

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
Councillor Sleiman
Councillor Valentinis

Members Absent:

None.

Call to Order

Following the playing of the Canadian National Anthem, Reverend Greg Lutz from Peace Lutheran Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Maghnieh discloses an interest and abstains from voting on the presentation of the Integrity Commissioner, as he is the subject of the report.

Councillor Payne discloses an interest and abstains from voting on Communication No. 11, regarding a Municipal Service Corporation for Sandwich Town due to his involvement in the BUHDAG application to quash certain bylaws.

Councillor Hatfield discloses an interest and abstains from voting on Communication No. 8, being an application of Greater Essex County School Board for Site Plan Approval as his spouse is an elected trustee of the Board.

Councillor Hatfield discloses an interest and abstains from voting on Planning Standing Committee Report No. 85, being that the Greater Essex County School Board is requesting municipal support for solar rooftop panels under the Feed In Tariff (FIT) program, as his spouse is an elected trustee of the Board.

Minutes

Moved by Councillor Maghnieh, seconded by Councillor Marra,
That the Minutes of the regular meeting of Council held August 27, 2012 **BE ADOPTED** as presented.

Carried.

Moved by Councillor Maghnieh, seconded by Councillor Marra,
That the Minutes of the Special meeting of Council held August 28, 2012 **BE ADOPTED** as presented.

Carried.

Notice of Proclamations

Shine Day – September 8, 2012

Reaffirmation Freedom of the City – September 8, 2012

United Way Day – September 14, 2012

Committee of the Whole

Moved by Councillor Payne, seconded by Councillor Sleiman,
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 August 27, 2012; and
 - (iii) Report No. 36 of the International Relations Committee of its meeting held August 30, 2012
 - (iv) Report No. 18 of the Family Aquatic Complex Steering Committee of its meeting held September 4, 2012
 - (v) Report No. 19 of the Family Aquatic Complex Steering Committee of its meeting held September 4, 2012
 - (g) consideration of by-laws 129-2012 through 130-2012
- Carried.

Communications

Moved by Councillor Valentinis, seconded by Councillor Dilkens,
M397–2012 That the following Communication Items 1 to 9 and 12 to 14 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 10 and 11 which are dealt with as follows:

Communication No. 10:

M398-2012

Moved by Councillor Payne, seconded by, Councillor Gignac,
That Administration **BE REQUESTED** to report back to City Council on the possibilities of leasing municipal property located at 430 Pelissier Avenue and concurrent with that, discussions to be held with the Downtown Windsor BIA relating to the lease price and further, that future space needs **BE IDENTIFIED**.

Carried.

Councillors Valentinis and Marra voting nay.

Communication No. 11:

Moved by Councillor Jones, seconded by Councillor Sleiman,
M399-2012 That the report of the City Solicitor dated August 15, 2012 entitled "CQ6-2012, Regarding a Municipal Service Corporation for Sandwich Town **BE DEFERRED** to a future meeting of Council as a regular agenda item.

Carried.

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

Item	From	Description
1	Ministry of Infrastructure	Building Together: Municipal Infrastructure Strategy. City Engineer Note & File GM2012
2	Ministry of Economic Development and Innovation	Ontario Creates Regional Development Funds. Chief Financial Officer & City Treasurer CEO, Tourism Windsor Essex Pelee Island Note & File GP2012
3	Federation of Canadian Municipalities (FCM)	Federal Infrastructure Roundtables. City Engineer MMF2012 Note & File
4	Association of Municipalities of Ontario (AMO)	AMO Submits Infrastructure Funding Priorities to Federal Government. City Engineer Chief Financial Officer & City Treasurer Note & File MMA2012
5	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the appeal of Gurbax Singh Wahid, under the Planning Act, R.S.O. 1990 for minor variances for lands known as 1587 Windsor Avenue. City Planner Chief Building Official City Solicitor Zoning Clerk Note & File ZC2012
6	Manager of Development Applications	Application of City of Windsor for zoning amendment to permit 33 residential building lots for lands located at 9725 Riverside Drive East. Note & File ZB/11534
7	Manager of Urban Design	Application of 1352192 Ontario Inc. for Site Plan Approval to permit the creation of outdoor storage yard located at 4810 Walker Road. Note & File ZS/11539
8	Manager of Urban Design	Application of Greater Essex County District School Board for Site Plan Approval to permit demolition of existing school and building of a new elementary school located at 1275 Campbell Avenue. Note & File ZS/11533

9	Manager of Urban Design	Application of 1741098 Ontario Inc. for Site Plan Approval to permit expansion of the tractor and employee parking located at 3380 Wheelton. Note & File ZS/11532
10	Chair, Downtown Windsor Business Improvement Association	Expression of interest in leasing 2,150 sq. ft. of municipal property located at 430 Pelissier Avenue. COUNCIL DIRECTION REQUESTED MI/9444
11	City Solicitor	CQ 6-2012, Regarding a Municipal Service Corporation for Sandwich Town. Note & File MI/8259
12	Windsor Essex Community Health Centre	Health Care Services in the Sandwich Community. Note & File MH2012
13	Chief Administrative Officer	2012 United Way City of Windsor Campaign. Note & File APR2012
14	Senior Vice President Gaming – OLG	Clarification on recently reported information regarding the Slots at Racetracks Programs. Note & File MB/10895

Carried.

Councillor Hatfield discloses an interest and abstains from voting on Communication No. 8.

Councillor Payne discloses an interest and abstains from voting on Communication No. 11.

