED**
as presented.

Carried.

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

Notice of Proclamations

Homelessness Action Week - October 11 – 16, 2010
Conflict Resolution Day – October 21, 2010
English As A Second Language Week – October 24 – 30, 2010
10th Annual Child Care Worker & ECE Appreciation Day – October 27, 2010
BookFest Windsor Week – October 30 – November 6, 2010

Committee of the Whole

Moved by Councillor Dilkens, seconded by Councillor Gignac,
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 No. 289 of the Windsor Heritage Committee** of its meeting held September 15, 2010
- (g) consideration of by-laws 163-2010 through 171-2010 (inclusive)

Carried.

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

Communications

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

M291-2010 That the following Communication Items 1 to 13, 15 to 16 and 18 to 25 and 27 to 34 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 14, 17 and 26 which are dealt with as follows:

Communication No. 14:

Moved by Councillor Hatfield, seconded by Councillor Halberstadt,

M292-2010 That the correspondence from the Ukrainian Community dated October 7, 2010 requesting flag installation locations **BE RECEIVED**, and further, that the Executive Director of Parks & Facilities **BE DIRECTED** to work with the Ukrainian community to determine the location of flags and peaceful demonstrations, in memory of the Ukrainian genocide that occurred in 1932 to 1933.

Carried.

Communication No. 17:

Moved by Councillor Gignac, seconded by Councillor Hatfield,

M293-2010 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 the Little Rivers Acres Energy Management Action Plan.

Carried.

Moved by Councillor Gignac, seconded by Councillor Hatfield,

M294-2010 THAT the proposal by the Ontario Power Authority (OPA) to undertake an Energy Management Action Plan for Little River Acres in partnership with the City of Windsor, as outlined in a letter from the OPA dated October 8, 2010, **BE ENDORSED**; and

THAT a maximum of \$15,000 from the funds identified in capital project 7041913 **BE USED** to match a contribution by the Ontario Power Authority in order to retain a consultant to develop an Energy Management Action Plan for Little River Acres; and

That the funds in Capital Projects account be used as a matching contribution in order to obtain a consultant.

Carried.

Communication No. 26:

Moved by Councillor Dilkens, seconded by Councillor Brister,
M295-2010 That the correspondence from Richard Hucal, dated October 15, 2010 respecting traffic calming initiatives for residents of Casgrain, Roseland South, Roseland East, Kennedy, Mansfield, Bartlet Drive and Neal Avenue **BE REFERRED** to administration to allow for a report to Council on November 1, 2010 and to allow for delegations on this matter.

Carried.

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

Item	From	Description
1	Ministry of Health Promotion and Sport	After-School Program for the 2010/2011 School Year Community Development & Health Commissioner Note & File GP2010
2	Ministry of Transportation	Request to Identify Potential Capital Construction Projects Eligible for Connecting Link Funding for the 2011/2012 Fiscal Year Chief Financial Officer & City Treasurer City Engineer Note & File GP2010
3	Ministry of Municipal Affairs and Housing	Municipal Performance Measurement Program Note & File GM/7583
4	Ministry of Agriculture, Food and Rural Affairs	Premier's Award for Agri-Food Innovation Excellence Note & File GP2010
5	Federation of Canadian Municipalities (FCM)	FCM News – Week of October 11th City Planner Note & File GM2010
6	Association of Municipalities of Ontario (AMO)	Proposal Number: 10-CSS002: AMO Response to Proposed Integrated Accessibility Regulation as Posted on Regulatory Registry General Manager of Transit Windsor WAAC Coordinator A/ Diversity & Accessibility Officer A/ Manager of 311/211 Note & File GPL/3263
7	Association of Municipalities of Ontario (AMO)	Minister of the Environment Makes Decision on Management of Municipal Hazardous and Special Waste City Engineer Note & File MMA2010
8	Association of Municipalities of Ontario (AMO)	AMO Responds to Governments Proposed Integrated Accessibility Regulation General Manager of Transit Windsor WAAC Coordinator A/ Diversity & Accessibility Officer A/ Manager of 311/211 Note & File GPL/3263

9	Brian Masse, MP – Windsor West	Windsor Storm Retention Basin Project in Windsor City Engineer AFB/10064
10	Corporation of the Town of Kingsville	Closure of Public Health Lab – Huron Church Road, Windsor, Ontario Note & File MH2010
11	The Town of Greater Napanee	Letter of Thanks Regarding City of Windsor Support Note & File APR2010
12	Town of Tecumseh Committee of Adjustment	Notice of Public Hearing of Application for Severance City Planner City Solicitor Note & File ZC2010
13	Town of LaSalle Committee of Adjustment	Notice of Public Hearing of Application for Consent – 1375 Sprucewood City Solicitor City Planner Note & File ZC2010
14	Maury O'Brien	Remembering the Ukrainian Genocide 1932-1933 Note & File APR2010
15	United Way Windsor- Essex County	Letter of Thanks Regarding the 2010 United Way Community Kick-Off Note & File APR2010
16	Ontario Energy Board	Decision on Cost Eligibility Enwin Utilities City Engineer Note & File MU2010
17	Ontario Power Authority	Little River Acres Energy Management Action Plan COUNCIL DIRECTION REQUESTED Enwin Utilities City Planner MU2010
18	Workplace Safety and Insurance Board (WSIB)	2011 Premium Rates Executive Director of Human Resources Note & File AS2010
19	Manager of Development Applications	Application of Athan's Holdings Ltd. for zoning amendment to permit a takeout restaurant and convenience store for lands located at 2212 Huron Church Rd. Note & File ZB/10808
20	Manager of Development Applications	Application of David Huu Tran for zoning amendment to permit a pawn shop for lands located at 9845 Tecumseh Rd. E. Note & File ZB/10810

21	Manager of Development Applications	Application of Gregg Strong and Kathleen Strong for zoning amendment to permit outdoor mini golf and parking area to rear of lands located at 11210-11236 Tecumseh Rd. E. Note & File ZB/10809
22	City Planner	Application of Royal Timbers Inc. for Site Plan Amendment to permit an extension of the existing Site Plan Control approved plan for lands located at 3990 Wildwood and 3295, 3275, 3255, 3235, 3195, 3215, 3175, 3315 Banwell Road Note & File ZS/10804
23	City Planner	Application of 1196875 Ontario Ltd. for Site Plan Amendment to permit the removal of certain sidewalks, installation of motorized parking gates and revised parking layout located at 3363 Tecumseh Rd. East Note & File ZS/10491
24	Secretary/Treasurer Committee of Adjustment	Consent Authority Agenda Record Hearing to be held on Wednesday, October 20, 2010, Council Chambers, 3rd Floor, Windsor City Hall, 350 City Hall Square West, Windsor Note & File ZC2010
25	Chief Administrative Officer, City of Windsor; and Chief Administrative Officer, County of Essex	Proposal for 50 Metre Olympic Size Pool Executive Director of Recreation Chief Financial Officer & City Treasurer Note & File APR/10694
26	Richard Hucal, Resident	Request for Information Regarding Traffic Calming Initiative for residents near Casgrain COUNCIL DIRECTION REQUESTED Executive Director of Operations MH/9899
27	Ernie Lamont, Resident	Request for Presentation Regarding Business Propositions COUNCIL DIRECTION REQUESTED MH/9899
28	City Planner	CQ91-2008 RE: Residential Intensification Analysis Report Note & File GPL/3905
29	City Engineer	Retention Treatment Basin Project – Update Note & File AFB/10064
30	City Solicitor	Legal and Consulting Fees – Border/Interim Control By-law Files – Response to CQ95-2010 Note & File ST/5710
31	Windsor Heritage Committee	Minutes of meeting held September 15, 2010 (previously distributed for members of Council only) (copy available upon request) Note & File MB2010

