

**Regular**

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

**Members Present:**

Mayor Francis  
Councillor Dilkens  
Councillor Gignac  
Councillor Halberstadt  
Councillor Hatfield  
Councillor Jones  
Councillor Maghnieh  
Councillor Marra  
Councillor Payne [arrives at 6:42 o'clock p.m.]  
Councillor Sleiman  
Councillor Valentinis

**Members Absent:**

None.

**Call to Order**

Councillor Hatfield, on behalf of Mayor Francis, calls the meeting to order at 6:00 o'clock p.m.

Following the playing of the Canadian National Anthem, Reverend Bill Bradley from St. John's Anglican Church, offers the Opening Prayer.

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

Councillor Maghnieh discloses an interest and abstains from voting on Communication No. 13 being correspondence from the Windsor-Essex Catholic District School Board dated April 12, 2012 regarding "Our Lady of Lourdes Catholic Elementary School – 4130 Franklin Street, Windsor, Ontario", as he was employed at the School Board when that letter was issued.

ME2012

Councillor Maghnieh discloses an interest and abstains from voting on Communication No. 14 being correspondence from the Windsor-Essex Catholic District School Board dated April 12, 2012 regarding "St. Bernard Catholic Elementary School – 1847 Meldrum Road, Windsor, Ontario", as he was employed at the School Board when that letter was issued.

ME2012

**Minutes**

Moved by Councillor Sleiman, seconded by Councillor Valentinis,  
That the Minutes of the regular meeting of Council held April 16, 2012, **BE ADOPTED**  
as presented.

Carried.

Mayor Francis and Councillor Payne were absent from the meeting when the vote was taken on this matter.

### Notice of Proclamations

International Building Safety Month – May 2012  
Battle of The Atlantic Week – May 4-11, 2012  
Mental Health for All Week – May 7-11, 2012  
Pink Shirt Day – May 17, 2012

### 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); and
  - (ii) **Report of the Striking Committee** of its meeting held April 30, 2012; and
  - (iii) **Report No. 32 of the International Relations Committee** of its meeting held April 12, 2012; and
  - (iv) **Report No. 33 of the International Relations Committee** of its meeting held April 12, 2012; and
  - (v) **Report No. 34 of the International Relations Committee** of its meeting held April 12, 2012; and
  - (vi) **Report No. 35 of the International Relations Committee** of its meeting held April 12, 2012
- (g) consideration of by-laws 49-2012 through 65-2012 (inclusive).

Carried.

Mayor Francis and Councillor Payne were absent from the meeting when the vote was taken on this matter.

### Communications

Mayor Francis arrives at the meeting at 6:10 o'clock p.m., and Councillor Hatfield returns to his seat at the Council table.

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,  
**M211–2012** That the following Communication Items 1 to 8 and 11, 12, 15 to 20, 22 and 24 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted; that the Minutes of the Transit Windsor Board of Directors meeting held April 23, 2012 and the Minutes of the Windsor Chartabus Inc. meeting held April 23, 2012 **BE ADOPTED**; and that Communications No. 9, 10, 13, 14, 21 and 23 be dealt with as follows:

**Communication No. 9:**

Moved by Councillor Halberstadt, seconded by Councillor Jones,  
**M214–2012** That the correspondence from the CEO, WindsorEssex Economic Development Corporation (WEEDC) dated April 7, 2012 regarding “Windsor Raceway – Interim Report (Communications item)” **BE RECEIVED**, and further, that the City Clerk **BE REQUESTED** to forward to WEEDC additional correspondence from the Executive Vice-President, SEIU Local 2 regarding “Severance Pay Crisis – Food & Beverage Workers at Windsor Raceway” for review and to see if anything can be done to assist with this matter and that Council **BE ADVISED** accordingly.

MD/8970

Carried.

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

**Communication No. 10:**

Moved by Councillor Halberstadt, seconded by Councillor Marra,  
**M229–2012** That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion without prior notice in order to allow for the KPMG Audit of the Windsor Public Library to be referred to the regular agenda portion of the Council meeting.

Carried.

Councillor Gignac voting nay.

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

Moved by Councillor Halberstadt, seconded by Councillor Marra,  
**M230–2012** That the KPMG Audit Findings Report for the Corporation of the City of Windsor Public Library Board for the year ending December 31, 2011 **BE REFERRED** to the regular agenda portion of the Council meeting.

Carried.

Councillor Gignac voting nay.

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

**Communication No. 21:**

Moved by Councillor Halberstadt, seconded by Councillor Valentinis,  
**M232–2012** That the report of the Chief Building Official dated April 12, 2012 entitled “CQ10-2012 – Regarding Motorcycle Noise Emission” **BE REFERRED** to the June 5, 2012 meeting of Council as a regular agenda item and to allow for delegations on the matter.

Carried.

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

EI2012

**Communication No. 23:**

Moved by Councillor Halberstadt, seconded by Councillor Jones,  
**M233–2012** That the report of the Chief Financial Officer/City Treasurer dated April 12, 2012 regarding “2010 OMBI Performance Benchmarking Report” **BE REFERRED** to the Executive Meeting of Council scheduled for May 28, 2012 to allow time for Council to review the material.

Carried.

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

GP/10264

**Communication No. 13:**

Moved by Councillor Sleiman, seconded by Councillor Marra,  
**M234–2012** That the correspondence from the Windsor-Essex Catholic District School Board dated April 12, 2012 regarding “Our Lady of Lourdes Catholic Elementary School – 4130 Franklin Street, Windsor, Ontario” **BE RECEIVED**, and further, that Administration **REVIEW** the matter and that the Board **BE ADVISED** accordingly based on that review.

Carried.

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

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

ME2012

**Communication No. 14:**

Moved by Councillor Sleiman, seconded by Councillor Marra,  
**M235–2012** That the correspondence from the Windsor-Essex Catholic District School Board dated April 12, 2012 regarding “St. Bernard Catholic Elementary School – 1847 Meldrum Road, Windsor, Ontario” **BE RECEIVED**, and further, that Administration **REVIEW** the matter and that the Board **BE ADVISED** accordingly based on that review.

Carried.

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

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

ME2012

Item	From	Description
1	Premier of Ontario	Acknowledgement of letter received regarding Windsor City Council’s resolution regarding the horse racing industry  <b>Note &amp; File GP2012</b>
2	Ministry of the Environment	Designated Participating Municipalities for the purposes of O. Reg. 284/07 (Source Protection Areas and Regions)  <b>City Engineer City Planner City Solicitor Chief Building Official Note &amp; File EI/10108</b>

3	Association of Municipalities of Ontario (AMO)	Provincial budget passed <b>Community Development &amp; Health Commissioner Chief Financial Officer &amp; City Treasurer Note &amp; File MMA2012</b>
4	Association of Municipalities of Ontario (AMO)	Addressing the Rising Cost of Police Services – Update to Members <b>Acting Police Chief Chief Financial Officer &amp; City Treasurer Note &amp; File MMA2012</b>
5	Ontario Municipal Board (OMB)	Notice of Prehearing Conference regarding the application of 1111927 Ontario Limited and Richard Shapiro Holdings Limited for lands known as 2745 Talbot Road <b>Secretary/Treasurer, Committee of Adjustment City Solicitor City Planner Note &amp; File ZC2012</b>
6	Ontario Municipal Board (OMB)	Acknowledgment of receipt of file number PL120367 for lands located at 1800 Talbot Road, Applicant Schlegel Villages Inc., Appellants - James Chambers, Walter & Lynda Pizzolitto <b>City Planner City Solicitor Development Applications Clerk Note &amp; File ZB/11249 ZS/11277</b>
7	Ontario Municipal Board (OMB)	Memorandum of Oral Decision Delivered by Steven Stefanko on April 11, 2012 and Order of The Board <b>City Solicitor City Planner Secretary/Treasurer, Committee of Adjustment</b>
8	Canadian Union of Public Employees (CUPE)	Correspondence from CUPE thanking Mayor and Council for raising concerns regarding the Comprehensive Economic Trade Agreement (CETA) <b>Note &amp; File GF2012</b>
9	WindsorEssex Economic Development Corporation	Windsor Raceway – Interim Report (Communications item) <b>Note &amp; File MD/8970</b>
10	KPMG	The Corporation of the City of Windsor Public Library Board Audit Findings Report for the year ending December 31, 2011 <b>Note &amp; File ML/10013</b>
11	Vice President, Ontario Municipal Human Resources Association (OMHRA)	Concerns of the Ontario Municipal Human Resources Association (OMHRA) related to the issue of whether the Human Rights Tribunal provides a fair dispute resolution process <b>Executive Director of Human Resources City Solicitor Diversity &amp; Accessibility Officer Note &amp; File GP2012</b>

12	Corporation of the County of Essex, City Clerk	Support of Windsor City Council's Resolution M212-2012 regarding the closure of OLG Slots at Windsor Raceway <b>Note &amp; File MB/10895</b>
13	Windsor-Essex Catholic District School Board	Offer to purchase or lease surplus property located at 4130 Franklin Street, former Our Lady of Lourdes Catholic Elementary School <b>City Solicitor Chief Financial Officer &amp; City Treasurer COUNCIL DIRECTION REQUESTED ME2012</b>
14	Windsor-Essex Catholic District School Board	Offer to purchase or lease surplus property located at 1847 Meldrum Road, former St. Bernard Catholic Elementary School <b>City Solicitor Chief Financial Officer &amp; City Treasurer COUNCIL DIRECTION REQUESTED ME2012</b>
15	Housing Services Corporation (HSC)	Housing Services Corporation (HSC) to meet with the Regional CAO group at their meeting to be held April 27, 2012 <b>Note &amp; File GH/6905</b>
16	Union Gas	Annual Volunteer Program Helping Hand In Action – Union Gas Initiative <b>Community Development &amp; Health Commissioner Note &amp; File MU2012</b>
17	Manager of Urban Design	Application of The TDL Group Corp. for Site Plan Approval to permit reworking the existing single drive –thru lane to create a double stacked drive-thru lane therefore requiring reworking the parking lot located at 3998 Walker Road <b>Note &amp; File ZS/11453</b>
18	City Engineer	Capital Budget 2011 – Award of Tender #124-11 – Traffic Signal/ATMS Fiber Optic Cable Installation and Configuration <b>Note &amp; File ST/11225</b>
19	City Engineer	Tender 29-12 – Road Rehab V – Cold Milling, Asphalt Paving and Curb & Gutter Reconstruction <b>Note &amp; File SW/11448</b>
20	City Engineer	Tender 03-11 – Gladstone Avenue Rehabilitation Sewer, Watermain and Pavement Rehabilitation (Wyandotte Street East to Richmond Street) <b>Note &amp; File AFB/10824</b>
21	City Solicitor	CQ10-2012 – Regarding Motorcycle Noise Emission <b>Note &amp; File EI2012</b>
22	City Solicitor	Claim Settlement Costs <b>Note &amp; File AL2012</b>

23	Chief Financial Officer	2010 OMBI Performance Benchmarking Report. (Clerk's Note: Report previously distributed for Mayor & Council only) <b>Note &amp; File GP/10264</b>
24	Transit Windsor Board of Directors	Minutes of the Transit Windsor Board of Directors meeting held April 23, 2012 and the minutes of the Windsor Chartabus Inc. meeting held April 23, 2012 <b>TO BE ADOPTED MB2012</b>

Carried.

