

Monday, July 04, 2016
6:10 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 10 - Councillor Borrelli
Ward 3 - Councillor Bortolin
Ward 2 - Councillor Elliott
Ward 1 - Councillor Francis
Ward 6 - Councillor Gignac
Ward 4 - Councillor Holt
Ward 7 - Councillor Kusmierczyk
Ward 8 - Councillor Marra
Ward 9 - Councillor Payne
Ward 5 - Councillor Sleiman

- 1. ORDER OF BUSINESS**
- 2. CALL TO ORDER - Playing of the National Anthem & Moment of Silent Reflection**

Following the playing of the Canadian National Anthem and a moment of silent reflection, the Mayor calls the meeting to order at 6:10 o'clock p.m.

- 3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None disclosed.

- 4. ADOPTION OF THE MINUTES**
 - 4.1. Council Minutes from the June 20, 2016 meeting of Council**

Moved by: Councillor Elliott
Seconded by: Councillor Francis

That the Minutes of the regular meeting of Council held June 20, 2016 **BE ADOPTED** as presented.
Carried.

5. NOTICE OF PROCLAMATIONS

Srebrenica Remembrance Day - July 11, 2016
Bosnia and Herzegovina Tribute Week - Week of July 11, 2016

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Gignac
Seconded by: Councillor Holt

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, referrals and/or withdrawals of any items of business;
 - (d) hearing presentations and delegations;
 - (e) consideration of business items;
 - (f) consideration of Committee reports:
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled);
 - (g) consideration of by-laws 98-2016 through 109-2016 (inclusive).
- Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence July 4, 2016

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR430/2016

That the following Communication Items 7.1.2 to 7.1.4 and 7.1.6, as set forth in the Council Agenda **BE REFERRED** as noted, except Communication No. 7.2 which is dealt with at the requests for deferrals, referrals and/or withdrawals stage; and Communication No. 7.1.1 , and 7.1.5 which are dealt with as follows:

Communication No. 7.1.1

Moved by: Councillor Bortolin
Seconded by: Councillor Gignac

Decision Number: CR431/2016

That the correspondence dated June 28, 2016 from the Downtown Windsor Business Improvement Association (DWBIA) requesting a 2-year Pilot Project to licence buskers and street performers in the city centre **BE RECEIVED**; and further,

That administration **BE DIRECTED** to review this submission by the DWBIA and to **PREPARE** a report for Council's consideration on the viability of such a program and offer a framework to allow such a program to be created in the City of Windsor.

Carried.

MI2016 7.1.1

Communication No. 7.1.5

Moved by: Councillor Gignac
Seconded by: Councillor Marra

Decision Number: CR432/2016

That the correspondence from IESO dated May 26, 2016 providing a copy of the Independent Electricity System Operator's 2015 Annual Report "Powering a Connected World"

BE RECEIVED for information; and,

That the City Clerk **BE DIRECTED** to arrange for IESO representatives to make an informative presentation at a future meeting of City Council and answer any questions about Ontario's power system.

Carried.

MU2016 7.1.5

No.	Sender	Subject
7.1.1	Downtown Windsor Business Improvement Association	Request for a 2-Year Pilot Project to licence buskers and street performers in the city centre COUNCIL DIRECTION REQUESTED, otherwise Licence Commissioner City Engineer Executive Director of Recreation & Culture Note & File MI2016

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No.	Sender	Subject
7.1.2	Association of Municipalities Ontario (AMO)	Review of Canada Post City Engineer Note & File GF2016
7.1.3	Association of Municipalities Ontario (AMO)	Waste Diversion Ontario Announces 2016 Steward Obligation Decision for Blue Box Program Funding City Engineer Chief Financial Officer & City Treasurer Note & File EI2016
7.1.4	Manager of Urban Design	Site Plan Approval Application, 1075 Ypres to allow for addition & renovations to existing building along with addition of a new parking lot and demolition of existing building and former concrete pad/ice rink Note & File ZS/12591
7.1.5	Independent Electricity System Operator (IESO)	2015 Annual Report "Powering a Connected World" COUNCIL DIRECTION REQUESTED, otherwise Note & File MU2016
7.1.6	Secretary/Treasurer Committee of Adjustment	Committee of Adjustment agenda for July 14, 2016 meeting Note & file ZC2016

Carried.