32	Seniors Advisory Committee	Minutes of meeting held September 23, 2010 (previously distributed for members of Council only) (copy available upon request)	Note & File MB2010
33	Museum Advisory Committee	Minutes of meeting held September 22, 2010 (previously distributed for members of Council only) (copy available upon request)	Note & File MB2010
34	Association of Municipalities of Ontario (AMO)	AMO Welcomes Court Decision on Bank Tower Assessment	Note & File MMA2010

Carried.

Consent Agenda

Moved by Councillor Jones, seconded by Councillor Lewenza,

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

- Item 2 Part-Lot Control By-law Exemption Request, 882885 Ontario Limited, east and west sides of Cypress Avenue south of McHugh Street
- Item 3 Planning Applications – Delegation of Acceptance of Complete Application
- Item 4 Bulk Oil & Lubricants – Tender No. 110-10
- Item 5 Proposal to Re-Name the Bedford Corner Room at Mackenzie Hall the Barbara and Don Snyder Room
- Item 6 Family Shows Canada 1st Annual Windsor Rib Fest, August 12-14, 2011, Riverfront Festival Plaza and Riverfront Civic Terrace
- Item 7 24th Annual Provincial Hog Rally, July 26-29, 2012, Riverfront Festival Plaza and Riverfront Civic Terrace
- Item 8 924 Lincoln Road
- Item 9 Short-Term Rent Support Program (STRSP)
- Item 11 Request for Proposals (RFP) to Host 2013 Meeting of Federation of Canadian Municipalities' (FCM) National Board of Directors
- Item 13 Agreement between the Corporation of the City of Windsor and the County of Oxford

Carried.

Deferrals and/or Referrals and Withdrawals

PAC 3 – Official Plan Review Report No. 26, General Housekeeping, Official Plan Review – 5 Year Review

-At the request of Administration, this matter is being deferred a minimum of one month to allow for a cross departmental administrative review of the changes, including having financial implications determined.

Presentations & Delegations:

DELEGATIONS

Dieppe Towers Incorporated Draft Plan of Condominium Approval 120 Caron Avenue, convert 16-storey apartment building from rental to condominium status

Marianna Arpino, Solicitor representing Applicant

Marianna Arpino, Solicitor representing Dieppe Towers Incorporated, appears before Council in support of the administrative recommendations for the draft plan of condominium approval for 120 Caron Avenue, and is available for questions regarding their application.

Report Number **14932 ZP/10786 PAC2**

(For final disposition of this matter, see Clause **CR395/2010** in Schedule “A” attached hereto.)

1495680 Ontario Incorporated, R. Babister, Plan of Subdivision, west side of Dominion Boulevard between Kenora and Quebec Streets**Jerry Goldberg, Solicitor and R. Babister, Applicant**

Jerry Goldberg, Solicitor representing 1495680 Ontario Incorporated and R. Babister, Applicant, appear before Council in support of the administrative recommendations for the plan of a subdivision on the west side of Dominion Boulevard between Kenora and Quebec Streets, and request that Council reimburse fees collected minus administrative costs to the Applicant, since it is essentially the same plan of subdivision approved by Council in 2004 and all applicable fees were collected at that time.

Report Number **14933 ZP/7011 PAC1**

(For final disposition of this matter, see Clause **CR394/2010** in Schedule “A” attached hereto.)

Request for Proposals – Insurance and Insurance Brokerage Services**Barbra Anne Vaspori, Jardine Lloyd Thompson Canada Inc.**

Barbra Anne Vaspori, representing Jardine Lloyd Thompson Canada Inc., appears before Council to request that Council reject the administrative recommendations pertaining to the proposals submitted by Ontario Municipal Insurance Exchange and BFL Canada Risk and Insurance Services, suggesting that by remaining insured through OMEX, the ratepayers will be paying an additional 9% annually as opposed to the fixed premium quoted by Jardine Lloyd Thompson Canada Inc., and possibly endure further retro assessments.

Report Number **14946 MT2010 14**

(For final disposition of this matter, see Clause **CR392/2010** in Schedule “A” attached hereto.)

Acquisition of Wood Carving Sculpture of Chief Tecumseh**Michael Fournier, President of the Board of Directors; and Kimberly Hurst, Museum Manager, Windsor Wood Carving Museum**

Michael Fournier, President of the Board of Directors; and Kimberly Hurst, Museum Manager, Windsor Wood Carving Museum, appear before Council in support of the administrative recommendations pertaining to the acquisition of the wood carving sculpture of Chief Tecumseh from the Windsor Wood Carving Museum, and are available for questions.

David Hanna, Ward 1 resident

David Hanna, Ward 1 resident, appears before Council in support of the administrative recommendations pertaining to the acquisition of the wood carving sculpture of Chief Tecumseh from the Windsor Wood Carving Museum, and suggests that the acquisition of the sculpture will provide additional opportunities for the woodcarving society.

Report Number **14942 SR2010 10**

(For final disposition of this matter, see Clause **CR388/2010** in Schedule “A” attached hereto.)

Response to CR219/2010 and the request to close north/south alley west of California Avenue, northerly from College Avenue**Sam Helou, Steve McClean, and Paul Synott**

Sam Helou, Steve McClean, and Paul Synott, appear before Council to request that Council reject any recommendations pertaining to the request to close the north/south alley west of California Avenue, northerly from College Avenue, that do not approve the full alley being conveyed as opposed to half the alley being conveyed, and conclude by stating that the Applicant would prefer the full alley.

Jerry Udell, Solicitor representing the University of Windsor

Jerry Udell, Solicitor representing the University of Windsor, appears before Council to request that in terms of the request to close north/south alley west of California Avenue, northerly from College Avenue, that approval be given for half the alley to be conveyed to the abutting landowners, and concludes by stating that the University of Windsor is open to a compromise.

Report Number **14921 SAA/10623 1**

(For final disposition of this matter, see Clause **CR378/2010 and CR379/2010** in Schedule “A” attached hereto.)

Mayor Francis leaves the meeting at 7:42 o'clock p.m. and Councillor Hatfield assumes the Chair.

CQ34-2010 – New Lands – Services**Antun Peakovic, Ward 1 resident**

Antun Peakovic, Ward 1 resident, appears before Council to request that Council reject the administrative recommendations pertaining to the new lands –services requesting that homeowners with septic tank systems less than 10 years old be given a maximum of 3 years to connect to the sanitary sewer system, and suggests that a neighbourhood advisory committee be established to empower the residents.