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

Councillor Maghnieh discloses an interest and abstains from voting on Communication No. 13 and Communication No. 14.

### Consent Agenda

Moved by Councillor Jones, seconded by Councillor Maghnieh,

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

- Item 1 1459 Ottawa Street – Garbage Bin Alley Encroachment
- Item 2 Part-Lot Control By-Law Exemption Request, Gillingham Consulting & Investments Limited, 1932, 1936, 1938 and 1942 Daytona Avenue – East side Daytona Avenue, South of Manitoba Street
- Item 3 Application to Convert a Residential Apartment Building from Rental to Condominium Status, GIAN Corporation, 3262 Sandwich Street
- Item 4 Application to Convert a Residential Apartment Building from Rental to Condominium Status, GIAN Corporation, 1071 McDougall Avenue
- Item 5 Part-Lot Control Exemption Request – Rima Charaf Eddine, Part of Block 28, Plan M-175, now designated as Part 2, Reference Plan 12R-20527, 2335 Virginia Park Avenue
- Item 6 Proposed Settlement with Klinger-Expropriation of Land at 975 Cabana Road East
- Item 7 Royal Timbers v. Windsor – Injurious Affection Claim, Wildwood Drive near Banwell
- Item 8 Transit Proof of Loss
- Item 9 Significant Event Status: Beaverfest (June 1-3, 2012); Festival Epicure (July 6-8, 2012); Annual Provincial HOG Rally (July 26-28, 2012); Windsor Rib Fest (August 16-19 and 24, 2012)
- Item 10 Request for Proposals for Real Estate Companies
- Item 11 A By-law for the Construction of New Access Bridges over the 8<sup>th</sup> Concession Drain for the Southwest Detention Centre
- Item 12 Proposed Settlement with Meloche – Expropriation of land at 885 Cabana Road East
- Item 14 Railway Spur Line, Twin Oaks Extension and Lachance Drain Relocation – Environmental Study Report
- Item 15 Naming Rights for Family Aquatic Centre
- Item 16 Bank Signing Authority Changes
- Item 17 Refurbishing of Primary Settling Tanks 5 and 6 at the Lou Romano Water Reclamation Plant
- Item 18 Bridge Rehabilitation of Howard Avenue Overpass at west bound E. C. Row Expressway – Tender No. 30-12

**Consent Committee Reports**

<i>Public Safety Standing Committee</i>		
No.		Description
1	Report No. 21	Response to CQ43-2011 and 63-2011 and Council Resolution M35-2012 Petition Respecting Utilization of Concrete Barriers – aka Jersey Barriers
2	Report No. 22	Minutes of the Town & Gown meeting held November 23, 2011
3	Report No. 23	Minutes of the Windsor Licensing Commission meeting held November 8, 2011
4	Report No. 24	Minutes of the Windsor Licensing Commission meeting held December 21, 2011
5	Report No. 25	Report No. 147 of the Windsor Licensing Commission
6	Report No. 26	Contraband Tobacco and Community Safety

<i>Planning Standing Committee</i>		
No.		Description
1	Report No. 60	Plan of Subdivision, 617847 Ontario Limited, property located north of McNorton Street between Radcliff and the City limit
2	Report No. 62	Approval of definitions and three-tiered fee structure for Site Plan Applications
3	Report No. 63	Draft Waiver of Fees Policy
4	Report No. 64	Request for Waiver of Building Permit Fees and Development Charges – Windsor Regional Hospital – 3901 Connaught Avenue

<i>Executive Committee (attached)</i>		
No.		Description
1	Report No. 95	Complaint Protocol for Members of Council and others governed by the Code of Conduct
2	Report No. 96	Complaint Protocol for Members of Council and others governed by the Code of Conduct – Councillor Maghnieh

Carried.

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

**Deferrals and/or Referrals and Withdrawals**

None requested.

**Presentations & Delegations:****DELEGATIONS****Planning Standing Committee Report No. 61 (Request to close part of the north/south alley between Dougall Avenue and Church Street, south of West Grand Boulevard)****Andre Abouasli, 2047337 Ontario Inc.**

Andre Abouasli, 2047337 Ontario Inc., appears before Council requesting the closure of part of the north/south alley between Dougall Avenue and Church Street, south of West Grand Boulevard, so that he may add to his property for extra green space.



**Sabu Kottoor, Kottoor Investments**

Sabu Kottoor, Kottoor Investments, appears before Council regarding the request for closure of part of the north/south alley between Dougall Avenue and Church Street, south of West Grand Boulevard, stating he has no objection to the alley being closed, as long as he is afforded the first right to purchase the property that is directly behind his property at 3002 Church.

(For final disposition of this matter, see Report Section in Schedule "A" attached hereto.)

**Family Aquatic Complex Steering Committee Report No. 17 (Structural Upgrades to Allow Future Photo Voltaic Panels)****David Hanna, Ward 1 resident**

David Hanna, Ward 1 resident, appears before Council to provide comments regarding the recommended "structural upgrades to allow future photo voltaic panels", suggesting that consideration be given to solar panels and green roofing, which would integrate ecology with real estate and concludes by recommending that skylights be added to the structure which would bring natural light inside.

Mayor Francis leaves the meeting at 6:35 o'clock p.m. and Councillor Hatfield assumes the Chair.

Mayor Francis returns to the meeting at 6:39 o'clock p.m. and Councillor Hatfield returns to his seat at the Council table.

(For final disposition of this matter, see Report Section in Schedule "A" attached hereto.)

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

Item 13 Transportation Planning Work Plan

Communication No. 10:

Moved by Councillor Gignac, seconded by Councillor Sleiman,  
**M231-2012** That the KPMG Audit Findings Report for the Corporation of the City of Windsor Public Library Board for the year ending December 31, 2011 **BE DEFERRED** to a future meeting of Council as a regular agenda item and to allow for the CEO of the Library to be in attendance and available for questions.

Carried.

ML/10013

**Consideration of Committee Reports**

Moved by Councillor Valentinis, seconded by Councillor Dilkens,  
**M213-2012** That the **Report of the Striking Committee** of its meeting held April 30, 2012 **BE ADOPTED** as presented.

Carried.

ACO2012

Moved by Councillor Valentinis, seconded by Councillor Dilkens,  
**M236-2012** That **Report No. 32 of the International Relations Committee** of its meeting held April 12, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Valentinis, seconded by Councillor Dilkens,  
**M237-2012** That **Report No. 33 of the International Relations Committee** of its meeting held April 12, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Valentinis, seconded by Councillor Dilkens,  
**M238-2012** That **Report No. 34 of the International Relations Committee** of its meeting held April 12, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Valentinis, seconded by Councillor Dilkens,  
**M239-2012** That **Report No. 35 of the International Relations Committee** of its meeting held April 12, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

### By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
That the following By-laws No. 49-2012 through 65-2012 (inclusive), be introduced and read a first and second time:

49-2012 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN *REGISTERED PLAN 948 AND REGISTERED PLAN 997*, IN THE CITY OF WINDSOR"

50-2012 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN *REGISTERED PLAN M-175*, IN THE CITY OF WINDSOR"

51-2012 "A BY-LAW TO PROVIDE FOR DRAINAGE WORKS IN THE CITY OF WINDSOR, IN THE COUNTY OF ESSEX, FOR NEW ACCESS BRIDGES OVER THE 8<sup>TH</sup> CONCESSION DRAIN"

52-2012 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW""

53-2012 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW""

- 54-2012 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE 4.27 METRE (14 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN WALKER ROAD AND TURNER ROAD FROM LEDYARD AVENUE SOUTHERLY TO MOXLAY AVENUE, CITY OF WINDSOR”
- 55-2012 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.27 METRE, (14 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN WALKER ROAD AND TURNER ROAD FROM LEDYARD AVENUE SOUTHERLY TO MOXLAY AVENUE, CITY OF WINDSOR”
- 56-2012 “A BY-LAW TO CLOSE AND STOP UP FOR MUNICIPAL PURPOSES THE 20.1 METRE (66 FEET) WIDE PORTION OF PITT STREET WEST FROM CHURCH STREET TO BRUCE AVENUE, CITY OF WINDSOR”
- 57-2012 “A BY-LAW TO CLOSE AND STOP UP FOR MUNICIPAL PURPOSES THE 20.1 METRE (66 FEET) WIDE PORTION OF CHATHAM STREET WEST FROM CHURCH STREET TO BRUCE AVENUE & THE 3.0 METRE (10 FEET) WIDE FLARING TO 18.96 FEET WIDE AT THE NORTHERNMOST POINT) NORTH/SOUTH ALLEY EAST OF BRUCE AVENUE NORTH OF CHATHAM STREET WEST & THE 3.0 METRE (10 FEET) WIDE ALLEY SOUTH OF CHATHAM STREET WEST, CITY OF WINDSOR”
- 58-2012 “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”
- 59-2012 “A BY-LAW TO AUTHORIZE THE CORPORATION OF THE CITY OF WINDSOR TO ENTER INTO EXTENSION AGREEMENTS AND FOR THE CHIEF ADMINISTRATIVE OFFICER AND CLERK TO EXECUTE SUCH AGREEMENTS”
- 60-2012 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE “CITY OF WINDSOR ZONING BY-LAW””
- 61-2012 “A BY-LAW TO AUTHORIZE THE CORPORATION OF THE CITY OF WINDSOR TO ENTER INTO EXTENSION AGREEMENTS AND FOR THE CHIEF ADMINISTRATIVE OFFICER AND CLERK TO EXECUTE SUCH AGREEMENTS”
- 62-2012 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9148 BEING A BY-LAW TO REGULATE TRAFFIC WITHIN THE LIMITS OF THE CITY OF WINDSOR”
- 63-2012 “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”
- 64-2012 “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”
- 65-2012 “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE EIGHTH DAY OF MAY, 2012”

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

Carried.