8. CONSENT AGENDA

8.1. CDM-003/15 [CDM/4490] – Amendment to Draft Approved Plan of Condominium - 8475 Wyandotte Street East Ward 6

Moved by: Councillor Payne
 Seconded by: Councillor Sleiman

Decision Number: CR433/2016

THAT the request of Valente Development Corporation for an amendment to the Draft Approved Plan of Condominium, File No. CDM-003/15, previously approved by Council, located on south side of Wyandotte Street East, west of Isack Drive, legally described as Lots 69 to 72, 75 to 80, Part Lane, Plan 1627, being Parts 2, 3 & 4, Plan 12R-21179, Part Lot 130, Con. 1, being Parts 1 & 2, Plan 12R-26115, together with ROW over Part 1, 12R-21179 and known municipally as 8475 Wyandotte Street East, **BE APPROVED** in accordance with the revised plan dated April 22, 2016, as illustrated in APPENDIX "D" of this report.

Carried.

8.2. Zoning By-law Amendment Application by Mid South Land Development Corp. for the lands known as 55 Edinborough Steet; File No. Z-006/16, ZNG/4647; Ward 10

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR434/2016 PHED 383

- I. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the south side of Edinborough Street, west of Howard Avenue, described as Plan 707, Pt Block A, closed Victoria Street, by adding a site specific holding zoning provision allowing *"a Medical Office" and "a Pharmacy as an accessory use to the Medical Office"* to be listed as additional permitted uses in an existing building on the subject land; and
- II. That the holding ('H') symbol **BE REMOVED** when the applicant/owner submits an application to remove the 'H' symbol and when the following conditions have been satisfied:
 1. The property owner has signed the required Site Plan Agreement with The Corporation of the City of Windsor for the proposed redevelopment on the subject land, and the Agreement is registered; and
 2. A Transportation Impact Study, acceptable to the City Engineer, be submitted by the property owner; and any mitigation measures required/recommended by the Study be implemented at the owner's expense, to the satisfaction of the City Engineer and City Planner prior to finalizing the Site Plan Approval.

Carried.

Report Number: S 91/2016
Clerk's File: ZB/12479

8.3. Bell-Coulter House, 793 Devonshire Road- Request for Heritage Designation (Ward 4)

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR435/2016 PHED 384

That the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Bell-Coulter House, at 793 Devonshire Road, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A'.

Carried.

Appendices

Part IV

Report Number: S 77/2016
Clerk's File: MBA/12592 8.3

8.4. The Ambery-Isaacs House - "Foxley", 811 Devonshire Road- Request for Heritage Designation (Ward 4)

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR436/2016 PHED 385 PHED 386

THAT the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Ambery-Isaacs House - "Foxley", at 811 Devonshire Road, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A', excluding points 3 and 4 from the section entitled Other Special Landscape Features as follows:

- Low hedge surrounding front porch platform of house
- Majestic deciduous trees framing the building; and

THAT Administration **BE REQUESTED** to report back to the Planning, Heritage and Economic Standing Committee regarding the implementation of a comprehensive Heritage Tree By-Law.
Carried.

Report Number: S 97/2016
Clerk's File: MBA/12593 8.4

Appendices

Reasons

8.6. Application for Official Plan amendment and rezoning- 800 Block on the west/east side of St. Luke Road and 800 Block on the west side of Albert Road- Corporation of the City of Windsor- OPA #107 and Z-005/16; Ward 5

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR437/2016 PHED 375

- I. That OPA#107 **BE ADOPTED** to amend City of Windsor Official Plan, Volume 1, Schedule D: 'Land Use' by re-designating the subject lands as follows: the west side of the 800 Block of St. Luke Road from 'Business Park' to 'Residential'; the east side of the 800 Block of St. Luke from 'Industrial' to 'Residential' and, the west side of the 800 Block of Albert Road from 'Industrial' to 'Residential' (see attached **APPENDIX A**).
- II. That Zoning By-law 8600 be amended for the subject lands as follows:

- a. **THAT** an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 18-22 and Part Lot 23, Registered Plan 543, municipally known as 0, 815, 817, 831, 845 & 857 St. Luke Road, situated west of St. Luke Road, east of the North-South Alley between St. Luke Road and Montreuil Avenue, North of Edna Street and South of Wyandotte Street East from Holding Manufacturing District 1.4 (HMD1.4) to Residential District 2.5 (RD2.5)

THAT an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 11-17, Registered Plan 508 and Lots 9-14, Registered Plan 507, municipally known as 810, 818, 830, 842, 852, 866, 868 and 880 St Luke Road and 807, 821, 833, 845, 861, 863 & 875 Albert Road, situated west side of Albert Road and east side of St. Luke Road, north of Edna Street and south of Wyandotte Street East from Manufacturing District 1.1 (MD1.1) to Residential District 2.5 (RD2.5).
Carried.

