

Regular

Council meets in formal session this day at 12:10 o'clock a.m., in the Council Chambers.

Members Present:

Mayor Francis
Councillor Dilkens
Councillor Gignac
Councillor Halberstadt
Councillor Kusmierczyk
Councillor Maghnieh
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

Members Absent:

Councillor Jones

Call to Order

Mayor Francis calls the meeting to order at 12:10 o'clock a.m.

Committee of the Whole

Moved by Councillor Valentinis, seconded by Councillor Marra,
That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- a) consideration of business item;
 - b) Consideration of Committee reports;
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled); and
 - (ii) **Report No. 88 of the Windsor-Essex County Environment Committee** of its meeting held September 4, 2014
 - c) consideration of by-laws 156 through 167 (inclusive).
- Carried.

Disclosures of Pecuniary Interest and the General Nature Thereof

None disclosed.

CR243/2014 AMENDED BY CR658/2016 ADOPTED NOVEMBER 7, 2016

✓CLERK'S CORRECTION**

Sprucewood/Matchette Road Development – OMB hearing, Species-at-Risk, Servicing Agreements & Settlement Agreement

******(For final disposition of this matter, see Clause ~~CR243/2014~~√~~CR247/2014~~√ and ~~CR244/2014~~√~~CR248/2014~~√ in Schedule “A” attached hereto.)

Consideration of Committee Reports

M347-2014 Moved by Councillor Marra, seconded by Councillor Payne,
That the **Report of the special In-camera** meeting held September 8, 2014 **BE ADOPTED**
as presented.

Carried.

ACO2014

M352-2014 Moved by Councillor Gignac, seconded by Councillor Valentinis,
That **Report No. 88 of the Windsor-Essex County Environment Committee** of its meeting held
September 4, 2014 **BE NOTED AND FILED.**

Carried.

MB2014

By-laws

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
That the following By-laws No. 156-2014 through 167-2014 be introduced and read a first and
second time:

156-2014 “A BY-LAW TO AMEND BY-LAW NUMBER 208-2008, BEING A BY-LAW TO DELEGATE
TO ADMINISTRATION THE AUTHORITY TO PROCESS, MAKE DECISIONS ON, AND
TO EXECUTE AGREEMENTS FOR CERTAIN MATTERS”, authorized by CR197/2014,
adopted August 5, 2014

157-2014 “A BY-LAW TO APPOINT WILLIAM GEORGE JEAN CHIEF BUILDING OFFICIAL AND
TO RESCIND THE APPOINTMENT OF LEE ANN DOYLE AS EXECUTIVE DIRECTOR OF
BUILDING AND CHIEF BUILDING OFFICIAL”, (See Item 9)

158-2014 “A BY-LAW TO APPOINT DEPUTY CHIEF BUILDING OFFICIAL”, (See Item 9)

159-2014 “A BY-LAW TO AMEND BY-LAW NUMBER 15-2010 BEING A BY-LAW TO APPOINT
CHIEF BUILDING OFFICIAL, DEPUTY CHIEF BUILDING OFFICIALS AND INSPECTORS
TO ENFORCE THE BUILDING CODE ACT AND REGULATIONS IN WINDSOR”, (See Item
9)

160-2014 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE 3.66 METRE
(12.0 FEET) WIDE EAST/WEST ALLEY, EAST OF FORD BOULEVARD, NORTH OF
TECUMSEH ROAD EAST, ABUTTING 2076 FORD BOULEVARD, CITY OF WINDSOR”,
authorized by M43-2014, adopted January 6, 2014

161-2014 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 3.66 METRE(12.0 FEET) WIDE
EAST/WEST ALLEY, EAST OF FORD BOULEVARD, NORTH OF TECUMSEH ROAD
EAST, ABUTTING 2076 FORD BOULEVARD, CITY OF WINDSOR”, authorized by M43-
2014, adopted January 6, 2014

162-2014 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE SOUTH PART
OF THE 3.66 METRE (12.0 FEET) WIDE NORTH/SOUTH ALLEY, EAST OF FORD

BOULEVARD, NORTH OF TECUMSEH ROAD EAST, ABUTTING 2076 FORD BOULEVARD, CITY OF WINDSOR”, authorized by M43-2014, adopted January 6, 2014

163-2014 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE SOUTH PART OF THE 3.66 METRE (12.0 FEET) WIDE NORTH/SOUTH ALLEY, EAST OF FORD BOULEVARD, NORTH OF TECUMSEH ROAD EAST, ABUTTING 2076 FORD BOULEVARD, CITY OF WINDSOR”, authorized by M43-2014, adopted January 6, 2014