Consent Agenda

Moved by Councillor Gignac, seconded by Councillor Halberstadt,

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

- Item 1 Contract 44-12 – Walker Road Corridor Phase 1, Noise By-law Exemption for Construction Activities
- Item 5 Ward Fund Policy
- Item 6 Forest Glade Arena Solar Photovoltaic Rooftop Project Update
- Item 9 2012 Flu Vaccinations provided by Tecumseh Urgent Care

Consent Committee Reports

Planning Standing Committee		
No.		Description
1	Report No. 82	Plan of Subdivision – North Neighbourhood – East Riverside generally bounded by Riverside Drive East, Little River Road, the Little River and west of Bellagio Drive – 1027458 Ontario Inc.
2	Report No. 83	Rezoning – 2001 Provincial Road, 873605 Ontario Inc.
3	Report No. 84	Amendment to Sign By-Law 250-2004 for Windsor-Essex Children’s Aid Society, 1671 Riverside Drive East

Carried.

Deferrals and/or Referrals and Withdrawals**Item 7 – Erie Wildlife Rescue – Malden Park**

At the request of Administration, this report was withdrawn as the Erie Wildlife Rescue will not be proceeding with this project.

Presentations & Delegations:**PRESENTATIONS:****Mayor Francis, City of Windsor Bid for 2016-2018 FINA World Swimming Championships**

Mayor Francis, appears before Council to provide an overview of FINA World Swimming Championships (25m) and the possibility of Windsor submitting a bid proposal for 2016-2018 FINA World Swimming Championships (25m); About FINA; The FINA Calendar; 25m World Championships; Past Hosts for 25m Event; Why Do Cities Bid?; Bid Requirements; Selection of a Host City; Importance of the City; Location of Facilities; Access to Television Coverage; Government Support; Building a Legacy; Bid Process; Timelines; Delegation of Governance; Event Cost; Participant Logistics; Revenues; and Additional Host Benefits.

Paul Synnott, resident of Ward 3

Paul Synnott, resident of Ward 3 appears before Council to speak in support of the City of Windsor Bid for the 2016-2018 FINA World Swimming Championships, suggesting that being awarded the Bid would be beneficial to Windsor, and concludes by asking Council to determine the amount of security that would be required throughout the City of Windsor for an event of this magnitude.

Report Number **16121 SR/11543**

(For final disposition of this matter, see Clause **CR217/2012** in Schedule “A” attached hereto.)

Bruce Elman, City of Windsor Integrity Commissioner

Bruce Elman, City of Windsor Integrity Commissioner appears before Council to provide a report to Council regarding a complaint under the Code of Conduct concerning Councillor Al Maghnieh.

Mayor Francis leaves the meeting at 8:43 o'clock p.m. and Councillor Dilkens assumes the Chair.

Mayor Francis returns to the meeting at 8:47 o'clock p.m. and Councillor Dilkens returns to his seat at the Council table.

Moved by Councillor Gignac, seconded by Councillor Dilkens,

M400-2012 That the report of the Integrity Commissioner dated September 4, 2012 entitled “Report to City Council: Complaint Under the Code of Conduct—Councillor Al Maghnieh” **BE RECEIVED** for information; and

That the report of the Integrity Commissioner **BE DEFERRED** ideally to the October 1, 2012 meeting of Council to allow for Councillors and the public to review the document.

Carried.

Councillors Marra, Payne and Halberstadt voting nay.

DELEGATIONSPlanning Standing Committee Report No. 85 (Municipal Support for Solar Rooftop Panels under the Feed in Tariff (FIT) Program)Penny Allen, Superintendent of Business & Giuliana Hinchliffe, Coordinator of Engineering for the Greater Essex County District School Board

Penny Allen, Superintendent of Business and Giuliana Hinchliffe, Coordinator of Engineering for the Greater Essex County District School Board appear before Council, stating that the Ontario Power Authority is implementing changes to rules governing renewal energy projects, and conclude by stating that the rules for small project applications begin October 1, 2012 and end November 30, 2012.

Sean Moore, CEO, Unconquered Sun Solar Technologies Inc.,

Sean Moore, CEO, Unconquered Sun Solar Technologies Inc., appears before Council to speak in support of the administrative recommendation mainly option 1 that allows for a municipal council blanket support resolution for rooftop solar panels for all FIT (above 10kW, under 500kW) program applications within the City of Windsor and concludes by stating that municipal support is required in order to receive 2 priority points.

Manish Nayar & Chris Uszynski

Manish Nayar, Managing Partner and Chris Uszynski, OYA Solar appear before Council to speak in support of the administrative recommendation mainly option 1 that allows for a municipal council blanket support resolution for rooftop solar panels for all FIT (above 10kW, under 500kW) program applications within the City of Windsor and conclude by urging Council to move forward with option 1.

Moved by Councillor Halberstadt, seconded by Councillor Gignac,
M401-2012 That Report No. 85 of the Planning Standing Committee of its meeting held August 13, 2012 regarding Municipal support for Solar Rooftop Panels under the Feed in Tariff (FIT) Program, **BE ADOPTED** as amended as follows:

That City Council **PROVIDE** a Municipal support resolution for roof top solar panels for smaller FIT 2.0 program (above 10kW, under 500kW) projects on a site specific basis and, that Administration **BE REQUESTED** to review the applications in a timely manner and further, that third party assistance **BE APPROVED** to allow Administration to meet the deadlines of October 1 to November 30, 2012; and further

That Council **CONFIRM** that this resolution's sole purpose is to enable the participants in the FIT Program to receive priority points under the FIT 2.0 Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects or any other purpose.