### **Notices of Motion**

Councillor Hatfield gives notice that he intends to introduce the following motion for consideration at the May 22, 2012 meeting of Council:

Whereas the Windsor region has had ready access to francophone television programming on CBEFT since 1976; and

Whereas this analogue transmission service is set to be shut down at the end of July; and

Whereas this will impact the francophone community in Windsor and Essex County area, leaving them without their only non-cable access to information in their preferred language; and

Whereas this decision, not to switch this long-standing analogue service to digital, will force the francophone community to pay high fees for a cable service; and

Whereas there is a viable alternative; and

Whereas the French language service of the CBC could easily use a method known as "multiplexing" which would combine multiple digital data streams into one signal over a shared medium; and

Whereas the English transmitter at CBET could be used for this purpose; and

Whereas this would allow the CBC to shutdown the analogue service but retain local francophone programming by broadcasting on a sub-channel; and

Whereas this is a proven technology and widely used in the United States;

Therefore be it resolved that this City Council urges The Canadian Radio-Television and Telecommunications Commission, Industry Canada and Minister Christian Paradis and the Department of Canadian Heritage and Minister James Moore to authorize the CBC to use this multiplexing method as a viable alternative to serve our area's Francophone Community.

Councillor Dilkens gave notice at the April 16, 2012 Council meeting that he would be bringing forward a Notice of Motion at the next meeting of Council regarding installation of speed cushions. Councillor Dilkens has agreed to bring forward this motion at the June 5, 2012 meeting of Council.

ST2012

Councillor Payne gave notice at the April 16, 2012 Council meeting that he would be bringing forward a Notice of Motion at the next meeting of Council regarding signage for parkway. Councillor Payne has agreed to bring forward this motion at the May 22, 2012 meeting of Council.

ST/8821

**Third Reading of By-laws**

Moved by Councillor Maghnieh, seconded by Councillor Marra,  
That the following By-laws No. 49-2012 through 65-2012 (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**

None registered.

**Adjournment**

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,  
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 7:30 o'clock p.m.

**MAYOR****THIS IS A DRAFT COPY****CITY CLERK****DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES**

Jones  
Maghnieh

CR88/2012

That the request by the owner of the property at 1459 Ottawa Street, legally known as Registered Plan 628, Lots 109 and 110 to permit the garbage bin encroachment into the north/south alley west of the subject property, as shown on attached Drawing C-3131, **BE APPROVED**, subject to the owner entering into an encroachment agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, to comply with the following terms and conditions.

- (a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.
- (b) Pay a \$225.00 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department.
- (c) Indemnify the City of Windsor against all claims which may arise by reason of its occupying sections of the public right-of-way herein before listed and file with the Risk Management Supervisor a Certificate of Insurance with a minimum amount of \$2,000,000.00 per occurrence Commercial General Liability, a cross liability endorsement, the Corporation of the City of Windsor as an additional insured and 30 days notice of cancellation.

The Certificate of Insurance must be satisfactory in form to the Risk Management Supervisor and provided to the Risk Management Supervisor with the commencement of this encroachment and annually thereafter.

For insurance purposes only, the mailing address for the Corporation of the City of Windsor is:

**The Corporation of the City of Windsor  
Risk Management Division  
400 City Hall Square, Suite 403  
Windsor, ON N9A 7K6**

- (d) Pay a \$250.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owner.
- (e) Pay a surcharge in the amount of \$100.00 to the Engineering Department, as required by Council Resolution 699/85.
- (f) Pay an annual minimum encroachment fee of \$25.00, calculated according to Council Resolution 425/81, and any and all applicable provincial and federal land taxes, etc.
- (g) Pay an annual billing and inspection fee of \$25.00.
- (h) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- (i) The applicant agrees to obtain a Street Opening Permit for the subject encroachment.
- (j) The encroachment is permitted during summer months only (May 1 to October 30);

and further, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, in accordance with By-law 208/2008 as the authority for Category "B" encroachments.

Carried.

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

Report Number 15916 SE2012 C1

Appendices  
Drawing

Internal Distribution

Public Works [Tony Ruffolo]  
 City Engineer  
 City Solicitor  
 Risk Management Coordinator, Corporate Services  
 Chief Administrative Officer  
 City Clerk

External Distribution

Frank Leventis	1459 Ottawa Street, Windsor, ON N8X 2G1	
Tullio Meconi, Solicitor		tulliome@mnsi.net
T-R Liem Inc. Steve McLean, Agent	1407 Ottawa Street Windsor, ON N8X 2G1	

Jones  
 Maghnieh

CR89/2012

**I** That the application of Gillingham Consulting & Investments Limited for part-lot control exemption for the lands known municipally as 1932, 1936, 1938 and 1942 Daytona Avenue and legally described as Part of Lot 34 and Part Closed Alley, Plan 948 and Part of Lots 105 through Lot 108, inclusive, and Part Closed Alley Plan 997, now designated as Parts 13 to 20 inclusive, Reference Plan 12R20371, as identified on attached Map No. PLC-003/12-2, to allow the severance of four semi-detached dwelling units, **BE APPROVED** for a period of one year.

**II** That By-law No. 49-2012 **BE ENACTED**.

Carried.

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

Report Number **15868 ZPLC2012 C2**

Appendices

Map No. PLC-003/12-2

Internal Distribution

Planning [Tom Cadman]  
 City Planner  
 Manager of Development Applications  
 City Solicitor

External Distribution

Gillingham Consulting & Investments Limited	4585 Southwood Lakes Blvd. Windsor ON N9G 2M3	
Ali Parla	900-6505 Tecumseh Rd. Windsor ON N8T 1E7	ap@parlalaw.ca

Jones  
Maghnieh

CR90/2012

- I** That the application of GIAN Corporation (1243596 Ontario Ltd.) for draft plan of condominium approval for a property legally described as South Part Lot 7, Registered Plan 40, City of Windsor, at 3262 Sandwich Street, located on the north side of Sandwich Street, between Mill Street and Brock Street, to permit the conversion of a 3-storey apartment building, containing a total of 35 residential dwelling units from rental to condominium status as shown on the attached Map No. CDM-001/12-2, **BE APPROVED** since all requirements and works required in Council Resolution CR443/2008 (Appendix 'A') have been satisfied and addressed in the existing condominium agreement.
- II.** That the draft plan approval shall lapse on May 8, 2015 (3 years from the date of approval).
- III.** That Council **REIMBURSE** fees, in the amount of \$8,604.00 (\$11,220.00 – fees collected minus administrative costs of \$2,616.00), to the applicant, since it is essentially the same plan of condominium approved by Council in 2008 (CR443/2008) and all applicable fees were collected at that time.

Carried.

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

Report Number **15874 ZP/11331 C3**

Appendices

Map No. CDM-001/12-2

Internal Distribution

Planning [Tom Cadman]  
City Planner  
Manager of Development Applications  
City Solicitor  
Chief Financial Officer & City Treasurer

External Distribution

GIAN Corp. c/o Marco Savoni	3041 Dougall Ave. Unit 207, Windsor ON N9E 1S3	marcosavoni@yahoo.ca
Erica Krygsman	423 Pelissier St. Windsor ON N9A 4L2	hdhsailor@hotmail.com

Jones  
Maghnieh

CR91/2012

- I** That the application of GIAN Corporation (1243596 Ontario Ltd.) for draft plan of condominium approval for a property legally described as Lot 1, Plan 110 and Lots 1 to 4 and South Part Lot 5, Plan 112, City of Windsor, at 1071 McDougall Avenue, located on the west side of McDougall Avenue, between Erie Street East and Giles Street East, to permit the conversion of a 6-storey apartment building, containing a total of



34 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-003/12-2, **BE APPROVED** since all requirements and works required in Council Resolution CR501/2008 (Appendix 'A') have been satisfied and addressed in the existing condominium agreement.

- II.** That the draft plan approval shall lapse on May 8, 2015 (3 years from the date of approval).
- III.** That Council **REIMBURSE** fees, in the amount of \$8,994.00 (\$11,110.00 – fees collected minus administrative costs of \$2,616.00), to the applicant, since it is essentially the same plan of condominium approved by Council in 2008 (CR501/2008) and all applicable fees were collected at that time.

Carried.

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

Report Number **15875 ZP/11333 C4**

Appendices

CDM-003/12-2

Internal Distribution

Planning [Tom Cadman]

City Planner

Manager of Development Applications

City Solicitor

Chief Financial Officer & City Treasurer

External Distribution

GIAN Corp. c/o Marco Savoni	3041 Dougall Ave. Unit 207, Windsor ON N9E 1S3	marcosavoni@yahoo.ca
Erica Krygsman	423 Pelissier St. Windsor ON N9A 4L2	hdhsailor@hotmail.com

Jones

Maghnieh

CR92/2012

- I** That the application of *Rima Charaf Eddine* (Robert Tomas, agent) for exemption from part-lot control for the lands legally described as **Part of Block 28, Plan M-175, now designated as Part 2, Reference Plan 12R-20527**, located at **2335 Virginia Park Avenue** (see attached Map No. PLC-002/12-2) to allow for the lands to be developed for 1 single detached dwelling unit, **BE APPROVED** for a period of 3 years.