164-2014 “A BY-LAW TO DEDICATE LAND AS A PUBLIC HIGHWAY FOR THE WIDENING OF GRAND MARAIS ROAD EAST”, authorized by CR76/2011, adopted February 28, 2011

165-2014 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 4921 BEING A BY-LAW TO ESTABLISH A SEWER CONNECTION SERVICING POLICY IN THE CITY OF WINDSOR”, authorized by CR189/2014, adopted July 21, 2014

166-2014 “A BY-LAW TO AMEND BY-LAW NUMBER 392-2002, BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF FEES AND CHARGES”, authorized by CR189/2014, adopted July 21, 2014

167-2014 “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 AND NINTH DAY OF SEPTEMBER, 2014”

Carried.

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

- 1) Consideration of the Balance of Business Items (see Schedule “A”)
- 2) Committee Reports (as amended)
- 3) By-laws given first and second readings (as presented)

Carried.

Notices of Motion

Moved by Councillor Maghnieh, seconded by Councillor Dilkens,
M353-2014 That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice respecting funding for the installation of a mid-block pedestrian signal on Goyeau Street.

Carried.

Moved by Councillor Gignac, seconded by Councillor Dilkens
M354-2014 That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign an agreement in technical content satisfactory to the City Engineer, financial content satisfactory to the Chief Financial Officer and City Treasurer, and form satisfactory to the City Solicitor with Windsor Regional Hospital – Ouellette Campus, to allow for the installation of a mid-block pedestrian signal on Goyeau Street, on the condition that Windsor Regional hospital **CONTRIBUTE** funds with an upset limit of \$50,000 towards the mid-block

pedestrian signal, and further, that the City of Windsor **BE RESPONSIBLE** for all costs above \$50,000 and that the city's costs come from the 2014 Ontario Summer Games surplus.

Carried.

Moved by Councillor Maghnieh, seconded by Councillor Dilkens,

M355-2014 That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice respecting lease arrangements and lease renewals.

Carried.

Moved by Councillor Marra, seconded by Councillor Valentinis,

M356-2014 That, during the lame duck period of Council (September 12, 2014 through November 30, 2014), City Council delegate interim authority to the CAO to approve lease arrangements, amendments, renewals and extensions as must be undertaken during that period of time, for the airport property as may be submitted by YQG management to the CAO, subject to approval in financial content by the Treasurer, and legal content by the City Solicitor, and other technical content by the City Engineer or YQG management as may be applicable, and that such lease agreements be reported to City Council for information at the next possible meeting of City Council.

Carried.

Moved by Councillor Maghnieh, seconded by Councillor Dilkens,

M357-2014 That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice respecting CIP applications.

Carried.

Moved by Councillor Dilkens, seconded by Councillor Marra,

M358-2014 That during the lame duck period of Council (September 12, 2014 through November 30, 2014), City Council **DELEGATE** interim authority to the Chief Administrative Officer and that the City Clerk **BE AUTHORIZED** to approve CIP applications satisfactory to the City Planner and Chief Financial Officer, and that any applications **BE REPORTED** to City Council for information at the next possible meeting of City Council.

Carried.

Moved by Councillor Maghnieh, seconded by Councillor Dilkens,

M359-2014 That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice respecting surplus provincial funds.

Carried.

Moved by Councillor Dilkens, seconded by Councillor Gignac,

M360-2014 **WHEREAS** there are surplus provincial funds remaining in various accounts as it relates to training;

THEREFORE BE IT RESOLVED that these surplus funds **BE ALLOCATED** accordingly during the lame duck period of Council (September 12, 2014 through November 30, 2014), and that City Council delegate interim authority to the CAO to approve such allocations as deemed necessary.

Carried.

Third Reading of By-laws

Moved by Councillor Halberstadt, seconded by Councillor Gignac,
That the following By-laws No. 156-2014 through 167-2014, 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 Marra, seconded by Councillor Valentinis,
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 1:09 o'clock a.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SUPERVISOR OF COUNCIL SERVICES

Valentinis
Gignac

CR247/2014

I) That Council **ACCEPT** the gratuitous conveyance of 10.36 acres (4.19 hectares) from 1223244 Ontario Limited for the Restoration Area as required by the draft Endangered Species Act permit (ESA permit); and

1. That the City Solicitor **ADVISE** Ministry of Natural Resources and Forestry (MNR) that the City intends to include and maintain the Restoration Area as part of the Ojibway Park Complex; and

2. That 1223244 Ontario Limited **BE RESPONSIBLE** for the entire cost of complying with all the terms of the ESA permit, as well as providing insurance and a performance security to the City to ensure the work is completed; and

3. That Council **AUTHORIZE** the City Solicitor to request the OMB to approve OPA 67 and Zoning By-law 232-2007 as amended to reflect the requirements of the draft ESA permit and as set out in these Recommendations; and

4. That the CAO and City Clerk **BE AUTHORIZED** to execute an agreement containing these provisions with 1223244 Ontario Limited, in form and content satisfactory to the City Engineer, City Solicitor and City Planner, and be available prior to the OMB hearing.