Angela Ciarlariello-Bondy, representing parents Carmine & Antonietta Ciarlariello, property owners

Angela Ciarlariello-Bondy, representing parents Carmine & Antonietta Ciarlariello, property owners, appears before Council to request that Council reject the administrative recommendation pertaining to the new lands-services, requesting that homeowners with septic tank systems less than 10 years old be given a maximum of 3 years to connect to the sanitary sewer system, and suggests that residents input is not valued, and concludes by stating that the residents are paying for services that are not being provided, and continued deterioration has been observed.

David Hanna, Ward 1 resident

David Hanna, Ward 1 resident, appears before Council to request that Council reject the administrative recommendation pertaining to new lands-services requesting that homeowners with septic tank system less than 10 years old be given a maximum of 3 years to connect to the sanitary sewer system, and suggests that for optimum results, there must be community engagement along with administrative involvement.

Mayor Francis returns to the meeting at 7:56 o'clock p.m. and Councillor Hatfield returns to his seat at the Council table.

Report Number **14914 SW2010 15**

(For final disposition of this matter, see Clause **CR393/2010** in Schedule "A" attached hereto.)

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

Item 12 -2010 Tax Sale

Consideration of Committee Reports

M296-2010 Moved by Councillor Valentinis, seconded by Councillor Brister,
as presented. That the **Report of the special In-camera** meeting held October 18, 2010 **BE ADOPTED**

Carried.
Councillors Postma, Lewenza and Marra were absent from the meeting when the vote was taken
on this matter.

ACO2010

M297-2010 Moved by Councillor Valentinis, seconded by Councillor Brister,
That **Report No. 289 of the Windsor Heritage Committee** of its meeting held
September 15, 201 **BE ADOPTED** as presented.

Carried.
Councillors Postma, Lewenza and Marra were absent from the meeting when the vote was taken
on this matter.

MB2010

By-laws

Moved by Councillor Dilkens, seconded by Councillor Gignac,

That the following By-laws No. 163-2010 through 171-2010 be introduced and read a first and second time:

163-2010 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 12M566, IN THE CITY OF WINDSOR"

164-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

165-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "WINDSOR CORE AREA ZONING BY-LAW"

166-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"

167-2010 "A BY-LAW TO DELEGATE THE AUTHORITY TO REQUIRE AN APPLICANT TO PROVIDE INFORMATION AND MATERIAL IN SUPPORT OF THE VARIOUS PLANNING ACT APPLICATIONS"

168-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 52-1999, BEING A BY-LAW TO APPOINT MUNICIPAL ENFORCEMENT OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR"

169-2010 "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"

170-2010 "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"

171-2010 "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 OCTOBER, 2010"

Carried.

Councillors Postma, Lewenza and Marra were absent from the meeting when the vote was taken on this matter.

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

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 presented)
- 6) By-laws given first and second readings (as presented)

Carried.

Councillors Postma, Lewenza and Marra were absent from the meeting when the vote was taken on this matter.

Notices of Motion

Councillor Halberstadt gives notice that he intends to introduce a motion for consideration at the November 1, 2010 meeting of Council, seeking Council support for Ontario Bill 22 to amend the *Children's Law Reform Act* to emphasize the importance of children's relationships with their parents and grandparents.

GP2010

Third Reading of By-laws

Moved by Councillor Jones, seconded by Councillor Halberstadt,

That the following By-laws No. 163-2010 through 171-2010, 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.

Councillors Postma, Lewenza and Marra were absent from the meeting when the vote was taken on this matter.

Petitions

None presented.

Council Questions

Moved by Councillor Valentinis, seconded by Councillor Brister,

M298-2010 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

Adjournment

Moved by Councillor Dilkens, seconded by Councillor Gignac,
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 8:15 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

SUPERVISOR OF COUNCIL SERVICES

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Brister
Marra

CR378/2010

I That the report from the City Solicitor dated September 23, 2010 entitled "Response to CR219/2010 and the request to close north/south alley west of California Avenue, northerly from College Avenue" **BE RECEIVED**.

II That the 4.57 metre (15 feet) wide north/south alley west of California Avenue, northerly from College Avenue for a distance of 39.75 metres (130 ft. 5 in.) as shown on Drawing Number CC-1603, attached hereto as Appendix "A" **BE ASSUMED** for subsequent closure and conveyance and further the City Solicitor **BE REQUESTED** to prepare the necessary by-law.

Carried.

Councillors Halberstadt, Jones and Postma voting nay.

Report Number 14921 SAA/10623 1

Appendices

Drawing Number CC-1603

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal - Sharon Amlin

Legal [Frank Scarfone; Cheryl Glassford]-Prepare the Easement/Assuming/Closing By-law.

Brister
Marra

CR379/2010

That the 4.57 metre (15 feet) wide north/south alley west of California Avenue, northerly from College Avenue for a distance of 39.75 metres (130 ft. 5 in.) as shown on the attached copy of Drawing Number CC-1603, attached hereto as Appendix "A" **BE CLOSED AND CONVEYED to the abutting property owners**, subject to the following:

- Easements are required in favour of:
 - Bell Canada for buried cable
 - Cogeco Cable systems Inc.
 - Enwin Utilities (Hydro division) for an existing 27.6kv high voltage pole line
- Conveyance cost is: \$18.84 per square metre (\$1.75 per square foot) plus deed preparation fee (approximately \$400.00) plus cost of the 12R Plan as invoiced to the City of Windsor by an Ontario Land Surveyor

and further, the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1603, attached hereto as Appendix "A", the City Solicitor, or designate, **BE AUTHORIZED** to publish the required legal notice, and **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.

Carried.
Councillors Halberstadt, Jones and Postma voting nay.

Report Number 14921 SAA/10623 1

Appendices

Drawing Number CC-1603

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal - Sharon Amlin - Prepare Ad

Legal - Documents Clerk - Laura MacDonald

City Planner

City Engineer

City Treasurer

Legal [Frank Scarfone; Cheryl Glassford] - Prepare the Easement/Assuming/Closing By-law

City Solicitor

Jones
Lewenza

CR380/2010

I That the application of 882885 Ontario Limited (Laura Fanelli, agent) for part-lot control exemption for the lands legally described as Blocks 1 and 2, Plan 12M-566, as identified on attached **Map No. PLC-004/10-1**, located on the east and west sides of Cypress Avenue, to allow for the lands to be sold as street townhouse dwelling units **BE APPROVED** for a period of 5 years.

II That By-law 163-2010 **BE ENACTED**.

Carried.

Report Number 14928 ZPLC2010 C2

Appendices

Map No. PLC-004/10-1

Internal Distribution

Planning [Jim Abbs]

Manager of Development Applications

City Planner

City Solicitor

Jones
Lewenza

CR381/2010

That pursuant to s.23.1 of the *Municipal Act*, Council **DELEGATE** to the City Planner, and in his absence to the Manager of Development Applications, Manager of Planning Policy and Manager of Urban Design Council's duty to determine and accept complete planning applications for rezonings, Official Plan amendments, subdivisions/condominiums, and condominium conversions, and **NOTIFY** the applicants accordingly, and that Council **CONSIDER** By-law No. 167-2010 for this purpose at this Council meeting.