Carried.

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

Item 8 – Windsor Express Basketball Team at WFCUDartis Willis & Chris Mendas

Dartis Willis President and CEO, and Chris Mendas, General Manager of Windsor Express Basketball Team, appear before Council regarding the Windsor Express Basketball Team at the WFCU Centre and are available for questions.

Report Number **16095 SR/8880**

(For final disposition of this matter, see Clause **CR214/2012** in Schedule "A" attached hereto.)

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

- Item 2 Proposed Expropriation of Land for Expansion of lands for the Windsor-Essex Parkway – Reddock Street
- Item 3 Sale of Surplus Municipal Property, MLS
- Item 4 Administrative Report re: Expiration of the Food Service Agreement (City Hall Cafeteria) between the Corporation of the City of Windsor and Aversa Food Services (Caterer)
- Item 10 KPMG Audit – The Corporation of the City of Windsor Public Library Board Audit Finds Report for the year ending December 31, 2011

Consideration of Committee Reports

- M402-2012** Moved by Councillor Maghnieh, seconded by Councillor Marra,
That the **Report of the special In-camera** meeting held September 4, 2012 **BE ADOPTED**
as presented. Carried. ACO2012
- M403-2012** Moved by Councillor Maghnieh, seconded by Councillor Marra,
That the **Report of the Striking Committee** meeting held August 27, 2012 **BE ADOPTED**
as presented. Carried. ACO2012
- M404-2012** Moved by Councillor Maghnieh, seconded by Councillor Marra,
That **Report No. 36 of the International Relations Committee** meeting held August 30, 2012
BE ADOPTED as presented. Carried. MB2012
- M405-2012** Moved by Councillor Maghnieh, seconded by Councillor Marra,
That **Report No. 18 of the Family Aquatic Complex Steering Committee** meeting held
September 4, 2012 **BE ADOPTED** as presented. Carried. MB2012
- M406-2012** Moved by Councillor Maghnieh, seconded by Councillor Marra,
That **Report No. 19 of the Family Aquatic Complex Steering Committee** meeting held
September 4, 2012 **BE ADOPTED** as presented. Carried. MB2012

By-laws

Moved by Councillor Payne, seconded by Councillor Sleiman,
That the following By-laws No. 129-2012 to 130-2012 be introduced and read a first and second
time:

129-2012 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"", authorized by M358-2012, adopted August 7, 2012

130-2012 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE FOURTH DAY OF SEPTEMBER, 2012"

Carried.

Moved by Councillor Valentinis, seconded by Councillor Dilkens,
That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) **Communication Items (as amended)**
- 2) **Consent Agenda (as amended)**
- 3) **Items Deferred**
Items Referred
- 4) **Consideration of the Balance of Business Items (see Schedule "A")**
- 5) **Committee Reports (as amended)**
- 6) **By-laws given first and second readings (as presented)**

Carried.

Notices of Motion

None presented.

Third Reading of By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the following By-laws No. 129-2012 to 130-2012, 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 presented.

Adjournment

Moved by Councillor Payne, seconded by Councillor Sleiman,
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 10:23 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SUPERVISOR OF COUNCIL SERVICES

Gignac
Halberstadt

CR206/2012

That an exemption to the prohibition of operation of any equipment in connection with construction activities, excluding pile driving operations under By-Law 6716 (as amended) **BE GRANTED** between the hours of 8:00 p.m. and 6:00 a.m. for construction activities related to City of Windsor Contract 44-12 for paving operations until June 29, 2013.

Carried.

Report No. 16098 SW/10859 C1

Halberstadt
Gignac

CR207/2012

That the City Council of the City of Windsor acting as an approving authority pursuant to the Expropriations Act hereby resolves to expropriate the lands described in Schedule 'A' hereto and authorizes the CAO and City Clerk to execute the Certificate of Approval and Expropriation Plan, to register the same on title, and the City Solicitor to execute all other documents necessary, including the Offer to Settle to put the above expropriation into affect.

Carried.

Report No. 16099 SW/10666 2

Valentinis
Sleiman

CR208/2012

THAT prior to listing the following surplus municipal properties on the local Real Estate Board's Multiple Listing Service system, that Administration **BE DIRECTED** to market the said surplus properties for 90 days by placing an ad in the Windsor Star and posting "for sale" signs on the municipal properties, and that upon completion of this stipulation that Administration **BE FURTHER DIRECTED** to proceed as follows:

THAT in keeping with By-law 247-2007, "A By-law to Adopt Dealings with Real Property Policy", the following surplus municipal property **BE LISTED** on the local Real Estate Board's Multiple Listing Service (MLS) system; and

THAT Offers received on the properties **BE BROUGHT BACK** to Council for its consideration; and

THAT Council's consideration and adoption of the recommendation(s) of this open agenda report fulfills Sections 5.1.1, 5.1.3, 5.1.5 and 5.3.2 of By-law 247-2007; and

THAT in keeping with Section 5.3.3 of By-law 247-2007 all of the MLS listed Real Property **WILL BE MARKETED** for a period of at least ten business days prior to review and consideration of any Offer to Purchase; and

THAT in keeping with Section 5.2.1 of By-law 247-2007 at least one independent appraisal based on "highest and best use" **HAS BEEN OBTAINED** for all real property with an estimated value of between Fifty Thousand Dollars and Five Hundred Thousand Dollars; and

THAT Council **WAIVE** Section 5.2.2 of By-law 247-2007 for the Real Property known municipally as 185 Wyandotte Street East as only one appraisal based on "highest and best use" and not two appraisals was obtained for this Real Property with an estimated value of Five Hundred Thousand Dollars or more; and

THAT the Property Supervisor or designate **BE AUTHORIZED** to sign presented Agreements of Purchase and Sale subject to final approval by City Council within four weeks from the date of acceptance of the Agreement of Purchase and Sale by both the seller and the buyer.