Report Number: S 49/2016
Clerk's File: ZB/12454 ZO/12455 8.6

Appendices
Appendix A

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

7.2. Clothing Donation Bin By-law City Wide

Moved by: Councillor Elliott
Seconded by: Councillor Bortolin

Decision Number: CR438/2016

That the report of the Deputy City Solicitor dated June 16, 2016 entitled "Clothing Donation Bin By-law" **BE REFERRED** to a future meeting of Council as a regular agenda item, and to allow for delegations on the matter.

Carried.

Report Number: CM 26/2016
Clerk's File: GM2016 7.2

8.5. International Playing Card Co., 1123 Mercer Street, Request for Demolition of Heritage Register-Listed Property

Moved by: Councillor Francis
Seconded by: Councillor Holt

Decision Number: CR439/2016 PHED 387

That the Report of the Planning, Heritage and Economic Development Standing Committee of its meeting held June 13, 2016 regarding “International Playing Card Co., 1123 Mercer Street – Request for Demolition of Heritage Register-Listed Property” **BE DEFERRED** as requested by Joe Montaleone, representing the property owner, to a regular meeting of Council in September 2016 or to an earlier date if mutually agreed upon, and that it **BE NOTED** that they waive the requirement for Council decision on heritage demolition within the current 60 day time period as provided by the *Ontario Heritage Act*, and that during this extension of time, they will endeavour to work with the prospective buyer to perform due diligence and consider options for the property.

Carried.

Report Number: S 107/2016
Clerk’s File: MBA2016 8.5

10. PRESENTATIONS AND DELEGATIONS (5 Minute maximum per delegate)

10.1. REDISCOVER OUR PARKS

Phil Roberts, Executive Director Parks; Mike Clement, Manager of Design and Development; Stefan Fediuk, Landscape Architect – Parks; and Jan Wilson, Executive Director of Recreation and Culture

Phil Roberts, Executive Director Parks; Mike Clement, Manager of Design and Development; Stefan Fediuk, Landscape Architect – Parks; and Jan Wilson, Executive Director of Recreation and Culture, appear before Council to provide an overview of “Rediscover our Parks: Parks and Outdoor Recreation 2015 – 2035 Master Plan”, including guiding principles; current progress; vision; legacy of the parks system; biodiversity gateway; unlimited growth potential; the 115 recommendations in the parks and outdoor recreation master plan; accessibility and inclusivity; communication and partnerships; health and wellness; sustainability; park diversity; parks classification; connectivity; safety; efficiency; and parkland supply.

Bill Kell, Chairperson, Riverside Centre for Sport and Education and John Topolie, President Riverside Baseball

Bill Kell, Chairperson, Riverside Centre for Sport and Education and John Topolie, President Riverside Baseball, appear before Council to speak in support of and to endorse the document entitled “Rediscover our Parks: the City’s 2015-2035 Parks and Outdoor Recreation Master Plan”, suggesting that the plan also meets some of the plans they have in place as an organization that’s been in existence for over 60 years; and conclude by requesting that a focus be placed on the Riverside Baseball Park, which is currently designated as a neighbourhood park and should perhaps be converted into a community park, which would allow them to invest in some of the ideas put forward in the Master Plan.

Mayor Dilkens leaves the meeting at 7:05 o'clock p.m., and Councillor Gignac assumes the Chair.

Mayor Dilkens returns to the meeting at 7:10 o'clock p.m., and Councillor Gignac returns to her seat at the Council table.

Moved by: Councillor Francis
Seconded by: Councillor Sleiman

Decision Number: CR440/2016 ETPS 392

That the document entitled "Rediscover our Parks: the City's 2015-2035 Parks and Outdoor Recreation Master Plan" **BE APPROVED**.

Carried.

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

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

Nil.

12. CONSIDERATION OF COMMITTEE REPORTS

Moved by: Councillor Elliott
Seconded by: Councillor Francis

Decision Number: CR441/2016

That the **Report of the Special In-Camera** meeting held July 4, 2016 **BE ADOPTED** as presented.

Carried.

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

Clerk's File: ACO2016

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Gignac
Seconded by: Councillor Holt

That the following By-laws No. 98-2016 through 109-2016 (inclusive) be introduced and read a first and second time:

98-2016 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, authorized by CAO3529, approved June 8, 2016

99-2016 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", (See Item 8.1)

100-2016 A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 12M-533, IN THE CITY OF WINDSOR, authorized by By-Law 139-2013, adopted August 26, 2013

101-2016 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 CR313/2016, adopted May 16, 2016

102-2016 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", authorized by M124-2015, adopted April 7, 2015

103-2016 A BY-LAW TO APPROVE AMENDMENT NO. 107 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR (See Item 8.6)

104-2016 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" (See Item 8.6)

105-2016 A BY-LAW TO FURTHER AMEND BY-LAW 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, authorized by CAO3550, approved June 6, 2016