Carried.

Report Number 14944 Z2010 C3

Internal Distribution

Legal [Wira Vendrasco]
 City Solicitor
 City Planner
 Manager of Development Applications
 Manager of Planning Policy
 Manager of Urban Design
 Council Services [Terri Spizziri]

Jones
 Lewenza

√√SV

CR382/2010

THAT ~~√CR317/2101√~~ √CR317/2010√ **BE AMENDED** as follows:

By deleting the following:

“THAT **APPROVAL BE GIVEN** to retain Jack Smith Fuels Ltd. to supply bulk oil and lubricants for the City of Windsor in accordance with their Bid in response to City of Windsor RFT Number 110-10 for a one-year term,”

And replacing it with:

“THAT **APPROVAL BE GIVEN** to retain Jack Smith Fuels Ltd. to supply bulk oil and lubricants for the City of Windsor in accordance with their Bid in response to City of Windsor RFT Number 110-10 for a three-year term with the option to extend the contract term for two additional one-year terms”

Carried.

Report Number 14923 MT/10757 C4

Internal Distribution

Purchasing & Risk Management [Xenia Wignan]
 Manager of Purchasing & Risk Management
 Executive Director of Parks and Facilities
 Executive Director of Public Works
 General Manager of Transit Windsor
 Fire Chief
 Chief Financial Officer/City Treasurer
 City Solicitor

Jones
 Lewenza

CR383/2010

That the request from the Friends of the Court to re-name the Bedford Corner Room at Mackenzie Hall as the “Barbara and Don Snyder Room” **BE APPROVED**.

Carried.

Report Number 14949 SR2010 C5

Internal Distribution

Recreation [Merry Ellen Scully-Mosna]
Executive Director of Recreation & Culture
Community Development & Health Commissioner
City Solicitor

Jones
Lewenza

CR384/2010

That the application from Family Shows Canada, for permission to stage the 1st Annual Windsor Rib Fest at Riverfront Festival Plaza and Riverfront Civic Terrace on August 12 – August 14, 2011,

BE APPROVED subject to the standard Special Events Terms and Conditions; and further,

That the request for Significant Event Designation for the purposes of applying for the Special Occasion Permit **BE APPROVED.**”

Carried.

Report Number 14927 SR/10805 C6

Internal Distribution

Recreation [Mike Taylor]
Executive Director of Recreation & Culture
General Manager, Community Development & Health Commissioner
Legal - Risk & Purchasing Analyst
City Solicitor
Chief Building Official
City Engineer
Chief Financial Officer and City Treasurer
Fire Chief
Chief of Police
Environmental Services Department – Public Works - Anne Marie Albidone
Manager of Administration – Peter Breault
CEO, Tourism Windsor Essex Pelee Island
General Manager, Transit Windsor
Manager of Compliance & Enforcement – Ann Kalinowski

Jones
Lewenza

CR385/2010

That the application from Hog Canada, for permission to stage the 24th Annual Provincial Hog Rally at Riverfront Festival Plaza and Riverfront Civic Terrace on July 26 - 29, 2012, **BE APPROVED** subject to the standard Special Events Terms and Conditions previously approved by Council.

Carried.

Report Number 14930 SR/10806 C7

Internal Distribution

Recreation [Mike Taylor]
Executive Director of Recreation & Culture
General Manager, Community Development & Health Commissioner
Legal - Risk & Purchasing Analyst
City Solicitor
Chief Building Official
City Engineer
Chief Financial Officer and City Treasurer
Fire Chief
Chief of Police
Environmental Services Department – Public Works - Anne Marie Albidone
Manager of Administration – Peter Breault
CEO, Tourism Windsor Essex Pelee Island
General Manager, Transit Windsor
Manager of Compliance & Enforcement – Ann Kalinowski

Jones
Lewenza

CR386/2010

That Administration's determination that there is no municipal use for the improved property municipally known as 924 Lincoln Road **BE CONFIRMED**.

Carried.

Report Number **14936 APM2010 C8**

Internal Distribution

Legal [Frank Scarfone]
Legal [Mike Stamp]
City Solicitor
Community Development & Health Commissioner

Jones
Lewenza

CR387/2010

- a) THAT the report from the Executive Director of Housing and Children's Services entitled "Short-Term Rent Support Program" **BE APPROVED**; and
- b) THAT the Executive Director of Housing and Children's Services **BE AUTHORIZED** to confirm to the Ministry of Municipal Affairs and Housing that the City of Windsor will act as Service Manager to deliver the Short-Term Rent Support Program under Option # 1 Shared Delivery; and
- c) THAT the Executive Director of Housing and Children's Services **BE AUTHORIZED** to participate in and deliver any additional allocation for a rent supplement programming funded by the senior levels of government if any; and

- d) THAT the Executive Director of Housing and Children's Services **BE AUTHORIZED** to acquire at the appropriate time, if necessary, additional resources and support on a contractual basis to deliver the Short-Term Rent Support Program and/or any additional rent supplement program funding at a cost not to exceed the administration fees provided under the program; and
- e) THAT the Community Development and Health Commissioner **BE AUTHORIZED** to execute the necessary agreements and documents related to the Short-Term Rent Support Program and/or any additional rent supplement programs provided such agreements and documents are in a form and content satisfactory to the City Solicitor; satisfactory in financial content to the City Treasurer and satisfactory in technical content to the Executive Director of Housing and Children's Services.

Carried.

Report Number 14947 SS2010 C9

Internal Distribution

Housing & Children's Services [Rob Oleynik]
Executive Director of Housing & Children's Services
Chief Financial Officer & City Treasurer
Community Development & Health Commissioner
City Solicitor

Jones
Brister

CR388/2010

- i) That Council **APPROVE** the acquisition of the wood carving sculpture of Chief Tecumseh from the Windsor Wood Carving Museum to the Windsor Community Museum at an appraised value of eighty five thousand dollars (\$85,000) with funds from the MacDonald Trust Fund; and
- ii) That the CAO, City Treasurer, City Solicitor and the Executive Director of Recreation and Culture **BE AUTHORIZED** to execute an acquisitions agreement along with an on-loan agreement with the Windsor Wood Carving Museum.

Carried.

Councillor Dilkens voting nay.

Report Number 14942 SR2010 10

Internal Distribution

Recreation [Pam Labute]
Executive Director of Recreation & Culture
Community Development & Health Commissioner
City Solicitor
Chief Financial Officer & City Treasurer

Jones
Lewenza

CR389/2010

- i. That Administration proceed and submit a proposal for the City of Windsor to host a FCM Board Meeting in 2013 by the noted deadline of October 27, 2010;

- ii. That if successful in hosting the meeting, the City's cost of approximately \$30,000 in 2013, **BE FUNDED** through the Budget Stabilization Reserve Fund; and
- iii. That Administration **EXTEND** an invitation to Essex County Council to also **CONTRIBUTE** to the hosting fee.