Real Property to be Sold:

- A) Improved Real Property known municipally as 185 Wyandotte Street East and described legally as Part Park Lot A, Registered Plan 96, and more particularly described as Part 1 Plan 12R-9949 with a site area of approximately 25,900 square feet;
- B) Improved Real Property known municipally as 3115 College Avenue and described legally as Lots 40 to 42 inclusive, Part Closed College Avenue, Registered Plan 1092 with a site area of approximately 18,300 square feet and a building used as a former daycare centre of approximately 4,100 square feet;

Carried.

Report No. 16086 APM2012 3

Valentinis
Gignac

CR209/2012

THAT prior to listing the following surplus municipal properties on the local Real Estate Board's Multiple Listing Service system, that Administration **BE DIRECTED** to market the said surplus properties for 90 days by placing an ad in the Windsor Star and posting "for sale" signs on the municipal properties, and that upon completion of this stipulation that Administration **BE FURTHER DIRECTED** to proceed as follows:

THAT in keeping with By-law 247-2007, "A By-law to Adopt Dealings with Real Property Policy", the following surplus municipal property **BE LISTED** on the local Real Estate Board's Multiple Listing Service (MLS) system; and

THAT Offers received on the properties **BE BROUGHT BACK** to Council for its consideration; and

THAT Council's consideration and adoption of the recommendation(s) of this open agenda report fulfills Sections 5.1.1, 5.1.3, 5.1.5 and 5.3.2 of By-law 247-2007; and

THAT in keeping with Section 5.3.3 of By-law 247-2007 all of the MLS listed Real Property **WILL BE MARKETED** for a period of at least ten business days prior to review and consideration of any Offer to Purchase; and

THAT in keeping with Section 5.2.1 of By-law 247-2007 at least one independent appraisal based on "highest and best use" **HAS BEEN OBTAINED** for all real property with an estimated value of between Fifty Thousand Dollars and Five Hundred Thousand Dollars; and

THAT Council **WAIVE** Section 5.2.2 of By-law 247-2007 for the Real Property known municipally as 185 Wyandotte Street East as only one appraisal based on "highest and best use" and not two appraisals was obtained for this Real Property with an estimated value of Five Hundred Thousand Dollars or more; and

THAT the Property Supervisor or designate **BE AUTHORIZED** to sign presented Agreements of Purchase and Sale subject to final approval by City Council within four weeks from the date of acceptance of the Agreement of Purchase and Sale by both the seller and the buyer.

Real Property to be Sold:

- C) Improved Real Property known municipally as 4735 Adstoll and described legally as Part Block A Registered Plan 1359, Part Block A Registered Plan 1157 Sandwich East with a site of approximately 4 acres and a building known formerly as Adstoll Arena of approximately 34,000 square feet.

Carried.

Councillor Marra voting nay.

Report No. 16086 APM2012 3

Gignac
Dilkens

CR210/2012

THAT the report of Asset/Lease Administrator with respect to the Expiration of the Food Service Agreement (City Hall Cafeteria) between The Corporation of the City of Windsor and the Aversa Food Services (Caterer) **BE RECEIVED** for Information;

That Council acknowledge that cooking of food in the City Hall Cafeteria requiring the use of an approved Vent Hood is being ended on August 31, 2012;

THAT APPROVAL BE GIVEN to issue a Request For Proposals to provide Kiosk style food and beverage service for 350 City Hall Square for a 2 year term with an option to extend for a further year upon mutual agreement as to terms and conditions of extension.

THAT the Asset/Lease Administrator continue efforts to have the Caterer provide a Statement of 2011 Annual Gross Sales and pay the percentage of 2011 Annual Gross Sales.

THAT for the time until the completion of the RFP process **APPROVAL BE GIVEN** to enter a month-to-month Food Service Agreement between The Corporation of The City of Windsor and Aversa Food Services (Caterer) effective September 1, 2012, on condition that Aversa Food Services (Caterer) pays all rent arrears on or before August 31, 2012. The agreement would be in accordance with the following terms:

BASIC TERMS:

- | | |
|----------------------------|---|
| a) Tenant | Aversa Food Services |
| b) Tenant's Address | c/o 3898 Mount Royal Drive, Windsor, Ontario N9G2B7 |

- c) **Commencement Date** September 1, 2012
- d) **Term** Month-to-Month
- e) **Termination Date** Thirty (30) days notice
- f) **Leased Premises** portion of City Hall Cafeteria (counter space) Windsor, Ontario
- g) **Area of Leased Premises** 180 square feet (approximately)
- h) **Base Rent** \$500.00 per month plus HST
- i) **Additional Rent** 5% of annual sales
- k) **Security Deposit** None
- l) **Land Taxes** Included in rent
- m) **Utilities** Landlord responsible
- n) **Permitted Use** Kiosk style food and beverage vending (no cooking)
- o) **Insurance**
 - General Liability Insurance
 - Minimum Limit \$5,000,000.00
 - Tenant's Legal Liability Insurance
 - Minimum Limit \$300,000.00
 - No changes in policy without thirty (30) days prior written notice to the City of Windsor and the City shall be named as an additional insured
- p) **Overholding Monthly Rental** \$1,000 per month (plus HST)
- q) **Renewal** None
- r) **Guarantor** None
- s) **Special Provisions:** That, the current Food Service Agreement (City Hall Cafeteria) between The Corporation of The City of Windsor and Aversa Food Services (Caterer) be terminated by August 31, 2012 or reasonably thereafter as determined by Administration.