II) That the servicing agreement with 1223244 Ontario Limited required by amending Zoning By-law 232-2007 for the servicing of the site, **INCLUDE** the following requirements:

1. Matchette/Sprucewood Intersection: The developer will construct a traffic circle/roundabout with appropriate approach legs, including all sewers, sidewalks, trails and utilities and install storm drainage, to the satisfaction of the City Engineer and the Town of LaSalle's Town Engineer.

2. Development Charge Credit: Since the construction of the Matchette/Sprucewood intersection improvements is included in Development Charges Bylaw 70-2010, 1223244 Ontario Limited will be eligible for a development charges credit, such credit to be available at the time of building permit issuance, and subject to the provisions of Recommendation VI. Since one of the principals of 1223244 Ontario Limited is Coco Paving Inc., they propose to do the construction work to insure any impacts on the species at risk are properly addressed. Therefore, the costs of the construction will be verified by the City Engineer to insure that the costs are in line with typical tendered costs. And furthermore, that this arrangement be allowed a through Purchasing Bylaw 93-2012 as a sole source provision.

3. That in the event the OMB upholds council's decision on the amendments to the Official plan and Zoning By-law, the servicing agreement with 1223244 Ontario Limited **BE SIGNED** by the CAO and City Clerk satisfactory as to financial content to the CFO and City Treasurer, in technical form satisfactory to the City Engineer and in form satisfactory to the City Solicitor.

III) That the OMB **BE REQUESTED** to amend Zoning Bylaw 232-2007 as follows:

1. Item 1c) **BE DELETED** and Recommendation II1) above be substituted therefore, and

2. Item 3 **BE DELETED** and the following be substituted therefore:

"A permit pursuant to the Endangered Species Act, 2007, S. O. c. 6, section 17(2)(c), has been issued for all or a portion of the subject property, or the Ministry of Natural Resources and Forestry has advised that such a permit is not necessary."

IV) That the City enter into an agreement with the Town of LaSalle which details the infrastructure to be constructed subject to the approval of both municipalities including the following items:

1. Intersection improvements, including all sewers, sidewalks, trails and utilities,
2. Storm Drainage concept and design, and
3. Maintenance responsibility for the intersection after construction

and that the CAO and City Clerk **BE AUTHORIZED** to sign the agreements satisfactory in financial content to the CFO and City Treasurer, in Technical form satisfactory to the City Engineer and in form satisfactory to the City Solicitor.

V) That the City enter into a settlement agreement with 1223244 Ontario Limited and the Town of LaSalle with regard to the OMB hearing which includes the following issues:

1. Amendments to Zoning Bylaw 232-2007 and OPA 67 as set out in these Recommendations,
2. 1223244 Ontario Limited enter into a servicing agreement with the City to address the issues of Zoning By-law 232-2007 as amended by these Recommendations,
3. 1223244 Ontario Limited enter into an agreement with the Town of LaSalle dealing with the construction of works in the Town, and
4. The City and the Town enter into an agreement as set out in Recommendation IV and that the City Solicitor or designate be authorized to sign the settlement agreement which is to be filed with the OMB.

VI) That the final agreement on outstanding costs owing to the City from 1027458 Ontario Inc. as part of the East Riverside development (agreed to in the amount of \$75,000) **BE PAYABLE OR CREDITED** upon the issuance of a Building Permit for the Sprucewood project, fully settling City Invoices 114229, 117584, 118840, 122052, 111900, 112719, 114187 and 122055.

Carried.

At the request of Mayor Francis, a recorded vote is taken:

RESULTS OF RECORDED VOTE:

In Favour	Councillors Gignac Sleiman, Payne, Maghnieh, Kusmierczyk, Valentinis, Marra, Dilkens and Mayor Francis
Opposed	Councillor Halberstadt
Abstain	None
Absent	Councillor Jones

Report Number 17331 ZO/7802 ZB/7801 16

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 City Solicitor
 City Planner
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Valentinis
Gignac

CR248/2014

That Administration **BE DIRECTED** to prepare a report for Council's consideration outlining the process to close Matchette Road, including information on the process for an environmental assessment and options on how such a study could be funded.