Carried.

Report Number **14951 MMF2010 C11**

Internal Distribution

Communications [Gordon Orr] – I assume you will do a letter to County Council.

Chief Financial Officer/City Treasurer

City Clerk

Halberstadt
Valentinis

CR390/2010

That City Council **RECEIVE** the information with regards to the 2010 property tax sale for information; and

That Council **APPROVE** the demolition of the buildings at 585 Riverside Dr. E and 629-639 Chatham Street E. 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.

Carried.

Councillors Postma, Lewenza and Marra were absent from the meeting when the vote was taken on this matter.

Report Number **14939 AFT2010 12**

Internal Distribution

Finance [Janice Guthrie]

Building [Al Peach]

Chief Financial Officer & City Treasurer

Chief Building Official

City Solicitor

Jones
Lewenza

CR391/2010

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign an Agreement between the Corporation of the City of Windsor and the County of Oxford concerning the delivery of 211 phone services for the residents of Oxford County, such agreements to be satisfactory as to the technical content to the Call Centre Manager, as to legal form to the City Solicitor and as to financial content to the Chief Financial Officer/City Treasurer.

Carried.

Report Number **14948 GM/9620 C13**

Internal Distribution

Acting Call Centre Manager [Jennifer Tanner]
City Clerk
Chief Financial Officer & City Treasurer
City Solicitor

Jones
Dilken

CR392/2010 AMENDED BY CR13/2011 ADOPTED JANUARY 10, 2011

CR392/2010

- I. That the proposal submitted by the Ontario Municipal Insurance Exchange (“OMEX”) for the provision of corporate and auto insurance and associated services to The Corporation of the City of Windsor and its affiliated agencies, boards, commissions and corporate entities for the period from January 1, 2011 to January 1, 2012 **BE ACCEPTED** at the premium \$1,220,776 plus applicable taxes, which policy may be renewed for up to **five (5)** successive one-year periods terminating no later than January 1, 2017; and
- II. That the proposal submitted by BFL Canada Risk and Insurance Services (“BFL”) for the provision of transit insurance and associated services to The Corporation of the City of Windsor and its affiliated agencies, boards, commissions and corporate entities for the period from January 1, 2011 to January 1, 2012 **BE ACCEPTED** at the premium \$549,278 plus applicable taxes, which policy may be renewed for up to **five (5)** successive one-year periods terminating no later than January 1, 2017; and
- III. That the City **INCREASE** its deductible level for automobile insurance to \$100,000; and
- IV. That the Manager of Purchasing and Risk Management **BE AUTHORIZED** to complete and execute any applications and other related documentation required to bind the policies with OMEX and BFL; and
- V. That the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to sign the policy agreement with OMEX , satisfactory in form and content to the City Solicitor; and
- VI. That the allocation of any savings realized **BE DEFERRED** to the 2011 Budget Process; and
- VII. That an amount of \$2.0 million out of a total \$3.649 million approved in the 2010 operating budget for Reserve Enhancement purposes **BE TRANSFERRED** to the City’s Self Insurance Reserve Fund.

Carried.

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

Report Number **14946 MT2010 14**

Internal Distribution

Manager of Purchasing & Risk Management
City Solicitor
Chief Financial Officer & City Treasurer

Marra
Lewenza

CR393/2010

- I. That once sanitary sewers are available to the properties located in the Sandwich South Planning District Lands (former Sandwich South lands), homeowners with septic tank systems less than 10 years old, **BE GRANTED** a time frame of three (3) years maximum to connect to the sanitary sewer; and
- II. That By-law 156-2005, Property Standards, Schedule “A”, s.1.17, **BE AMENDED** to reflect Recommendation I; and
- III. That the balance of the content of the report **BE REFERRED** to a future meeting of Council to allow for further community engagement.

Carried.

Report Number **14914 SW2010 15**

Internal Distribution

City Engineer
City Solicitor
City Planner
Chief Building Official
Council Secretariat

Dilkens
Hatfield

CR394/2010

- I. THAT the application of 1495680 Ontario Incorporated for approval of a plan of subdivision for Part of Block ‘A’ (created by Judges Order – registered as Instrument No. 40309); Part of 1.0’ Reserve, Plan 558; Part Block ‘J’ (created by Judges Order – registered as Instrument No. 40309); Part of 1.0’ Reserve, Plan 557; being Part of Lots 70 and 71, Concession 2, Geographic Township of Sandwich West, now in the City of Windsor, (P.I.N. 01555-7079, 01555-7080, 01555-7088, 01555-7090 & 01555-7092), located west of Dominion Boulevard between Kenora and Quebec Streets, **BE APPROVED** subject to the following conditions:
 - A. That the Draft Plan Approval shall lapse on October 18, 2013 (3 years from the date of approval).
 - B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-001/10-2, prepared by RC Spencer Associated Incorporated, identified as Project Number 10-81, dated July 20, 2010 and revised July 22, 2010, showing 114 lots for single detached dwellings, 2 blocks for a linear stormwater management facility, two blocks for a bikeway and various road allowances and reserve blocks.
 - C. That prior to the execution and registration of an amended Subdivision Agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner, a final draft M-Plan which shall include the names of all road allowances within the plan, as approved by the Corporation.
 - D. That the implementation of any required noise control measures recommended in the “Environmental Noise Analysis - Babister/Dominion Subdivision” report C104-1150, dated December 2004, as

prepared by HGS Limited Consulting Engineers, shall be addressed through provisions contained in the amended Subdivision Agreement.

- E. That the proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ontario Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

All archaeological fieldwork undertaken to satisfy the conservation requirements tied to these activities must be conducted by a Consultant Archaeologist holding a valid archaeological license issued by the Ontario Ministry of Culture under the **Ontario Heritage Act**.

The proponent should note that the City of Windsor is interested in the centralization of all archaeological collections (objects and documentation) generated as a result of licensed archaeological initiatives undertaken within the City. To satisfy this condition of release, the proponent shall commit to the formal transfer of collections to a public institution located within the City of Windsor acceptable to the City and OMC.

In addition to the submission of standard documentation (Contract Information Form, archaeological assessment reports and Ministry Site Record Forms) to the OMC for the purpose of licensing and development approvals, the Consultant Archaeologist will submit the following documentation to the City of Windsor:

1. 1:10,000 scale Ontario Base Map clearly delineating the limits of the area under study and the location of any sites found as a result of that study;
 2. A completed copy of an Archaeological Site Record form for each site found or further investigated as a result of that study;
 3. Notice pertaining to the short and long term curation of artifact collections and documentation; and,
 4. A copy of all relevant reports.
- F. That the following warning clause shall be included in the amended Subdivision Agreement. Provisions included in the Subdivision Agreement are to ensure that the warning clause survives the release of the Owner's obligations under the Subdivision Agreement and remain on title:

"All persons intending to acquire an interest in the real property by purchase or lease are advised of the proximity of the Canadian National Railway's Yards, which operate on a 24-hour basis. It is possible that the rail yard operations may cause disturbance and may be altered or expanded which could affect the living environment of the residents despite the inclusion of any noise and vibration attenuating measures in the design of the outdoor amenity area(s) and individual dwelling(s). Residents are advised that further mitigation cannot be expected and that Canadian National Railways will not be responsible for complaints or claims arising from the use of such facilities and/or operations."