That, cooking of food requiring the use of an approved stove vent hood in the City Hall Cafeteria will cease effective September 1, 2012: and,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a Lease Agreement, to be satisfactory in form to the City Solicitor, in content to the Asset/ Lease Administrator, and in financial content to the City Treasurer: and,

THAT in the event the caterer does not pay the rent arrears on or before August 31, 2012 and/or enter into a month to month agreement **AUTHORITY BE GRANTED** to the City Solicitor or designate to terminate the existing month to month tenancy in accordance with the Commercial Tenancies Act.

Carried.

Aye votes: Councillors Gignac, Sleiman, Hatfield, Dilkens, Payne, and Mayor Francis

Nay votes: Councillors Marra, Jones, Valentinis, Maghnieh and Halberstadt

Report No. 16105 APM/11531 4

Gignac

Halberstadt

CR211/2012

That Council **RESCIND** Neighbourhood Improvement (Ward) Fund Policy CS.A10.07 and **APPROVE** the attached Ward Fund Policy.

Carried.

Report No. 16103 ACO2012 C5

Gignac

Halberstadt

CR212/2012

That subject to the City obtaining a FIT contract at the current rates for electricity generation with the Province of Ontario, Council in accordance with CR233/11 **CONFIRM** the installation of the recommended city-owned 250 kW Solar Photovoltaic system at Forest Glade Arena; AND

That Council **APPROVE**, the revised funding of \$1,195,000 to be from the annual net revenues in the first approximately 6 years of the contract; AND FURTHER

That Council **CONFIRM** the remaining provisions contain in CR233/11.

That subject to the site assessment results Council **AUTHORIZE** Administration to submit six (6) new applications for FIT contracts at a cost of \$3,000 (and \$30,000 refundable application security fee) to be funded from the Energy Reserve Fund; AND

That Council **AUTHORIZE** administration to undertake a detailed site assessment of up to four (4) facilities at a cost of \$8,000 to be funded from the Energy Reserve Fund; AND

That Council **APPROVE** a further amount, estimated at \$62,000, for the contract security fees that will be payable within 10 days of project approval; AND

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign as may be required agreements, contracts with the Provincial Government and its affiliated agencies as well as Enwin Utilities satisfactory in form to the City Solicitor in technical content to the Manager of Energy Initiatives and in Financial content to the City Treasurer.

Carried.

Report No. 16106 MU/8327 C6

Sleiman
Payne

CR213/2012

That the report of the City Solicitor dated August 15, 2012 entitled Erie Wildlife Rescue – Malden Park **BE WITHDRAWN** as the Erie Wildlife Rescue will not be proceeding with the project.

Carried.

Report No. 16090 ZS/11119 7

Jones
Dilkens

CR214/2012

That the request of Windsor Express Basketball Inc. (Ontario Corporation Number 002333069), a team of the National Basketball League of Canada for a license agreement for the use of the WFCU Centre for the 2012/2013 season **BE APPROVED** under the following general terms and conditions, and further, that the Chief Administrator and City Clerk **BE AUTHORIZED** to execute and sign the agreement, satisfactory in technical content to the Executive Director of Recreation and Culture, in financial content to the Chief Financial Officer and City Treasurer, and in form to the City Solicitor.

Terms and Conditions

- a) Term – One year period from October 1, 2012 to September 30, 2013.
- b) Fees - \$4,530/game to include conversion cost, event staff, bowl/floor rental, two dressing rooms, sports medic and game day box office staff. Additional services may be selected at the applicable rates including credit card service, VIP Parking and security services.
- c) Scheduling – the Team will have access to 20 home game dates to be confirmed prior to the start of the season. The City reserves the right to request a change of up to 2 games per season for major events.
- d) Ticket surcharge – a surcharge in the amount of \$1 per ticket will be provided to the City, with a maximum of 150 complimentary tickets (or 5% of ticket sales) to which the surcharge does not apply.
- e) Sponsorship and Advertising – the Team will be responsible for securing its own sponsorship and advertising and must comply with existing agreements in place at the WFCU Centre.
- f) Office space and Practices – the Team will arrange for its own office space and practice time and location.
- g) Insurance – The team will provide liability insurance (at its own cost) in the minimum amount of \$5,000,000.00 with other specific terms satisfactory to the Manager of Purchasing and Risk Management and the City Solicitor.
- h) Box Office Services – the City will provide box office services and will retain convenience fees. The net proceeds from all ticket sales will flow directly to the Windsor Express team.
- i) Equipment – the City will provide the flooring required to host basketball games for the season, as well as access to the general west end scoreclock, house PA system, and media suite. The Team will provide the basketball standards, backboards and nets. The Team is responsible for arranging for the use of additional scoreboards and shot clocks at its own expense.
- j) Staffing – The City will provide staffing for the set up and cleaning of the facility. The Team will provide staffing required for team medical services, officials, game day promotions and security as required.
- k) Parking – 8 spaces at the back of house will be provided on game days only.
- l) Suites – the City has the right to rent suites consistent with current agreements. The team retains the ticket revenue from each suite.
- m) The team will be allocated 1 suite on game days for their use. If all other suites are sold, this suite may be rented out by the City if required.