- III** That By-law No. 50-2012 **BE ENACTED**.

Carried.

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

Report Number **15885 ZPLC2012 C5**

Appendices

Map No. PLC-002/12-2

Internal Distribution

Planning [Jim Abbs]

City Planner  
Manager of Development Applications  
City Solicitor

External Distribution

Robert Tomas	5155 Tecumseh Road E Windsor, Ontario N8T 1C3	FAXED (519) 944-2420
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Jones  
Maghnieh

CR93/2012

That the recommendation in the Confidential Memo with the subject "Proposed Settlement With Klingler-Expropriation of Land at 975 Cabana Road East" dated April 12, 2012 **BE APPROVED**.

Carried.

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

Report Number **15894 SW/10746 C6**

Internal Distribution

Legal [Frank Scarfone; Mike Stamp]  
City Solicitor  
Chief Financial Officer & City Treasurer

External Distribution

Jones  
Maghnieh

CR94/2012

That the City Solicitor **BE AUTHORIZED** to make an Offer to Settle to Royal Timbers Inc., such offer to remain in effect until the commencement of any proceedings, including a motion, before the Ontario Municipal Board.

Carried.

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

Report Number **15872 AL2012 C7**

Internal Distribution

Legal [Patrick T. Brode]  
City Solicitor  
City Engineer  
Chief Financial Officer & City Treasurer

External Distribution

Jones  
Maghnieh

CR95/2012

- I. That Council **AUTHORIZE** the City Solicitor to execute the Automobile Proof of Loss form to claim insurance funds from Travelers Canada arising from loss of a Transit Windsor bus.
- II. That the City Solicitor **BE DIRECTED** to draft an amending by-law to amend the City Solicitor Duties By-law, being by-law 185-2011, by inserting a new sub-paragraph 2.1(f) which grants to the City Solicitor, or designate, the authority:

*(f) to authorize the execution of Proof of Loss forms for the purposes of making a claim against an insurer for recovery of insurance proceeds.*

Carried.

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

Report Number **15887 AL2012 C8**

Internal Distribution

Legal [Dana Paladino]  
City Solicitor  
Manager of Purchasing & Risk Management  
General Manager, Transit Windsor (Penny Williams)  
Director of Corporate Services, Transit Windsor (Tony Houad)

External Distribution

Jones  
Maghnieh

CR96/2012

That the request from Beaverfest Ltd., Thunder Road Harley-Davidson and Family Shows Canada for approval of designation as 'Significant Event Status' for the purpose of applying for their individual liquor services **BE APPROVED** for the following events:

- Beaverfest, June 1– 3, 2012
- Annual Provincial HOG Rally, July 26-28, 2012
- Windsor Rib Fest, August 16-19 and the 24<sup>th</sup>, 2012.

Carried.

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

Report Number **15890 GPLL2012 C9**

Internal Distribution

Recreation [Mike Taylor]  
Executive Director of Recreation and Culture  
Community Development & Health Commissioner

External Distribution

Ken Brandes, Executive Producer Windfest Productions	3385 Academy Drive Windsor ON N9E 2H7	brandes4@mnsi.net
Chris Mickle	3245 Morris Drive Windsor, ON N9E 2K3	chris@protenders.net
Doug Hillier	24 Oregon Road London, ON N5Z 4B9	festivalsontario@me.com
Chris Valentino c/o Thunder Road Harley- Davidson	2139 Huron Church Road Windsor, ON N9C 2L8	ckflhx@gmail.com
SERT Committee		

Jones  
Maghnieh

CR97/2012

I. A] That the following real estate companies **BE APPROVED** to list and sell City of Windsor surplus residential properties at a commission rate of 4.29%

- 1] Remo Valente Real Estate (1990) Limited  
Attention: Peter Valente  
2985 Dougall Ave.  
Windsor ON N9E 1S1
- 2] Century 21 Request Realty Inc.  
Attention: Tom Tomas and Rob Schussler  
5135 Tecumseh Rd. E.  
Windsor ON N8T 1C3

B] That the following real estate company **BE APPROVED** to list and sell City of Windsor surplus commercial/industrial properties at the following commission rate:

- i] List price \$1,000,000.00 or less 3.8% and
  - ii] List Price over \$1,000,000.00: 3.0%
- and for the lease of property:
- i] \$0.70 per square foot for each year of the lease or
  - ii] 6% of the first years net lease plus 3% of the remaining years net lease, whichever the City prefers.

- 1] Royal LePage Binder Real Estate  
Attention: Frank Binder  
2480 Ouellette Avenue  
Windsor ON N8X 1L4

II. Conditions:

- 1] **The commission rates recommended above are to be split equally between the Listing Broker and the Co-operating (Selling) Broker.**
- 2] Listings are for a period of 90 days and may be renewed after review.

- 3] The appointment is for a two-year term with an option to extend an additional year upon City Council approval as per Council Resolution CR296/2004.
- 4] a] The City appoints the Broker to list, at the expense of the Broker, the properties for sale through the Multiple Listing Service (MLS) operated by the Windsor Essex County Real Estate Board;
- b] The agreement may be terminated with or without cause by either party on the giving of 15 days notice in writing to the other party. Upon termination by either party, the Broker will provide unconditional mutual releases of any active listings upon request.

Carried.

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

Report Number **15892 APM2012 C10**

Internal Distribution

Legal [Frank Scarfone]  
 City Solicitor  
 Chief Financial Officer & City Treasurer  
 Manager of Purchasing & Risk Management

External Distribution

Royal LePage Binder Real Estate Att: Frank Binder	2480 Ouellette Ave. Windsor ON N8X 1L4	<a href="mailto:binderf@royallepagebinder.com">binderf@royallepagebinder.com</a>
Remo Valente Real Estate (1990) Limited Att: Peter Valente	2985 Dougall Ave. Windsor ON N9E 1S1	<a href="mailto:peterv@valenterealestate.com">peterv@valenterealestate.com</a>
Century 21 Request Realty Inc. Att: Rob Schussler & Tom Tomas	5135 Tecumseh Rd. E. Windsor ON N8T 1C3	<a href="mailto:rschussler@cogeco.ca">rschussler@cogeco.ca</a> <a href="mailto:tomtomas@century21.ca">tomtomas@century21.ca</a>

Jones  
 Maghnieh

CR98/2012

That Council **ADOPT** the drainage report for the construction of new access bridges over the 8<sup>th</sup> Concession Drain by Provisional By-law 51/2012 in accordance with Section 45 of the *Drainage Act*.

Carried.

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

Report Number **15891 SW/11446 C11**

Internal Distribution

Public Works [Paul Mourd]  
 City Engineer  
 Chief Financial Officer & City Treasurer  
 City Solicitor

External Distribution

Jones  
Maghnieh

CR99/2012

That the recommendation in the Confidential Memo with the subject "Proposed Settlement With Meloche-Expropriation of Land at 885 Cabana Road East" dated April 16, 2012 **BE APPROVED**.

Carried.

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

Report Number **15893 SW/10746 C12**

Internal Distribution

Legal [Frank Scarfone; Mike Stamp]  
City Solicitor  
Chief Financial Officer & City Treasurer

External Distribution

***CR100/2012 RESCINDED BY M394-2015 ADOPTED BY COUNCIL SEPTEMBER 21, 2015****Dilkens*

Marra

CR100/2012

That the report Transportation Planning Work Plan from the City Engineer **BE RECEIVED**; and

That the Transportation Planning Division **BE AUTHORIZED** to offer the Transportation Planning Engineer I temporary position as a 5 year contract to be partially funded from the Corporate Financial Accounts Placeholder approved issue #2012-0547 as a part of the 2012 Operating Budget with the balance funding to come from the appropriate capital projects; and

That the Transportation Planning Division **BE AUTHORIZED** to extend a Request For Proposals (RFP) for a Consultant to review and undertake revision recommendations regarding the existing Traffic Calming Policy, including application of the revised policy for a warrant review of currently identified study areas, and for the development of a School Area Policy to be funded from the Corporate Financial Accounts Placeholder approved as part of the 2011 Operating Budget and approved as a budget carry forward as part of the 2011 year end variance report; and further,

That Administration **BE DIRECTED** to move forward with the study areas outlined in Council Resolution CR399/2010 (McKay, Dominion (from Richardie to Norfolk), Totten (Dominion to Northway), Shepherd/Hall (ETR tracks to Ottawa Street) and Conservation (South Service Road to Hatfield)) for traffic calming under the current policy and that the response to the M122-2011 Bellagio-Wyandotte petition and any others already in the queue **BE INCLUDED** in this directive.

Carried.

Report Number **15694 ST2012 13**

Appendices

CR399/2010

Internal Distribution

Public Works [Josette M. Eugeni]

City Engineer

Senior Manager, Infrastructure & Transportation Planning/Deputy City Engineer

Executive Director of Human Resources

Chief Financial Officer & City Treasurer

External Distribution

Jones

Maghnieh

CR101/2012

- I. THAT the Railway Spur Line, Twin Oaks Drive extension and Lachance Drain Relocation Environmental Study Report **BE TABLED** and placed on the public record for the mandatory (30) day period; and
- II. THAT the City Engineer **BE AUTHORIZED** to **ADVERTISE** the Notice of Completion of the Project File Report for the Railway Spur Line, Twin Oaks Drive extension and Lachance Drain in accordance with *the Ontario Environmental Assessment Act (OEAA)*; and
- III. THAT the City Engineer **BE AUTHORIZED** to **ADVERTISE** the Tender for the Railway Spur Line, Lachance Drain Relocation, associated municipal services and utilities and the results **BE REPORTED** to City Council.