- G. That a provision shall be included in the amended Subdivision Agreement requiring the Owner(s) to insert in all Agreements of Purchase and Sale, Lease or Transfer for each dwelling unit, a warning clause, as requested by the Greater Essex County District School Board, stating that students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bused to more a distant school with the capacity to accommodate them.
- H. That a provision shall be included in the amended Subdivision Agreement requiring the Owner(s) to insert in all Agreements of Purchase and Sale, Lease or Transfer for each dwelling unit, a warning

clause, stating that the road access between McKay Avenue and Dominion Boulevard, across Block 33, on 12M-520 and through those lands as identified on Map No. SDN-001/10-2 as 'Additional lands owned by the Applicant', fronting onto Dominion Boulevard, is only a temporary access and will eventually be removed.

- I. That the amended Subdivision Agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
1. The Owner(s) shall agree to include all items as set out in Consultation section of this report with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
 2. The road allowances included in this draft plan shall be dedicated as public highways.
 3. The street naming and numbering shall be to the satisfaction of the Corporation of the City of Windsor following the end of the appeal period for the draft plan of subdivision.
 4. The Owner(s) shall enclose the Talsma Drain within the limits of this development and grant a 6 m wide easement to the Corporation of the City of Windsor between Lots 69 and 70, as shown on Map No. SDN-001/10-2, to accommodate the Drain. The Owner(s) shall also grant any other easements that may be required for utilities, drainage and servicing purposes to the appropriate authorities.
 5. The Owner(s) shall convey land, shown as Blocks 117 and 118 on Map No. SDN-001/10-2 and the balance in cash-in-lieu as part of the required 5% parkland dedication under the Planning Act, to the satisfaction of the Executive Director of Parks.
 6. The Owner(s) shall convey land, shown as Blocks 115 and 116 on Map No. SDN-001/10-2, to the Corporation of the City of Windsor on which to construct, at their expense, a linear stormwater management facility to the satisfaction of the City Engineer.
 7. The Owner(s) shall convey 0.3 metre (1 foot) reserves, shown as Blocks 119 to 124, inclusive, on Map No. SDN-001/10-2, as well as terminate any deadends and/or open sides of road allowances created by this plan with a 0.3 metre reserve, all to be conveyed to the Corporation of the City of Windsor.
 8. The Owner(s) shall submit plans showing the proposed phasing to the City of Windsor for review and approval if this subdivision is to be developed by more than one registration.
 9. Payment of parkland development fees in accordance with the Corporation's Manual of Landscape requirements as amended.
 10. Payment for the installation of street trees as per CR332/79, on a per lot basis as required by the Corporation of the City of Windsor schedule of fees.
 11. Payment for municipal street signage and pavement marking and if required, a contribution to off-site intersection improvements and signal installation at the intersection of Ojibway Street and Dominion Boulevard, satisfactory to the City Engineer.
 12. Payment of development charges as per By-law 70-2010 as amended.
 13. Payment of all expenses for rearrangement or relocation of Bell Canada and Canada Post services as required.

14. The Owner(s) agrees to construct a 3m wide walkway from McKay Avenue to Dominion Boulevard through Block 33, on 12M-520, adjacent to the southern property line, and through those lands as identified on Map No. SDN-001/10-2 as 'Additional lands owned by the Applicant' fronting onto Dominion Boulevard, for pedestrian access to public transit. The Owner(s) further agrees to install a 1.2m (4 foot) high chain link fence along both sides of the walkway.
15. The Owner(s) agree to construct a temporary emergency access from McKay Avenue to Dominion Boulevard through Block 33, on 12M-520, and those lands identified on Map No. SDN-001/10-2 as 'Additional lands owned by the Applicant', fronting onto Dominion Boulevard, to the satisfaction of the City Engineer. The temporary access shall remain in place and be maintained by the Owner(s) until such time as Quebec Street has been extended to Dominion Boulevard, at which time the Owner will be responsible for the removal of the temporary access, to the satisfaction of the City Engineer.
16. The holding 'H' symbol for Block 33, on 12M-520, as identified on Map No. SDN-001/10-2 (temporary access), shall not be removed until such time as Quebec Street has been extended to Dominion Boulevard.
17. No building permits shall be issued unless a second means of emergency access is built to the satisfaction of the City Engineer.
18. Street lights shall be installed to the satisfaction of the Corporation's City Engineer and Enwin Utilities.
19. The Owner(s) shall install a 1.83 metre (6 foot) high chain link fence along the westerly lot line of Lots 1 to 13, inclusive, and Lots 90, 91 and 94, as marked on Map No. SDN-001/10-2, to the satisfaction of the Chief Building Official, Executive Director of Parks, Windsor Police Services and the Essex Region Conservation Authority. A covenant shall be registered on title of the said lots stating that the owners/tenants/occupants shall not install against or cover with vegetation, said chain link fence thereby obstructing any view for security reasons.
20. The Owner(s) shall implement those noise control measures recommended in the noise impact study as required in Condition D of this approval. The Provision of noise warning clauses and other noise attenuation measures, satisfactory to Canadian National Railway, the Chief Building Official, and the submission of a performance bond or letter of credit equal to the cost of any noise barrier wall that may be required, will be required prior to the issuance of a Building Permit. The Owner(s) shall retain an Ontario Land Surveyor to verify the finished elevation of the top of, and location of any noise barrier that may be required.
21. That an engineering study be prepared to determine the effect of increased storm runoff due to development of the site and to identify storm water management measures, as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, shall be approved by the Essex Region Conservation Authority and the General Manager of Infrastructure. The owner shall agree to undertake the approved stormwater management measures.
22. The Owner(s) shall pay to the Corporation, prior to the issuance of a Construction Permit, its share of any previously oversized services that were constructed to ensure that the subject lands could be serviced.
23. In the event the Owner is required to oversize any services in order to service other vacant lands, it is agreed that any oversizing costs to be paid by the Corporation to the Owner shall be based on a

cost-sharing scheme and tender process satisfactory to the City Engineer. Any cost-sharing scheme agreed to will be subject to the approval by the Corporation's City Council. Payment of any oversizing will be based on its inclusion in a Infrastructure Services Budget subject to Council's approval in a future year.