Carried.

Councillor Jones was absent at the time the vote was taken.

Report Number **17331 ZO/7802 ZB/7801 16**

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Adopted by Council at its meeting held September 9, 2014 [M347-2014]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
September 8, 2014**

Meeting called to order at: 3:32 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Dilkens
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor B. Marra
Councillor J. Gignac
Councillor A. Maghnieh (arrives at 3:33
p.m.)
Councillor H. Payne
Councillor E. Sleiman
Councillor I. Kusmierczyk (arrives at
4:55 p.m.)

Also in attendance:

H. Reidel, Chief Administrative Officer
J. Payne, Community Development and Health Commissioner and
Corporate Leader Social Development, Health, Recreation and Culture
M. Sonogo, City Engineer and Corporate Leader Environmental Protection and
Transportation
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
S. Askin-Hager, City Solicitor
M. Stamp, Manager of Real Estate Services (Items 3, 4, 5, 6 and 7)
P. Williams, General Manager, Transit Windsor (Item 2)
P. Delmore, Director of Operations, Transit Windsor (Item 2)

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

- 8. Personal Matter – about an identifiable individual;**
- 9. Property Matter – security of the property of the City/purchase of land;**
- 10. Property Matter – disposition of land.**

Motion Carried.

Verbal Motion is presented by Councillor Gignac, seconded by Councillor Dilkens,
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.	Property/Legal matter – agreement amendments	239(2)(a)(c)(e)(f)
2.	Property/Legal matter – security of the property of the City/advice subject to solicitor-client privilege	239(2)(a)(f)
3.	Property matter – sale of land	239(2)(c)
4.	Property matter – purchase of land	239(2)(c)
5.	Property matter – sale of land	239(2)(c)
6.	Property matter – purchase of land	239(2)(c)
7.	Property matter – purchase of land	239(2)(c)
8.	Personal matter – about an identifiable individual – ADDED	239(2)(b)
9.	Property matter – security of the property of the city/purchase of land – ADDED	239(2)(a)(c)
10.	Property matter – disposition of land – ADDED	239(2)(c)

Motion Carried.

Declarations of Pecuniary Interest:

Mayor Francis declares a conflict and abstains from discussion and voting on Item 7 as his brother is employed by one of the parties in the report.

Councillor Dilkens declares a conflict and abstains from discussion and voting on Item 6 as he is currently leasing space from the vendor.

Discussion on the items of business. (Items 1, 2, 7, 3, 4, 5, 6, 8, 10 and 9)

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

Moved by Councillor Dilkens, seconded by Councillor Gignac, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 8, 2014 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the City Engineer and Corporate Leader Environmental Protection and Transportation, Legal Counsel, City Solicitor and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property/legal matter – agreement amendments **BE APPROVED**.

2. That the in-camera report from Legal Counsel respecting a property/legal matter – security of the property of the City/advice subject to solicitor-client privilege **BE RECEIVED** and further that Legal Counsel **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

3. That the recommendation contained in the in-camera report from the Manager of Real Estate Services, City Solicitor, City Engineer and Corporate Leader Environmental Protection and Transportation, City Planner and Executive Director Policy, Environmental Master Plan, Heritage and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – sale of land **BE APPROVED**.

4. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, City Solicitor, City Engineer and Corporate Leader Environmental Protection and Transportation and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – purchase of land **BE APPROVED**.

5. That the recommendation contained in the in-camera report from the Manager of Real Estate Services, City Solicitor and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – sale of land **BE APPROVED**.

6. That the recommendation contained in the in-camera report from the City Engineer and Corporate Leader Environmental Protection and Transportation, Manager of Real Estate Services, City Solicitor, Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology and Executive Director of Parks and Facilities respecting a property matter – purchase of land **BE APPROVED**.

Councillor Dilkens declares an interest and abstains from discussion and voting on this item.

7. That the recommendation contained in the in-camera report from the Manager of Real Estate Services, City Solicitor, Fire Chief and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – purchase of land **BE APPROVED**.

Mayor Francis declares an interest and abstains from discussion and voting on this item.

8. That the in-camera verbal report from the Chief Administrative Officer respecting a personal matter about an identifiable individual **BE RECEIVED**.

9. That the in-camera verbal report from Mayor Francis respecting a property matter – security of the property of the City/purchase of land **BE RECEIVED** and further, that the Mayor **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

10. That the verbal report of Administration regarding a property matter **BE RECEIVED** and that Administration **PROCEED** on the verbal directions of Council.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Gignac,
That the special meeting of council held September 8, 2014 BE ADJOURNED.
(Time: 5:39 p.m.)**

Motion Carried.