That the purchase of the basketball flooring and storage unit to host basketball games at the WFCU Centre at an estimated cost of \$125,000 **BE APPROVED** to be funded from Reserve Account #1779.

Carried.

Councillor Payne voting nay.

Report No. 16095 SR/8880 8

Gignac
Halberstadt

CR215/2012

That the Chief Administrative Officer and City Clerk **EXECUTE A CONTRACT** with the Tecumseh Urgent Care Clinic to administer the 2012 flu vaccinations, satisfactory in legal form to the City Solicitor, including satisfactory insurance coverage, and in technical content to the Executive Director of Human Resources.

Carried.

Report No. 16117 AS/11208 C9

Gignac
Dilkens

CR216/2012

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** ideally to the October 1, 2012 meeting of Council at the same time as the report of the Integrity Commissioner.

Carried.

Councillors Halberstadt, Payne, Marra voting nay.

ML/10013 10

Jones
Valentinis

CR217/2012

That City Council **ENDORSES** the development of a bid proposal for hosting of the 2016-2018 FINA World Swimming Championships (25m), and **AUTHORIZES** the Mayor, Chief Administrative Officer, or City Clerk to sign any necessary documents incidental to bid proposal documents; and

That the Mayor be authorized to retain services required for completion of the bid, not to exceed \$200,000; and

That the Mayor's Office **BE AUTHORIZED** to contribute and execute any necessary bid deposits as required by FINA, with such deposit to be refunded should the event not be awarded to the City of Windsor; and

That all expenditures associated with the placing a bid for the 2016-2018 FINA World Swimming Championships (25m) **BE FUNDED** through the "Events – Bid Preparation" allocation authorized under Section 10 of M267-2012.

Carried.

Councillors Marra and Halberstadt voting nay.

Report No. 16121 SR/11543 11

STANDING COMMITTEE RESOLUTIONS

Moved by Councillor Maghneih, seconded by Councillor Marra,
M407-2012 That **Report No. 82 of the Planning Standing Committee** of its meeting held August 13, 2012 regarding Plan of Subdivision – North Neighbourhood – East Riverside generally bounded by Riverside Drive East, Little River Road, the Little River west of Bellagio Drive – 1027458 Ontario Inc., **BE ADOPTED** as presented.

Carried.

Report Number 16070 ZB/5870

Moved by Councillor Maghneih, seconded by Councillor Marra,
M408-2012 That **Report No. 83 of the Planning Standing Committee** of its meeting held August 13, 2012 regarding Rezoning, 2001 Provincial Road, 873605 Ontario Inc., **BE ADOPTED** as presented.

Carried.

Report Number 16071 ZB/11498

Moved by Councillor Maghneih, seconded by Councillor Marra,
M409-2012 That **Report No. 84 of the Planning Standing Committee** of its meeting held August 13, 2012 regarding Amendment to Sign By-Law 250-2004 for Windsor-Essex County Children's Aid Society, 1671 Riverside Drive East, **BE ADOPTED** as presented.

Carried.

Report Number 16067 SBS2012

Adopted by Council at its meeting held September 4, 2012 [M402-2012]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
September 4, 2012**

Meeting called to order at: 5:00 p.m.

Members in Attendance:

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

Members Absent:

Councillor B. Marra

Also in attendance:

H. Reidel, Chief Administrative Officer
M. Sonego, City Engineer and Corporate Leader Environmental Protection and
Transportation
G. Wilkki, City Solicitor and Corporate Leader Economic Development and
Public Safety
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public
Engagement and Human Resources
O. Colucci, Chief Financial Officer/City Treasurer and Corporate Leader Finance
and Technology
N. Coleman, Mayor's Chief of Staff
J. Lechicky, Manager Employee Relations (Item 1)
V. Mihalo, Executive Director, Human Resources (Item 1)

**Verbal Motion is presented by Councillor Jones, seconded by Councillor
Dilkens,
that Rule 3.3 (c) of the *Procedure By-law, 98-2011*, BE WAIVED to add the following
Agenda items:**

2. Property Matter – in-camera question from Councillor Valentinis

Motion Carried.

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

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1	Personal matter – labour negotiations	239(2)(d)
2	Property matter – in-camera question from Councillor Valentinis – ADDED	239(2)(c)

Motion Carried.**Declarations of Pecuniary Interest:**

None declared.

Discussion on the items of business. (Item 1)

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

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Dilkens,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 4, 2012 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the Manager of Employee Relations, Executive Director of Human Resources, City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Services and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a personal matter – labour negotiations **BE APPROVED**.

Motion Carried.

2. That the in-camera question from Councillor Valentinis on a property matter **BE RECEIVED**.

Moved by Councillor Gignac, seconded by Councillor Jones,
That the special meeting of council held September 4, 2012 **BE ADJOURNED**.

(Time: 5:45 p.m.)

Motion Carried.

Adopted by Council at its meeting held September 4, 2012 [M403-2012]

VC/bm

Windsor, Ontario, September 4, 2012

REPORT OF THE STRIKING COMMITTEE
of its meeting held
August 27, 2012

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

ABSENT: None

Declarations of Pecuniary Interest:

None declared.