24. Prior to the issuance of a Building Permit, the Owner(s) shall submit to the Corporation's City Engineer for his approval, a storm water study for the subject lands which addresses aspect of storm water quality both in the construction condition and beyond. The Owner(s) shall carry out the requirements of the storm water study/detention scheme to the satisfaction of the said City Engineer in conformance with Ministry of the Environment guidelines and policies.
25. Owner(s) shall conduct regular inspections every two weeks and after each sizeable storm event of all sediment and erosion control and other storm water quality measures recommended in the storm water study/detention scheme. The Owner(s) shall maintain an inspection log, which shall be made available for review by the Corporation and the Ministry of Environment upon request. The log shall state the name of the inspector, date of the inspection and the rectification or replacement measures, which will be taken to maintain the sediment and erosion control and other storm water quality measures, inspections shall continue until the assumption of services by the Corporation or until site construction warrants cessation of the visits.
26. The Owner(s) shall erect any signage required to notify of the presence of a storm water management facility.
27. The Owner(s) shall comply with all the following requirements relating to sidewalks:
 - i. giving notice to all new homeowners in agreements of purchase and sale and recorded on title, that a public sidewalk will be constructed;
 - ii. erection of subdivision signs/maps showing the road pattern and the location of community facilities, including sidewalks and walkways;
 - iii. identification of specific sidewalk construction costs in the comprehensive infrastructure bond;
 - iv. adherence to a specific sidewalk construction timetable and schedule showing the specific location of the sidewalk(s) with the provision that sidewalks will be constructed no later than when 80% of the construction permits are issued for the development OR a maximum of three years of the installation of roads/curbs; whichever comes first.
 - v. provision for the retention of bond monies to ensure the repair of sidewalks damaged during construction or, in lieu of ii, iii and iv, *at the option of the municipality*.
 - vi. submission by the builder/developer of sufficient monies for the construction of the sidewalk(s) by the municipality; and
28. The Owner(s) shall construct at their own expense, in accordance with City of Windsor Standard Specifications and to the satisfaction of the City Engineer and Fire and Emergency Services, the following traffic calming elements and special sidewalk treatments:
 1. A Traffic Circle at the intersection of:
 - Mark Avenue and Street 'B';
 - Mark Avenue and Manitoba Avenue; and

- Manitoba Avenue and Curry Avenue.
2. Special sidewalk treatments where pedestrians are to cross the road will be determined when the sidewalk locations are chosen. The location of a pedestrian refuge median island or lane narrowing at Manitoba Avenue and Street 'B' will also be determined based on the location of the sidewalks and the location of the Canada Post community mail box.
29. The Owner(s) shall construct at their own expense and according to City of Windsor Standard Specifications, a concrete sidewalk at the following locations on streets within the within this plan of subdivision to the satisfaction of the City Engineer:
- i. on the west side of Mark Avenue, Curry Avenue, McKay Avenue, Streets 'B', 'D' and 'E';
 - ii. on the south side of Manitoba Avenue and the northern part of McKay Avenue; and
 - iii. on the north side of the southern part of McKay Avenue, Street 'B' and Street 'E'.
30. The Owner(s) shall design Street 'E' to the satisfaction of the City Engineer and to convey to the Corporation of the City of Windsor any additional rights-of-way that may be required due to Street 'E' road (curve) design.
31. The Owner agrees to place the following in all Agreements of Purchase and Sale, Lease or Transfer (Deed) between the Developer and all prospective home buyers:
- i) *"Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bused to more a distant school with the capacity to accommodate them."*
 - ii) *"All persons intending to acquire an interest in the real property by purchase or lease are advised of the proximity of the Canadian National Railway's Yards, which operate on a 24-hour basis. It is possible that the rail yard operations may cause disturbance and may be altered or expanded which could affect the living environment of the residents despite the inclusion of any noise and vibration attenuating measures in the design of the outdoor amenity area(s) and individual dwelling(s). Residents are advised that further mitigation cannot be expected and that Canadian National Railways will not be responsible for complaints or claims arising from the use of such facilities and/or operations."*
 - iii) *"All persons intending to acquire an interest in the real property by Purchase, Lease or Transfer (Deeds) within this plan of subdivision are advised that a concrete sidewalk will be constructed on one side of all streets within the Corporation's lands adjacent to their property, and that no structures or excavations are to take place beyond their property line without a written permit or permission of the Corporation."*
 - iv) *"All persons intending to acquire an interest in the real property by Purchase, Lease or Transfer (Deeds) within this plan of subdivision are advised that a temporary access road will be constructed between Street "C" and Dominion Boulevard through those lands as indicated on Schedule 'B' for emergency access purposes and that it will be removed when an appropriate permanent access to Dominion Boulevard is established to the north."*

NOTES TO DRAFT APPROVAL (File: SDN-001/10)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.

2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
 3. Required agreements with the Municipality will be prepared by the City Solicitor.
 4. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.
 5. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.
 6. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.
 7. Where agency conditions are required to be included in the City's Subdivision Agreement, the applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan. The addresses and telephone numbers of these agencies are:
 - a) Essex Region Conservation Authority, 360 Fairview Avenue, Essex Ontario N8M 1Y6. (519) 776-5209.
- II. That the City Clerk and Licence Commissioner BE AUTHORIZED to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.
- III. That the subdivision agreement shall BE REGISTERED against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV. That prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall BE ADVISED, in writing, by the appropriate agencies that conditions have been satisfied.
- V. That Council reimburse fees, in the amount of \$11,315.00 (\$15,685.00 – fees collected minus administrative costs of \$4370.00), to the applicant, since it is essentially the same plan of subdivision approved by Council in 2004 and all applicable fees were collected at that time.

Carried.

Report Number **14933 ZP/7011 PAC 1**

Internal Distribution

City Planner

Manager of Development

Chief Building Official

City Engineer

City Solicitor

Zoning Clerk - Council Services

Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner

City Clerk

Dilkens
Hatfield

CR395/2010

I That the application of Dieppe Towers Incorporated for approval of a draft plan of condominium for a property legally described as Part Lot 77, Con 1, as designated as Part 2 Reference Plan 12R-3438 (building site) and Part Lot 2, Block B on Plan 76, as designated as Part 3 Reference Plan 12R-3438 (parking lot), City of Windsor, at 120 Caron Avenue to permit the conversion of a 16-storey apartment building containing 151 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-002/10-2, **BE APPROVED** subject to the following:

- 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 October 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 Hanna Ghobrial and Associates Limited with all corrections and improvements to be cleared as completed by an engineer retained by the owner;
 2. Building Department's Order to Repair dated August 20, 2010, as attached as Appendix 'A';
 3. Works Department - Engineering and Corporate Projects comments listed in 'Section 6 Consultation' of this report;
 4. Fire Code deficiencies identified in 'Section 6 Consultation' of this report.
 5. Works Department – Transportation Planning comments listed in 'Section 6 Consultation' of this report;

All corrections and improvements shall be to the satisfaction of the Fire Chief, Chief Building Official and the City Engineer;
- F. The owner shall agree to remedy all safety and security deficiencies as identified in the report of the Windsor Police Service dated July 27, 2010 and attached as Appendix 'B'. 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 August 26, 2010, as attached as Appendix 'C', 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 the Landscape Architect.

- H. All landscaping improvements will be to the satisfaction of the City Planner, Planning Department's Landscape Architect and to the satisfaction of the Manager of Development Applications.
- I. 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.
- J. The owner shall agree to ensure accessibility to the building, at grade, where feasible and provide a minimum of 3 handicap parking spaces and a bicycle rack facility accommodating a minimum of 9 bicycles. All improvements are to be to the satisfaction of the City Engineer 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' have been completed to the satisfaction of the respective departments and a condominium agreement has been registered against the subject lands.