Carried.

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

Report Number **15883 MTR/11200 C14**

Internal Distribution

Public Works [Fahd Mikhael]

City Engineer

Manager of Purchasing & Risk Management

Chief Financial Officer & City Treasurer

City Solicitor

External Distribution

ABSTRACT – SV - TABLED

Jones

Maghnieh

CR102/2012

That Administration **BE AUTHORIZED** to **ISSUE** a Request For Proposal for the overall Naming Rights for the new Family Aquatics Centre in accordance with the Naming/Renaming or Dedicating of Municipal Property, Buildings and Park Elements Policy; and,

That Administration **SEEK SPONSORSHIP** of the major components within the Family Aquatic Centre in accordance with the Naming/Renaming or Dedicating of Municipal Property, Buildings and Park Elements Policy.

Carried.

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

Report Number **15895 SR/11026 C15**

Internal Distribution

Recreation [Jan Wilson, Executive Director]

Community Development and Health Commissioner

Chief Financial Officer & City Treasurer

City Solicitor

External Distribution

Jones

Maghnieh

CR103/2012

THAT City Council **AUTHORIZE** the addition of Bruno Ierullo, Executive Director of Employment and Social Services, as a signing authority for the Ontario Works bank account;

THAT City Council **AUTHORIZE** the removal of Ronna Warsh, Community Development and Health Commissioner and Corporate Leader Social Development, Health, Recreation and Culture, as a signing authority for the Ontario Works bank account, and;

THAT City Council **AUTHORIZE** the changes to the signing authority to the bank account as discussed in the attached confidential memo.

Carried.

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

Report Number **15897 AF2012 C16**

Internal Distribution

Finance [Michael Dennis; Janice Guthrie]

Chief Financial Officer & City Treasurer

Community Development and Health Commissioner

Executive Director of Employment & Social Services

City Solicitor

External Distribution

Jones

Maghnieh

CR104/2012

**THAT** the following low tender **BE ACCEPTED**:



**TENDERER:** Oscar Construction Company Limited  
 2025 Blackacre Dr., P.O. Box 21  
 Oldcastle, ON N0R 1L0

**TENDER NO.:** 31-12

**TOTAL TENDER PRICE:** \$438,640.00

**ACCOUNT CHARGED:** 007-5410-1790-02942-7091009

and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the tenderer, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Operations, and financial content to the City Treasurer.

Carried.

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

Report Number **15882 SW/11449 C17**

Internal Distribution

Public Works [Ed Valdez]  
 City Engineer  
 Senior Manager, Pollution Control  
 Executive Director of Operations  
 Manager of Purchasing & Risk Management  
 Chief Financial Officer & City Treasurer  
 City Solicitor

External Distribution

Oscar Construction Company Limited  
 2025 Blackacre Dr., P.O. Box 21  
 Oldcastle, ON N0R 1L0

Jones  
 Maghnieh

CR105/2012

I. THAT the following low tender **BE ACCEPTED**:

<b>Tenderer:</b>	<b>O Infrastructure</b>
	Rehabilitation of Howard Avenue Overpass at Westbound E.C. Row Expressway – Tender 30-12
<b>Tendered Price:</b>	1,805.31 (excluding HST)
<b>Accounts Charged:</b>	10-3209-02942-7111003 10-3209-02942-7111021

AND THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract, satisfactory in form to the City Solicitor, technical content to the City Engineer, and financial content to the Chief Financial Officer and City Treasurer, with Amico Infrastructure, for Tender No. 30-12.

II. THAT **APPROVAL BE GIVEN** to undertake an expenditure of \$1,483,805.31 plus unrecoverable HST of \$26,114.97 for the bridge rehabilitation of Howard Avenue overpass, to **BE FUNDED** from the Bridge Rehabilitation Project (ID No. 7111003) and EC Row Rehabilitation Project (ID No. 7111021).

THAT **APPROVAL BE GIVEN** to undertake an expenditure up to an amount of \$142,464, for the retention of Dillon Consulting Limited as outlined for site observation and contract administration of Tender No. 30-12, in accordance with their Proposal for Engineering Services dated March 1, 2012, said fee to be in accordance with the most recent Schedule of Fees published by the Professional Engineers of Ontario; and further, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement, satisfactory in form to the City Solicitor in financial content to the City Treasurer, and in technical content to the City Engineer.

Carried.

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

Report Number 15873 SW/11459 C18

Internal Distribution

Public Works [Mark Winterton]  
City Engineer  
Executive Director of Operations  
Manager of Purchasing & Risk Management  
Chief Financial Officer & City Treasurer  
City Solicitor

External Distribution

AMICO Infrastructure  
2199 Blackacre Dr.  
Oldcastle, ON N0R 1L0

Dillon Consulting Limited  
608 - 3200 Deziel Drive  
Windsor, Ontario N8W 5K8  
[ktanner@dillon.ca](mailto:ktanner@dillon.ca)

**STANDING COMMITTEE RESOLUTIONS**

Moved by Councillor Dilkens, seconded by Councillor Jones,

**M215-2012** That **Report No. 17 of the Family Aquatics and Library Complex Steering Committee** of its meeting held April 20, 2012 regarding **Structural Upgrades to Allow Future Photo Voltaic Panels BE ADOPTED** as presented.

Carried.

Councillors Maghnieh and Payne were absent from the meeting when the vote was taken on this matter.

SR/11026

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M216-2012** That **Report No. 60 of the Planning Standing Committee** of its meeting held March 20, 2012 regarding Plan of Subdivision, 617847 Ontario Limited, property located north of McNorton Street between Radcliff and the City Limit **BE ADOPTED AS AMENDED** in the memo from the Manager of Development Applications dated April 27, 2012.

Carried.

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

Report Number 15797 ZP/7140

Moved by Councillor Marra, seconded by Councillor Jones,  
**M217-2012** That **Report No. 61 of the Planning Standing Committee** of its meeting held April 10, 2012 regarding Request to close part of the North/South alley between Dougall Avenue and Church Street, south of West Grand Boulevard **BE ADOPTED** as presented.

Carried.

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

Report Number 15797 ZP/7140

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M218-2012** That **Report No. 62 of the Planning Standing Committee** of its meeting held April 10, 2012 regarding Approval of definitions and three-tiered fee structure for Site Plan Applications **BE ADOPTED** as presented.

Carried.

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

Report Number 15801 SPL2012

***M219-2012 RESCINDED BY CR77/2014 ADOPTED BY COUNCIL APRIL 7, 2014***

Moved by Councillor Jones, seconded by Councillor Maghnieh,

**M219-2012** That **Report No. 63 of the Planning Standing Committee** of its meeting held April 10, 2012 regarding Draft Waiver of Fees Policy **BE ADOPTED** as presented.

Carried.

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

Report Number 15861 AF2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M220-2012** That **Report No. 64 of the Planning Standing Committee** of its meeting held April 10, 2012 regarding Request for Waiver of Building Permit Fees and Development Charges – Windsor Regional Hospital – 3901 Connaught Avenue **BE ADOPTED** as presented.

Carried.

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

Report Number 15819 SB2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M221-2012** That **Report No. 21 of the Public Safety Standing Committee** of its meeting held April 18, 2012 regarding Response to Council Question 43-2011 & 63-2011 and Council Resolution M35-2012 Petition Respecting Utilization of Concrete Barriers (aka Jersey Barriers) **BE ADOPTED** as presented.

Carried.

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

Report Number 15724 SL2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M222-2012** That **Report No. 22 of the Public Safety Standing Committee** of its meeting held April 18, 2012 regarding Minutes of the Town & Gown Committee meeting held November 23, 2011 **BE ADOPTED** as presented.

Carried.

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

MB2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M223-2012** That **Report No. 23 of the Public Safety Standing Committee** of its meeting held April 18, 2012 regarding Minutes of the Windsor Licensing Commission meeting held November 8, 2011 **BE ADOPTED** as presented.

Carried.

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

MB2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M224-2012** That **Report No. 24 of the Public Safety Standing Committee** of its meeting held April 18, 2012 regarding Minutes of the Windsor Licensing Commission meeting held December 21, 2011 **BE ADOPTED** as presented.

Carried.

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

MB2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M225-2012** That **Report No. 25 of the Public Safety Standing Committee** of its meeting held April 18, 2012 regarding Report No. 147 of the Windsor Licensing Commission "Amendment to By-law 395-2004, Schedule P2 – Plumbing Work" **BE ADOPTED** as presented.

Carried.

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

Report Number 15490 AB/10951

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M226-2012** That **Report No. 26 of the Public Safety Standing Committee** of its meeting held April 18, 2012 regarding Contraband Tobacco and Community Safety **BE ADOPTED** as presented.  
Carried.  
Councillor Payne was absent from the meeting when the vote was taken on this matter.

MB2012

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M227-2012** That **Report No. 95 of the Executive Committee** of its meeting held April 30, 2012 regarding Complaint Protocol for Members of Council and others governed by the Code of Conduct **BE ADOPTED** as presented.  
Carried.  
Councillor Payne was absent from the meeting when the vote was taken on this matter.

Report Number 15877 GM/10017

Moved by Councillor Jones, seconded by Councillor Maghnieh,  
**M228-2012** That **Report No. 96 of the Executive Committee** of its meeting held April 30, 2012 regarding “Complaint Protocol for Members of Council and others governed by the Code of Conduct – Councillor Maghnieh Investigation” **BE ADOPTED** as presented.  
Carried.  
Councillor Payne was absent from the meeting when the vote was taken on this matter.

Report Number 15877 GM/10017

Adopted by Council at its meeting held May 8, 2012 [M213-2012]  
SV/bm  
Windsor, Ontario, May 8, 2012

**REPORT OF THE STRIKING COMMITTEE**  
**of its meeting held**  
**April 30, 2012**

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**PRESENT:** Mayor E. Francis  
Councillor J. Gignac  
Councillor R. Jones  
Councillor H. Payne  
Councillor B. Marra  
Councillor F. Valentinis  
Councillor P. Hatfield  
Councillor E. Sleiman  
Councillor A. Halberstadt  
Councillor D. Dilken

**ABSENT:** Councillor A. Maghnieh

**Declarations of Pecuniary Interest:**

Councillor Valentinis discloses an interest and abstains from voting on Item 10, being consideration of the appointment of a representative from both post-secondary schools to the Windsor Essex County Environment Committee as he is employed by St. Clair College.