Your Committee submits the following recommendations:

1. That a panel comprised of interested Striking Committee members interview those individuals shortlisted for the *Audit Advisory Committee* and to make a recommendation to Striking Committee regarding the final appointments.

(2) That Claudia Monte **BE APPOINTED** to the *Committee of Adjustment* for the term ending November 30, 2014, or until a successor is appointed, to fill the vacancy of Robert Hayes, resigned.

(3) That Michelle Falconio **BE APPOINTED** to the *Downtown Windsor Business Improvement Area Board of Management* for the term ending November 30, 2014.

(4) That Kim Orr **BE APPOINTED** to the *Town and Gown Committee* for the term ending November 30, 2014 or until a successor is appointed, to fill the vacancy of Andre Capaldi, resigned.

CHAIR

CITY CLERK

Adopted by Council at its meeting held September 4, 2012 [M407-2012]

/AC

Windsor, Ontario September 4, 2012

REPORT NO. 82 of the
PLANNING STANDING COMMITTEE
of its meeting held August 13, 2012

Present:

Councillor Joanne Gignac
Councillor Alan Halberstadt
Councillor Percy Hatfield
Councillor Bill Marra, Chair
Merrill Baker
Barbara Bjarneson
Cheryl Cross-Leal

Regrets: **Councillor Ed Sleiman**

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

Moved by Councillor Gignac, seconded by Ms. Bjarneson

I. That the Draft Approval Plan of Subdivision, File No. Z-101/97 (1027458 Ontario Incorporated), For lands generally bounded by Riverside Drive East, Little River Road, the Little River and west of Bellagio Drive, as shown on attached Map No. Z-101/97-2 (Revised), as illustrated in Appendix 'A', **BE AMENDED** in accordance with the plan dated August 2012, as illustrated in Appendix 'B' of this report.

II. That Council Resolution CR291/2001, as illustrated in Appendix 'C' of this report, **BE AMENDED** by deleting Recommendation IV (B) (c) and replacing it with the following wording:

“(c) conveyed Block 22, as identified on Map No. Z-101/97-2 (Revised), as amended and dated August 2012, and made a cash-in-lieu contribution, at a rate of \$100,000.00 per acre for 2.3 acres of parkland, comprised of the remaining 0.7 acres of the 5% parkland requirement for this plan of subdivision and 1.6 acres owing from a previous development by this owner”;

III. That Council Resolution CR291/2001, as presented in Appendix 'C' of this report, **BE AMENDED** by adding to Recommendation V the following condition:

“6. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor”; and

IV. That the City gratuitously convey the 1 foot reserves described as Blocks 112 and 116 on Plan 12M-500 and Part of Block 117 on Plan 12M-500, being Parts 63 and 64 on Plan 12R-21263 to 1027458 Ontario Incorporated and that the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Clerk's Note: The report authored by the City Planner dated July 23, 2012 entitled "Plan of Subdivision – North Neighbourhood – East Riverside generally bounded by Riverside Drive East, Little River Road, the Little River and west of Bellagio Drive – 1027458 Ontario Inc." is ***attached*** as background information.

Liveline # 16070, ZP/5870

CHAIRPERSON

COUNCIL SECRETARIAT

Adopted by Council at its meeting held September 4, 2012 [M408-2012]

/AC

Windsor, Ontario September 4, 2012

REPORT NO. 83 of the
PLANNING STANDING COMMITTEE
of its meeting held August 13, 2012

Present:

Councillor Joanne Gignac
Councillor Alan Halberstadt
Councillor Percy Hatfield
Councillor Bill Marra, Chair
Merrill Baker
Barbara Bjarneson
Cheryl Cross-Leal

Regrets: **Councillor Ed Sleiman**

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

Moved by Ms. Cross-Leal, seconded by Mr. Baker

That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the property located on the south side of Provincial Road, west of Walker Road, described as part Farm Lots 13 & 14, Concession 6 (Geographically formerly Sandwich East), being Parts 2, 3, 5 & 6, Plan 12R-19026, and municipally known as 2001 Provincial Road, by adding the following site specific provisions:

- a. That a “Personal Service Shop” and a “Retail Store” shall be additional permitted uses;
- b. That Section 17(1)(a)(viii) shall not apply.

Carried.

Clerk's Note: The report authored by the City Planner dated July 24, 2012 entitled “Rezoning, 2001 Provincial Road, 873605 Ontario Inc.” is attached as background information.

Liveline # 16071, ZB/11498

CHAIRPERSON

COUNCIL SECRETARIAT

Adopted by Council at its meeting held September 4, 2012 [M409-2012]

/AC

Windsor, Ontario September 4, 2012

REPORT NO. 84 of the
PLANNING STANDING COMMITTEE
of its meeting held August 13, 2012

Present: **Councillor Joanne Gignac**
 Councillor Alan Halberstadt
 Councillor Percy Hatfield
 Councillor Bill Marra, Chair

Regrets: **Councillor Ed Sleiman**

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

Moved by Councillor Halberstadt, seconded by Councillor Gignac
That the application of Windsor-Essex Children's Aid Society for an amendment to the Windsor Sign By-law 250-2004 **BE APPROVED** as follows:

- a) Update the existing ground sign and replace the existing electronic changing copy LED board with a new animated LED board; and
- b) Install a wall sign on the north building facade as depicted by the Appendices.

Carried.