Carried.

Report Number **14932 ZP/10786 PAC 2**

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
Fire Chief
Windsor Police Services
Manager of Environmental Services
City Solicitor
Zoning Clerk - Council Services
Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner
City Clerk

Marra
Dilkens

CR396/2010

That the report of the Planning Advisory Committee of its meeting held September 16, 2010 respecting "Official Plan Review Report #26 – General Housekeeping / Official Plan Review – 5 Year Review" **BE DEFERRED** a minimum of four (4) weeks to allow for a cross departmental administrative review of the changes including having financial implications determined.

Carried.

Report Number **14934 ZO/8949 PAC3**

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
City Solicitor
Zoning Clerk - Council Services
Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner
City Clerk

ADOPTED by Council at its meeting held October 18, 2010 [M296-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
October 18, 2010**

Meeting called to order at: 4:30 p.m.

Members in Attendance:

Mayor E. Francis
Councillor R. Jones
Councillor A.
Halberstadt
Councillor F. Valentinis
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor D. Brister
Councillor D. Dilkens
Councillor C. Postma
Councillor K. Lewenza
Councillor B. Marra

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

Verbal Motion is presented by Councillor Jones, seconded by Councillor Valentinis, to move in Camera for discussion of the following item(s), deferring Items 1 and 4:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Personal matter – about an identifiable individual and solicitor-client advice – DEFERRED	239(2)(b)(e) and (f)

2.	Property matter – acquisition of easements	239(2)(c) and (f)
3.	Litigation - settlement	239(2)(e) and (f)
4.	Personal matter – about an identifiable individual and solicitor-client advice - DEFERRED	239(2)(b)(e) and (f)

Motion Carried.

Declarations of Pecuniary Interest:

None declared

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

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

Motion Carried.

Moved by Councillor Gignac, 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 October 18, 2010 directly to Council for consideration at the next Regular Meeting.

1. That the in-camera report from the City Solicitor respecting a personal matter about an identifiable individual and solicitor-client privilege **BE DEFERRED.**
2. That the recommendation contained in the in-camera report from the Property Supervisor, City Solicitor, City Engineer and Chief Financial Officer and City Treasurer respecting a property matter – acquisition of easements **BE APPROVED.**
3. That the recommendation contained in the in-camera report from the City Solicitor, Senior Legal Counsel, Chief Financial Officer and City Treasurer, City Engineer and Senior Manager of Infrastructure Coordination and Development respecting a litigation settlement **BE APPROVED.**
4. That the in-camera report from Senior Legal Counsel and City Solicitor respecting a personal matter about an identifiable individual and solicitor-client advice **BE DEFERRED.**

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Halberstadt, That the special meeting of council held October 18, 2010 BE ADJOURNED. (Time: 4:32 p.m.)

Motion Carried.

ADOPTED by Council at its meeting held October 18, 2010 [M297-2010]

KK

Windsor, Ontario October 18, 2010

REPORT NO. 289

of the

Windsor Heritage Committee

at its meeting held

September 15, 2010

5:30 o'clock p.m.

Meeting Room 407, 400 City Hall Square East

Present: Robin Easterbrook, Chair
Councillor Percy Hatfield
Councillor Fulvio Valentinis
Tony Amato
Lynn Raeburn Baker
Simon Chamely
Dr. Paul DeMarco
Janis Marchand
Noreen Slack

Your Committee submits the following recommendation:

That in accordance with the *Ontario Heritage Act*, Notice of Intention to Designate the following property **BE GIVEN:**

Owners: William and Carol Lester

Property: 841 Kildare Road (Plan 490, Lot 11 and south part Lot 9)

Statement of Significance/Reasons for Designation:

Description of Historic Place

The Meirs-Fraser House is on the west side of Kildare Road where it curves into St. Mary's Gate. The house was built in 1904 in the Edwardian style, and has been in continuous use.

Heritage Value

Historical Importance:

This home was built in 1904 during rapid expansion of the town of Walkerville. The first owner was Albert Meirs, the Secretary-Treasurer of the Walkerville Malleable Iron Company (whose president Harrington Walker built across the street). Albert Meirs also served on the Walkerville Town Council,

and as police chief. After Meirs died in 1935, the house was sold to criminal lawyer Gordon Fraser, whose family lived there into the 1960s. The present owners acquired it in 1989.

Architectural Importance:

This house is two-storey, with smooth red brick, stone foundation, and an asymmetrical façade. This house has an unbroken, overhanging pediment on the main front gable, which has a shingled wall; there are two small side gables, one of which has a broken pediment. Windows on the main floors are all rectangular, with stone sills and lintels of rough brick in a slightly flared pattern; all have original or replicated wood sashes and wood storm windows; some have multiple panes; bevelled glass is in two upper panes in front. A tall, square brick chimney is just front of the left side gable. The half-width front porch is L-shaped with smooth Doric columns; the door is panelled with a large single pane; the skirt is of shingles matching the attic gable.

The owners have identified the style as “Edwardian”, noting the style elements used for fine buildings during and shortly after the reign of King Edward VII (1901-1910). In some ways the style is an understatement of Victorian styles, on this house with moderate-to-wide eaves, some articulation of the main walls, gables, detailed window surrounds, broken pediment, classical columns, and spindle work. (Other Edwardian features not used on this house are exuberant door surrounds and eave brackets.) The identity of the architect is unknown.

Contextual Importance:

This location in the former town of Walkerville is surrounded by homes recognized for historic and architectural heritage. The subject house is located where the street curves into St. Mary’s Gate; thus its setback is in-between those of its neighbours. To the south is a heritage designated house “The Cobbles”, at 849 Kildare Road; to the north is the F. Allum house (heritage listed) at 833. To the east is a large lot with the Harrington Walker House at 1948 St. Mary’s Gate (heritage listed).

Character Defining Elements

Feature that contributes to the historical value of the Meirs-Fraser House include:

- Its association with Albert Meirs, a civic and corporate leader in the Town of Walkerville, and with prominent attorney Gordon Fraser.

Exterior features that contribute to the architectural value of Meirs-Fraser House include:

- Two and one-half storeys.
- Smooth orange-red brick, and stone foundation.
- Overhanging front gable with shingles and unbroken pediment.
- Windows with lintels of rough-surface bricks in flared soldier-course, and stone sills wider than the frames.
- Wood windows on the front and sides of the main floors, with original or replica wood sashes and storm windows.

- Front bay with inset brick panels between the floors.
- Tall square brick chimney on the south side.
- Front porch half-width, with L-shaped floor pattern.

Characteristic that contributes to the contextual value of Meirs-Fraser House include:

- Its location along a curve in the former Walkerville among several prominent heritage houses.

NOTE: The report of the Heritage Planner dated August 31, 2010 is *attached* as background information.

CHAIR

COMMITTEE COORDINATOR