**Approval of Agenda**

Moved by Councillor Payne, seconded by Councillor Dilken, that the agenda **BE APPROVED, AS AMENDED**, by removing Item 6 - resignation of Councillor Dilken on the Enwin Energy Board of Directors and adding Item 11 - removal of Councillor Maghnieh on various Boards and Committees.

Carried.

Your Committee submits the following recommendations:

1. That the resignations of Councillor Maghnieh and Alex Cameron on the *Windsor Public Library Board of Directors* **BE ACCEPTED** and that Councillor Gignac **BE APPOINTED** to the Board for the term expiring November 30, 2014, to replace Councillor Maghnieh, and further that the Clerk **BE REQUESTED** to place an Ad in the newspaper for a citizen appointee in accordance with the *Public Libraries Act*.

(2) That consideration of appointments to the *Windsor Accessibility Advisory Committee* for the term ending November 30, 2014, **BE DEFERRED** to the next Striking Committee to allow members of Council to review all applications received.

(3) That consideration of appointments to the *Diversity Committee* for the term ending November 30, 2014, **BE DEFERRED** to the next Striking Committee to allow members of Council to review all applications received.

(4) That consideration of additional appointments to the *Windsor Bicycling Committee* for the term ending November 30, 2014 **BE DEFERRED** to the next Striking Committee to allow members of Council to review all applications received.

(5) That Michael Ray **BE APPOINTED** as the City's nominee to the *Windsor Port Authority* for the term July 1, 2012 to June 30, 2015.

(6) That consideration of the resignation of Councillor Dilkens on the *Enwin Energy Board of Directors* **BE WITHDRAWN**.

(7) That the revised list of members on the *Downtown Windsor Business Improvement Area Board of Directors* **BE APPROVED**, subject to receipt of minutes from the Association confirming that the members were elected by the membership of the Association.

(8) That the list of members, as submitted, on the *Ford City Business Improvement Area Board of Directors* **BE APPROVED**.

(9) WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction; and

WHEREAS FCM's Board of Directors is composed of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government; and

WHEREAS FCM's 75<sup>th</sup> Annual Conference and Trade Show will take place June 1 to 4, 2012, during which time the Annual General Meeting will be held and followed by the election of FCM's Board of Directors;

**BE IT RESOLVED** that the Council of the City of Windsor **ENDORSE** Councillor Bill Marra to stand for election on FCM's Board of Directors for the duration of the term; and

**BE IT FURTHER RESOLVED** that Council assumes all costs associated with Councillor Bill Marra attending FCM's Board of Directors meetings.

(10) That Keri Bagley, representing St. Clair College, and Evan Freeman-Gibb, representing the University of Windsor, **BE APPOINTED** as the post-secondary school representatives, as approved by Council on March 19, 2012, Report No. 56, to the *Windsor Essex Environment Committee* for the term expiring November 30, 2014.

(11) That Councillor Maghnieh **BE REMOVED**, effective immediately, from all Council Committees, Appointed Boards, Commissions and Agencies on which he represents the City of Windsor, and further, that Council Resolution M22-2001 **BE AMENDED** to reflect that the remuneration for members of Council for Committee/Board work **BE DIVIDED** equally among members of Council that serve on Committees/Boards.

CITY CLERK



Adopted by Council at its meeting held May 8, 2012 [M236-2012]

BT/

Windsor, Ontario, May 8, 2012

**REPORT NO. 32**  
**of the**  
**International Relations Committee**  
**at its meetings held**  
**April 12, 2012**  
**3:00 o'clock p.m.**  
**Walkerville Room, 350 City Hall Square West**

**Members Present at April 12, 20 meeting:**

- Councillor Drew Dilkens, Chair
- Councillor Percy Hatfield
- Councillor Ron Jones
- Councillor Al Maghnieh
- Jerry Barycki
- Guy DiPonio
- Blake Roberts
- Dr. Frank Simpson

Your Committee submits the following recommendation:

Moved by Dr. F. Simpson, seconded by G. DiPonio,

That an invitation **BE EXTENDED** to the official delegation from Fujisawa, Japan who will be visiting Windsor arriving June 30, 2012 to include them in the Canada Day Parade; and further, that notification **BE GIVEN** to the organizers of the Canada Day Parade of such participation in the parade, and further

That since 2012 marks the 25<sup>th</sup> Anniversary of the twinning of Fujisawa, Japan and Windsor, Ontario, that consideration **BE GIVEN** to accept the invitation to attend the series of ceremonies planned in Fujisawa in late September/early October 2012 to mark the occasion.

Carried.

\_\_\_\_\_  
CHAIRPERSON

**SECRETARY**

Adopted by Council at its meeting held May 8, 2012 [M237-2012]

BT/

Windsor, Ontario, May 8, 2012

**REPORT NO. 33**  
of the  
**International Relations Committee**  
at its meetings held  
April 12, 2012  
3:00 o'clock p.m.  
Walkerville Room, 350 City Hall Square West

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Members Present at April 12, 20 meeting:

- Councillor Drew Dilkens, Chair
- Councillor Percy Hatfield
- Councillor Ron Jones
- Councillor Al Maghnieh
- Jerry Barycki
- Guy DiPonio
- Blake Roberts
- Dr. Frank Simpson

Your Committee submits the following recommendation:

Moved by J. Barycki, seconded by G. DiPonio,  
That the International Relations Committee **EXTEND** an invitation to the business delegation from Gunsan, South Korea to attend Windsor Ontario in May or June 2012, during Festival Season, and further,  
That C S Wind **BE INVOLVED** in discussions with the visiting delegates.  
Carried.

\_\_\_\_\_  
CHAIRPERSON

**SECRETARY**

Adopted by Council at its meeting held May 8, 2012 [M238-2012]

BT/

Windsor, Ontario, May 8, 2012

**REPORT NO. 34**  
**of the**  
**International Relations Committee**  
**at its meetings held**  
**April 12, 2012**  
**3:00 o'clock p.m.**  
**Walkerville Room, 350 City Hall Square West**

**Members Present at April 12, 20 meeting:**

- Councillor Drew Dilkens, Chair
- Councillor Percy Hatfield
- Councillor Ron Jones
- Councillor Al Maghnieh
- Jerry Barycki
- Guy DiPonio
- Blake Roberts
- Dr. Frank Simpson

Your Committee submits the following recommendation:

Moved by Councillor Hatfield, seconded by Councillor Maghnieh,  
That the invitation extended by Windsor's twin city Changchun, China for Mayor Francis and two municipal representatives to be guests at their 1<sup>st</sup> International Sister Cities Mayors Conference September 13-17, 2012 **BE ACCEPTED** with a determination of who will accompany Mayor Francis to be made at a later date, and further that the visit to Changchun China **BE COORDINATED** with the 2012 visits planned to South Korea and Japan to facilitate better economic travel value.

Carried.

\_\_\_\_\_  
CHAIRPERSON

**SECRETARY**

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Adopted by Council at its meeting held May 8, 2012 [M239-2012]

BT/

Windsor, Ontario, May 8, 2012

**REPORT NO. 35**  
**of the**  
**International Relations Committee**  
**at its meetings held**  
**April 12, 2012**  
**3:00 o'clock p.m.**  
**Walkerville Room, 350 City Hall Square West**

**Members Present at April 12, 20 meeting:**

- Councillor Drew Dilkens, Chair
- Councillor Percy Hatfield
- Councillor Ron Jones
- Councillor Al Maghnieh
- Jerry Barycki
- Guy DiPonio
- Blake Roberts
- Dr. Frank Simpson

Your Committee submits the following recommendation:

Moved by Councillor Maghnieh, seconded by Councillor Hatfield,  
That representatives from the International Relations Committee **BE SELECTED** at a future meeting to attend Granby, Quebec; Udine, Italy & St. Etienne, France; Coventry, England; and the International Children's Games to be held in Daegu, Korea.  
Carried.

\_\_\_\_\_  
CHAIRPERSON

**SECRETARY**

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Adopted by Council at its meeting held May 8, 2012 [M215-2012]

KK/

Windsor, Ontario May 7, 2012

**REPORT NO. 17 of the  
FAMILY AQUATIC COMPLEX STEERING COMMITTEE  
of its meeting held  
April 20, 2012**

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**Present:** Councillor Drew Dilkens, Chair  
Councillor Ron Jones  
Councillor Hilary Payne  
Councillor Fulvio Valentinis

**Regrets:** Councillor Ed Sleiman

Your Committee submits the following recommendation:

Moved by Councillor Valentinis, seconded by Councillor Jones,  
That **APPROVAL BE GIVEN** to an expenditure in the amount of \$255,000 from the Contingency Fund for structural upgrades of the roof of the Family Aquatic Complex to allow for the opportunity to install photo voltaic panels for green energy production in the future.

Carried.

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

Clerk's Note: The report of the Project Manager and the Chief Financial Officer/City Treasurer dated April 17, 2012 entitled "Structural Upgrades to Allow Future Photo Voltaic Panels" is attached.