Clerk's Note: The report authored by the City Planner dated July 25, 2012 entitled "Amendment to Sign By-law 250-2004 for Windsor-Essex Children's Aid Society, 1671 Riverside Drive East" is **attached** as background information.

Liveline # 16067, SBS2012

CHAIRPERSON

COUNCIL SECRETARIAT

Adopted by Council at its meeting held September 4, 2012 [M401-2012]
/AC

Windsor, Ontario September 4, 2012

REPORT NO. 85 of the
PLANNING STANDING COMMITTEE
of its meeting held August 13, 2012

Present: Councillor Joanne Gignac
Councillor Alan Halberstadt
Councillor Percy Hatfield
Councillor Bill Marra, Chair

Regrets: Councillor Ed Sleiman

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

Moved by Councillor Halberstadt, seconded by Councillor Gignac

1. That Council **SUPPORT** the construction and operation of rooftop solar generation projects in the Province's 'Feed in Tariff' (FIT) Program with a **'blanket' support motion for those projects on lands designated and zoned Industrial or Waterfront Port;**

2. That Council **SUPPORT** the construction and operation of rooftop solar generation projects in the Province's FIT Program **and delegate the decision to support applications in other land use categories to the City Planner based on staff review of land use compatibility.** The land uses that would be subject to review include Open Space, Natural Heritage, Windsor Airport, Business Park, Commercial, Major Institutional and Residential; applications in these designations would be subject to review for land use compatibility.

3. That Council **CONFIRM** that this resolution's sole purpose is to enable the participants in the FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects or any other purpose.

As there is no applicable fee for review the applications that would be evaluated in 2012 would be monitored and reviewed for fees in 2013, if necessary.

Carried.

Clerk's Note: The report authored by the City Planner dated July 30, 2012 entitled "Municipal Support for Solar Rooftops Panels under the Feed in Tariff (FIT) Program" is **attached** as background information.

Liveline # 16078, MU/8327

CHAIRPERSON

COUNCIL SECRETARIAT

Adopted by Council at its meeting held September 4, 2012 [M404-2012]

KK/

Windsor, Ontario, September 4, 2012

REPORT NO. 36
of the
International Relations Committee
at its meetings held
August 30, 2012
3:00 o'clock p.m.
Walkerville Room, 350 City Hall Square West

Members Present at August 30, 2012:

Councillor Drew Dilkens, Chair
Councillor Percy Hatfield
Councillor Ron Jones
Jerry Barycki
Blake Roberts
Dr. Frank Simpson

Your Committee submits the following recommendation:

Moved by B. Roberts, seconded by Councillor Jones

That the invitation extended by the Mayor of Fujisawa, Japan for a delegation to attend the 25th Anniversary celebration of Windsor's Twin City to be held September 28, 2012 to October 1, 2012 **BE ACCEPTED** and further, that the delegation consisting of Councillor Dilkens, Chair, International Relations Committee (IRC), Councillor Hatfield, IRC Member, Gordon Orr, Chief Executive Officer, Tourism Windsor Essex Pelee Island and Robert Barlozzari, Council Secretariat **BE APPROVED**.

Carried.

CHAIRPERSON

SECRETARY

Adopted by Council at its meeting held September 4, 2012 [M405-2012]

KK/

Windsor, Ontario September 4, 2012

REPORT NO. 18 of the
FAMILY AQUATIC COMPLEX STEERING COMMITTEE
of its meeting held
September 4, 2012

Present:

Councillor Drew Dilkens, Chair
Councillor Ron Jones
Councillor Hilary Payne
Councillor Fulvio Valentinis
Councillor Ed Sleiman

Your Committee submits the following recommendation:

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
That the assignment by change order of the works for special systems including security, information technology (telecommunications) and audio visual to Ellis Don/DeAngelis Joint Venture for coordination and management at a total contract price of \$1,335,084.35 including management fee and bonding to be charge to the existing Furniture Fixture and Equipment budget account 007 5410 2884 02942 7111005 **BE APPROVED.**
Carried.

Clerk's Note: The report of the Project Manager dated August 24, 2012 entitled "Assignment of Works for Special Systems Including Security, Information Technology/Telecommunications, Audio Visual – Family Aquatic Complex (FAC) to Ellis Don/DeAngelis Joint **Venture is attached.**

CHAIRPERSON

COMMITTEE COORDINATOR

Adopted by Council at its meeting held September 4, 2012 [M406-2012]

KK/

Windsor, Ontario September 4, 2012

REPORT NO. 19 of the
FAMILY AQUATIC COMPLEX STEERING COMMITTEE
of its meeting held
September 4, 2012

Present:

Councillor Drew Dilkens, Chair
Councillor Ron Jones
Councillor Hilary Payne
Councillor Fulvio Valentinis
Councillor Ed Sleiman

Your Committee submits the following recommendation:

Moved by Councillor Jones, seconded by Councillor Sleiman,

That The Executive Director of Recreation and Culture **BE AUTHORIZED** to make application to Human Resources and Skills Development Canada (HRSD) for a Small Projects Enabling Accessibility Grant for the Family Aquatic Complex;

AND, that Council **AUTHORIZE** the CAO and City Clerk to sign the Application and Grant Contract upon approval of HRSD.

Carried.

Clerk's Note: The report of the Project Manager dated August 27, 2012 entitled "Accessibility Features and Application for a Human Resources and Skills Development Canada (HRSD) Accessibility Grant for FAC" is *attached*.

CHAIRPERSON

COMMITTEE COORDINATOR