106-2016 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, authorized by M41-2012, adopted January 23, 2012

107-2016 A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY PART THE 4.27 METRE (14 FOOT) WIDE NORTH/SOUTH ALLEY, LOCATED BETWEEN ALBERT ROAD AND ST. LUKE ROAD, SOUTH OF ALICE STREET AND NORTH OF MILLOY STREET, CITY OF WINDSOR, authorized by CR302/2016, adopted May 2, 2016

108-2016 A BY-LAW TO CLOSE, STOP UP AND CONVEY PART OF THE 4.27 METRE (14 FOOT) WIDE NORTH/SOUTH ALLEY, LOCATED BETWEEN ALBERT ROAD AND ST. LUKE ROAD, SOUTH OF ALICE STREET AND NORTH OF MILLOY STREET, CITY OF WINDSOR, authorized by CR302/2016, adopted May 2, 2016

109-2016 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 4TH DAY OF JULY, 2016

Carried.

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

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

1 Communication Items (as amended)

2 Consent Agenda (as amended)

3 Items Deferred (as amended)

Items Referred

4 Consideration of the Balance of Business Items

5 Committee Reports (as presented)

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

Carried.

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

15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Payne

Seconded by: Councillor Sleiman

That the following By-laws No. 98-2016 through 109-2016 (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.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. CQ30-2016 Vacant Commercial Space

Moved by: Councillor Holt
Seconded by: Councillor Bortolin

Decision Number: CR443/2016

Assigned to the City Planner

That the following Council Question by Councillor Holt **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ30-2016

Asks that Administration report to the Planning, Heritage & Economic Development Standing Committee on options for Council to consider offering targeted financial incentive programs and/or use of rebates to realize increased occupancy of vacant commercial space.

Carried.

Councillors Francis and Gignac voting nay.

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

AF2016

21. ADJOURNMENT

Moved by: Councillor Gignac
Seconded by: Councillor Holt

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Carried.

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

Accordingly, the meeting is adjourned at 7:58 o'clock p.m.

Mayor

City Clerk

ADOPTED by Council at its meeting held July 4, 2016 [CR441/2016]

VC/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
July 4, 2016

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

Members in Attendance:

Mayor D. Dilkens
Councillor F. Francis
Councillor J. Elliott
Councillor C. Holt
Councillor R. Bortolin
Councillor B. Marra
Councillor J. Gignac
Councillor P. Borrelli
Councillor H. Payne
Councillor E. Sleiman
Councillor I. Kusmierczyk

Also in attendance:

O. Colucci, Chief Administrative Officer
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader
Engagement and Human Resources
J. Mancina, Chief Financial Officer/City Treasurer and Corporate Leader
Finance and Technology
S. Askin-Hager, City Solicitor and Corporate Leader Economic
Development and Public Safety
C. Brown, CEO for YQG and WDTTC/Corporate Leader of Transportation
Services
N. Coleman, Mayor's Chief of Staff
P. Brode, Senior Legal Counsel (Item 3)

Public

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

- 5. Personal Matter about an identifiable individual.**

Motion Carried.

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Borrelli, to move in Camera for discussion of the following item(s), as amended adding Item 5:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Property matter – lease	2 3 9 (2) (c)
2.	Legal matter – litigation update	2 3 9 (2) (e) (f)
3.	Property matter – lease	2 3 9 (2) (c)
4.	Property matter – Economic Development – verbal report	2 3 9 (2) (a)
5.	Personal matter about an identifiable individual – ADDED AT MEETING	2 3 9 (2) (b)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1, 2, 3, 4 and 5)

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

Motion Carried.

Moved by Councillor Payne, seconded by Councillor Kusmierczyk, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held July 4, 2016 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the Asset/Lease Administrator, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter - lease **BE APPROVED**.
2. That the recommendation contained in the in-camera report from Senior Legal Counsel and City Solicitor and Corporate Leader Economic Development and Public Safety respecting a legal matter – litigation update **BE APPROVED**.
3. That the recommendation contained in the in-camera report from Senior Legal Counsel, City Solicitor and Corporate Leader Economic Development and Public Safety, Chief Building Official and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter - lease **BE APPROVED**.
Councillor Bortolin voting nay.
4. That the confidential verbal report respecting a property matter – economic development **BE RECEIVED** and further that the Mayor **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.
5. That the confidential verbal report from Mayor Dilkens respecting a personal matter about an identifiable individual **BE RECEIVED** and that Administration **PROCEED** on the verbal direction of Council.

Motion Carried.

**Moved by Councillor Elliott, seconded by Councillor Bortolin,
That the special meeting of council held July 4, 2016 BE ADJOURNED.
(Time: 6:00 p.m.)
Motion Carried.**