CHAIRPERSON

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COMMITTEE COORDINATOR

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ADOPTED AS AMENDED by Council at its meeting held May 8, 2012 [M216-2012]  
DEFERRED to the May 7, 2012 meeting of Council  
as ADOPTED by Council at its meeting held April 16, 2012 [M186-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 60** of the  
**PLANNING STANDING COMMITTEE**  
of its meeting held March 20, 2012

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**Present:**

- Councillor Bill Marra, Chair**
- Councillor Joanne Gignac**
- Councillor Percy Hatfield**
- Councillor Al Maghnieh**
- Councillor Ed Sleiman**
- Merrill Baker**
- Barbara Bjarneson**
- Cheryl Cross-Leal**

That the following recommendations of the Planning Standing Committee **BE APPROVED** as follows:

Moved by Councillor Hatfield, seconded by Councillor Maghnieh

**D)** That the application of 617847 Ontario Limited, (R. Valente, Principal) for Draft Plan of Subdivision approval for Part of Lots 148 and 149, Concession 1 (Roll No. 070-730-07600) located north of McNorton Street and east of the Radcliff Avenue **BE APPROVED** on the following basis:

That this approval applies to the draft plan of subdivision, as shown on the attached Map No. SDN-001/011, which will facilitate the construction of single unit, semi-detached and townhouse dwellings.

- A.** That the Draft Plan Approval shall lapse on May 8, 2015 (3 years from the date of approval).
- B.** That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-001/11 prepared by VSHBB Inc. Land Surveyors, identified as Work Order 4-25865, Plan File No: C-3032'D' dated September 26, 2011 and revised January 12, 2012, showing 23 lots for single detached dwellings, 3 blocks for a trail north of McNorton Street, 6 blocks for town homes and various road allowances.
- C.** That prior to the execution and registration of a 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,

final draft M-Plans which shall include the names of all road allowances within the plan, as approved by the Corporation.

- D. That the owner enter into a subdivision agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:
- a. The owner shall agree to include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
  - b. No driveway access shall be permitted to McNorton Street.
  - c. The Owner(s) shall convey land, shown as Blocks 30, 31 and 32 on Map No. SDN-001/11 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.
  - d. The Owner(s) shall arrange for payment to the Corporation, prior to the issuance of a Construction Permit for any phase of this plan of subdivision, for Geranium Homes (Windsor) Limited's share of previously oversized services that were constructed to ensure that the Geranium Homes lands could be serviced, amounting to \$90,874.00.
  - e. The Owner(s) agrees to pay its share of oversizing for previously installed pond and storm sewer, being a total of \$126,161.88, prior to the City of Windsor issuance of a construction permit for the subject lands. Payment may be phased in the event that development of the lands is phased, payment to be proportionate to the phasing. The owner will have three and a half years from the date of this agreement to pay said cost in full, free of interest charges, after which time, interest will be applied on any monies owing at a rate of 4.0% applied as simple interest from the date of the agreement until the date of final payment.
  - f. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
    - i. 15.0m right-of-way for Maitland Avenue
    - ii. 15.0m right-of-way for Thistledown Avenue
    - iii. 15.0m right-of-way for Gatwick Avenue
  - g. 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
- h. Special sidewalk treatments, specifically related to accessibility issues, where pedestrians are to cross the road will be determined when the sidewalk locations are chosen.
- i. The Owner(s) further agrees to construct at their expense and according to City of Windsor Standard Specifications AS-401 and AS-402, concrete sidewalks along the north and east side of Maitland Avenue, east side of Gatwick Avenue and north side of Thistledown Avenue, all to the satisfaction of the City Engineer.
- j. The owner agrees to insert a warning clause into all Agreements of Purchase and Sale, Leases and Transfers/Deeds of Land for lots on the subject lands, that any use of chemicals for lawn fertilizing, vegetable growth or such activities has a potential to wash into the storm sewer system either through the ground or through the storm sewer and will flow into Blue Heron Lake. The owners are therefore encouraged to use low-nitrogen fertilizers or environmentally friendly fertilizers, as well as not to use pesticides to maintain their property.
- k. The owner agrees to insert a warning clause into all Agreements of Purchase and Sale, Leases and Transfers/Deeds of Land for lots on the subject lands, that property to the west of the subject lands was the former East Riverside Landfill, which has been remediated by the corporation and is monitored by the corporation. Furthermore, testing will occur in the area from time to time, to ensure and accommodate the testing and expectations of the remediation.



- 1. 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 bussed 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, 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.

NOTES TO DRAFT APPROVAL (File: SDN-001/11)

- 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.**
- 8. 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:**

- i) **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.** The H symbol in place on the subject lands may be removed at such time as the property owner has made application to remove the “H” symbol and:

- i) There is an executed and registered subdivision agreement for the site; and
- ii) There is a registered final plan of subdivision for the site.

Carried.

*Clerk’s Note:* The report entitled “Plan of Subdivision, 617847 Ontario Limited, property located north of McNorton Street between Radcliff and the City Limit” dated March 7, 2012 is **attached** as background information.

**Livelihood #15797, ZP/7140**

**CHAIRPERSON**

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**DEPUTY CITY CLERK**

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Adopted by Council at its meeting held on May 8, 2012 [M217-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 61** of the  
**PLANNING STANDING COMMITTEE**  
of its meeting held April 10, 2012

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**Present:**                            **Councillor Bill Marra, Chair**  
                                         **Councillor Joanne Gignac**  
                                         **Councillor Percy Hatfield**  
                                         **Councillor Al Maghnieh**  
                                         **Councillor Ed Sleiman**

That the following recommendations of the Planning Standing Committee **BE APPROVED** as follows:

Moved by Councillor Gignac, seconded by Councillor Sleiman

I. That the part of the 4.27 m wide (14.0 feet) north/south between Dougall Avenue and Church Street, south of West Grand Boulevard as shown on Drawing No. CC-1623, ***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.

II. That the part of the 4.27 m wide (14.0 feet) north/south between Dougall Avenue and Church Street, south of West Grand Boulevard as shown on Drawing No. CC-1623, ***attached*** hereto as Appendix "A" **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:

- i. Easements are required in favour of:
  - EnWin Utilities Ltd.
  - Bell Canada
  - Cogeco Cable Systems
- ii. Conveyance cost to each owner
  - Abutting properties zoned RD1.4 - \$1.00 plus deed preparation and proportionate share of survey cost
  - Abutting properties zoned CD2.1 - \$14.00 per sq. ft. (\$150.70 per sq. m.) no easements and \$7.00 per sq. ft. (\$75.35 per sq. m.) with easements (deed preparation in addition & survey cost is included in the purchase price)

and further:

- iii. The City Engineer and City Solicitor **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1623, ***attached*** hereto as Appendix “A”
- iv. The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice,
- v. The City Solicitor **BE REQUESTED** to prepare the by-law to close
- vi. The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor,
- vii. The transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

*Clerk’s Note:* The report entitled “Request to close part of the north/south alley between Dougall Avenue and Church Street, south of West Grand Boulevard” dated March 26, 2012 is ***attached*** as background information.

Also, please see ***attached*** memo dated April 24, 2012 regarding an interested abutting property owner.

**Livelihood #15844, SAA2012**

**CHAIRPERSON**

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**DEPUTY CITY CLERK**

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Adopted by Council at its meeting held May 8, 2012 [M218-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 62** of the  
**PLANNING STANDING COMMITTEE**  
of its meeting held April 10, 2012

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**Present:**

**Councillor Bill Marra, Chair**  
**Councillor Joanne Gignac**  
**Councillor Percy Hatfield**  
**Councillor Al Maghnieh**  
**Councillor Ed Sleiman**

That the following recommendations of the Planning Standing Committee **BE APPROVED** as follows:

Moved by Councillor Gignac, seconded by Councillor Sleiman

1. That Council **APPROVE** the following definition for a **Minor Development**:  
**“Minor” Development is defined as:**
  - i. Construction of a new stand alone building or a building addition resulting in a maximum total gross floor area of 300 square metres (3,229 square feet) or less on-site; or
  - ii. Changing the use of an existing building requiring revisions to facade only; or
  - iii. Creation of a parking area with more than 5 and less than 25 parking spaces (total) on-site or reconfiguration of an existing parking area resulting in more than 5 and less than 25 (total) spaces.
2. That Council **APPROVE** the following definition for a **Standard Development**:  
**“Standard” Development is defined as:**
  - i. Construction of a new building or a building addition resulting in a total gross floor area of between 301 square metres (3,240 square feet) and 9,999 square metres (107,632 square feet) on-site. This includes single or multiple phase development; or
  - ii. Creation of a parking area with more 25 parking spaces (total) on-site or reconfiguration of an existing parking area resulting in more than 25 (total) spaces.

Developments that otherwise meet the definition of “Minor” Development may be deemed “Standard” Development at the discretion of the Planning Department if the development necessitates a shared access agreement; or is

subject to the heritage policies of the City’s Official Plan, proposals in close proximity to natural features (municipal drains, watercourses, etc.) or located within or adjacent to a “Gateway” or “Special Policy Area”, as defined by the Official Plan.

3. That Council **APPROVE** the following definition for a **Major Development**:

**“Major” Development is defined as:**

i. Construction of a new building or a building addition resulting in a minimum total gross floor area of 10,000 square metres (107,639 square feet) on-site. This includes single or multiple phase development.

4. That By-law 41-2012 **BE AMENDED** to include the following:

a. A base fee of **\$2,918.00** for “Minor” development Site Plan Applications;

b. A base fee of **\$4,983.00** for “Standard” development Site Plan Applications; and

c. A base fee of **\$ 7,023.00** for “Major” development Site Plan Applications.

5. That By-law 1-2004 **BE AMENDED** to include the following:

a. Definition of “Minor”, “Major” and “Standard” site plan applications; and

b. That Site plan files with no action for a period of 6 months from the Site Plan Review Committee Meeting be deemed as abandoned and be closed. Once a file is closed, a new application with applicable fees is required for future consideration of the proposal.

Carried.

*Clerk’s Note:* The report entitled “Approval of definitions and three-tiered fee structure for Site Plan Applications” dated March 16, 2012 is **attached** as background information.

**Livelinek #15801, SPL2012**

CHAIRPERSON

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DEPUTY CITY CLERK

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*M219-2012 RESCINDED BY CR77/2014 adopted by Council April 7, 2014*  
Adopted by Council at its meeting held May 8, 2012 [M219-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 63** of the  
**PLANNING STANDING COMMITTEE**  
of its meeting held April 10, 2012

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**Present:**

**Councillor Bill Marra, Chair**  
**Councillor Joanne Gignac**  
**Councillor Percy Hatfield**  
**Councillor Al Maghnieh**  
**Councillor Ed Sleiman**

That the following recommendations of the Planning Standing Committee **BE APPROVED** as follows:

Moved by Councillor Sleiman, seconded by Councillor Hatfield

**THAT** the Planning Standing Committee **APPROVE** the attached Waiver of Fees Policy **AS AMENDED** and **DIRECT** administration to develop appropriate administrative procedures to ensure compliance with the policy; and

**THAT** should the Planning Standing Committee approve the recommended Waiver of Fees Policy, that **APPROVAL** also be granted to the Chief Administrative Officer under Delegation of Authority to consider and approve all requests for waiver of fees below \$3,000, consistent with the criteria and governing rules and regulations approved within the Waiver of Fees Policy; and

**THAT** should the Planning Standing Committee approve the recommended Waiver of Fees Policy that Administration also be directed to establish a Corporate Account to track all costs associated with the waiver of fees with an offsetting credit to the impacted department(s) and further that since there is currently no approved budget for waiver of fees that this corporate account expense be funded annually as part of the yearend close process from the Budget Stabilization Reserve or other designated reserves as may be appropriate.

Carried.

*Clerk's Note:* The report entitled "Draft Waiver of Fees Policy" dated March 28, 2012 is attached as background information.

Also, Administration submitting an "**amended**" Waiver of Fees Policy (appended to this report) with minor amendments to Sections 3.1.1 & 3.2.3.

**Livelihood #15861, AF2012**

CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held May 8, 2012 [M220-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 64** of the  
**PLANNING STANDING COMMITTEE**  
of its meeting held April 10, 2012

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**Present:**                                    **Councillor Bill Marra, Chair**  
                                                  **Councillor Joanne Gignac**  
                                                  **Councillor Percy Hatfield**  
                                                  **Councillor Al Maghnieh**  
                                                  **Councillor Ed Sleiman**

That the following recommendations of the Planning Standing Committee **BE APPROVED** as follows:

Moved by Councillor Hatfield, seconded by Councillor Maghnieh

That Council **PROVIDE** a one-time grant in lieu of the amount of \$91906.00 from the Budget Stabilization Reserve Fund for building permit fees (\$29,926.00) and development charges (\$61,980.00) for the construction of a one-storey residential building and a one-storey gymnasium.

Carried.

*Clerk's Note:* The report entitled "Request for Waiver of Building Permit Fees and Development Charges – Windsor Regional Hospital – 3901 Connaught Avenue" dated March 12, 2012 is **attached** as background information.

**Livelihood #15819, SB2012**

CHAIRPERSON

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DEPUTY CITY CLERK

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Adopted by Council at its meeting held May 8, 2012 [M221-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 21** of the  
**PUBLIC SAFETY STANDING COMMITTEE**  
of its meeting held April 18, 2012

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**Present:**  
**Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**  
**Councillor Payne**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Gignac, seconded by Councillor Dilkens

That City Council **RECEIVE** the following report from the Chief Building Official in response to CQ43-2011, CQ63-2011, and Council Resolution M35-2012 (petition); and further, that Administration does not recommend that any by-laws be implemented prohibiting the use of concrete barriers to restrict access to vacant commercial/industrial properties or parking areas, and to take no action to remove the concrete “jersey barriers” noted in the petition.

Carried.

*Clerk’s Note: The report dated March 7, 2012 entitled “Response to Council Question 43-2011 & 63-2011 and Council Resolution M35-2012 Petition Respecting Utilization of Concrete Barriers (aka Jersey Barriers)” is attached as background information.*

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Livelihood 15724, SL2012

CHAIRPERSON

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DEPUTY CITY CLERK

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Adopted by Council at its meeting held May 8, 2012 [M222-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 22** of the  
**PUBLIC SAFETY STANDING COMMITTEE**  
of its meeting held April 18, 2012

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**Present:**  
**Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**  
**Councillor Payne**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Dilkens, seconded by Councillor Maghnieh

That the minutes of the Town and Gown Committee meeting held November 23, 2011

**BE RECEIVED** for information.

Carried.

**Clerk's Note: The minutes of the Town & Gown Committee meeting held November 23, 2011 are attached as background information.**

CHAIRPERSON

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DEPUTY CITY CLERK

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Adopted by Council at its meeting held May 8, 2012 [M223-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 23** of the  
**PUBLIC SAFETY STANDING COMMITTEE**  
of its meeting held April 18, 2012

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**Present:**  
**Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**  
**Councillor Payne**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Dilkens, seconded by Councillor Maghnieh

That the minutes of the Windsor Licensing Commission meeting held November 8, 2011 **BE RECEIVED** for information.

Carried.

**Clerk's Note: The minutes of the Windsor Licensing Commission meeting held November 8, 2011 are attached as background information.**

**CHAIRPERSON**

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**DEPUTY CITY CLERK**

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Adopted by Council at its meeting held May 8, 2012 [M224-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 24 of the  
PUBLIC SAFETY STANDING COMMITTEE  
of its meeting held April 18, 2012**

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**Present:**  
**Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**  
**Councillor Payne**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Dilkens, seconded by Councillor Maghnieh

That the minutes of the Windsor Licensing Commission meeting held December 21, 2011 **BE RECEIVED** for information.

Carried.

**Clerk's Note: The minutes of the Windsor Licensing Commission meeting held December 21, 2011 are attached as background information.**

CHAIRPERSON

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DEPUTY CITY CLERK

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Adopted by Council at its meeting held May 8, 2012 [M225-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 25 of the  
PUBLIC SAFETY STANDING COMMITTEE  
of its meeting held April 18, 2012**

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**Present:**  
**Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**  
**Councillor Payne**

**Referencing: Report No. 147 of the Windsor Licensing Commission**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Dilkens, seconded by Councillor Gignac

That Business Licensing Bylaw 395-2004, Schedule P2, Section 4 **BE**

**AMENDED** by deleting the following:

“(c) Proof of insurance as follows:

- i. public liability in the amount of not less than One Million Dollars (\$2,000,000.00);
- ii. property damage in the amount of not less than One Million Dollars (\$2,000,000.00)

And replacing it with:

“(c) Proof of General Liability insurance, including but not limited to bodily injury, property damage, and completed operations coverage, in the amount of not less than Two Million Dollars (\$2,000,000.00)”

Carried.

**Clerk’s Note: Report No. 147 of the Windsor Licensing Commission is attached as background information.**

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**LIVELINK #15490, AB/10951**

**CHAIRPERSON**

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**DEPUTY CITY CLERK**

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Adopted by Council at its meeting held May 8, 2012 [M226-2012]

/AA

Windsor, Ontario May 7, 2012

**REPORT NO. 26 of the  
PUBLIC SAFETY STANDING COMMITTEE**  
of its meeting held April 18, 2012

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**Present:**

**Councillor Jones, Chair**  
**Councillor Dilkens**  
**Councillor Gignac**  
**Councillor Maghnieh**  
**Councillor Payne**

**Referencing: Presentation by Ontario Convenience Stores Association “Contraband Tobacco and Community Safety”**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Gignac, seconded by Councillor Dilkens

**WHEREAS** contraband tobacco has negative public consequences and impacts such as unrestricted youth access to tobacco products, and an increase in criminal activity, and

**WHEREAS** contraband tobacco products are easily accessible in our community, and

**WHEREAS** small businesses are sometimes forced to close because of the sale of contraband tobacco, and

**WHEREAS** small business in our community and government in general stand to benefit from the institution of tougher restrictions on contraband tobacco,

**THEREFORE** be it resolved that this Committee request the Mayor write a letter to the Ontario Minister of Finance in support of the Ontario Government’s most recent Budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act. Particularly, in support of measures such as:

- increased fines for those convicted of offenses related to contraband tobacco;
- more authority for law enforcement officials with respect to forfeiture of items seized, and impounding of vehicles and the local retention of the seized and impounded vehicles;
- drawing on the best practices of other jurisdictions and working collaboratively with the Federal Government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts,

**AND** that the Provincial Government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this fall to implement these measures,

**AND** that surrounding municipalities be made aware of the actions taken by this Council to address the concerns presented by contraband tobacco.

Carried.

*Clerk's Note:* The presentation by the Ontario Convenience Stores Association entitled "Contraband Tobacco and Community Safety" is attached as background information.

CHAIRPERSON

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DEPUTY CITY CLERK

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Adopted by Council at its meeting held May 8, 2012 [M227-2012]

/AA

Windsor, Ontario May 8, 2012

**REPORT NO. 95** of the  
**EXECUTIVE COMMITTEE**  
of its meeting held April 30, 2012

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**Members Present:**

**Mayor E. Francis**  
**Councillor D. Dilkens**  
**Councillor J. Gignac**  
**Councillor A. Halberstadt**  
**Councillor P. Hatfield**  
**Councillor R. Jones**  
**Councillor B. Marra**  
**Councillor H. Payne**  
**Councillor E. Sleiman**  
**Councillor F. Valentinis**

**Regrets:** **Councillor A. Maghnieh**

The following recommendation of the Executive Committee **BE APPROVED** as follows:

Moved by Councillor Marra, seconded by Councillor Gignac,

**THAT** the report of the City Clerk dated April 12, 2012 entitled "Integrity Commissioner Complaint Protocols" **BE RECEIVED**, and further, that the "Complaint Protocol for Members of Council and others governed by the Code of Conduct" attached as Appendix "A" **BE APPROVED AS AMENDED**, to include a new provision (6(b)) that allows Council to direct the Integrity Commissioner, by resolution, to commence investigation of a complaint:

*6.(b) Notwithstanding the provisions of section 6(a) contained in these Protocols, City Council may, by Council resolution, direct the Integrity Commissioner to investigate any matter that is within his legislated jurisdiction and the Integrity Commissioner shall, upon receiving such resolution, commence the said investigation in accordance with the remainder of the provisions found in these protocols.*

Carried.

**LIVELINK 15877, GM/10017**

CHAIRPERSON

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CITY CLERK