

Monday, May 02, 2016
6:00 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.

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

None disclosed.

4. **ADOPTION OF THE MINUTES**

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

That the Minutes of the regular meeting of Council held April 18, 2016 **BE ADOPTED** as presented.
Carried.

5. NOTICE OF PROCLAMATIONS

Community Living Month - May 2016
Mental Health Awareness Month - May 2016
Holocaust Remembrance Day - May 1, 2016
Toastmasters Day - May 7, 2016
Emergency Preparedness Week - May 1-7, 2016

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

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); and
 - (g) consideration of by-laws 57-2016 through 62-2016 (inclusive).
- Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence - May 2, 2016

Moved by: Councillor Elliott
Seconded by: Councillor Francis

Decision Number: CR284/2016

That the following Communication Items 7.1.1 to 7.1.9 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 7.1.2 which is dealt with as follows:

Communication No. 7.1.2

Moved by: Councillor Gignac
 Seconded by: Councillor Francis

Decision Number: CR308/2016

That the communication by Jonathan Gignac – citizen, dated April 10, 2016 regarding “Windsor Bike Park Proposal” **BE RECEIVED**, and further, that this communication **BE REFERRED** to Administration, and that it **BE INCLUDED** as additional information for when the Parks Master Plan report is prepared for consideration at Standing Committee and ultimately at City Council, and that Mr. Gignac **BE AFFORDED** an opportunity to appear as a delegation at that time if he so wishes.

Carried.

Clerk’s File: SR2016

No.	Sender	Subject
7.1.1	Jayme Lauzon	Request for a ban on Circus acts containing animal performances in the City of Windsor. Executive Director, Recreation & Culture City Solicitor COUNCIL DIRECTION REQUESTED, otherwise Note & File APR2016
7.1.2	Jonathan Gignac	Request for a Bike Park in Windsor. Executive Director, Parks COUNCIL DIRECTION REQUESTED, otherwise Note & File SR2016
7.1.3	Secretary/Treasurer Committee of Adjustment	Committee of Adjustment Agenda for May 5, 2016 Note & File ZC2016
7.1.4	Manager of Urban Design	Application of Hoopp Realty Inc. for Site Plan Approval at 3600 (3100) Howard Ave. Note & File ZS/12536
7.1.5	Manager of Urban Design	Approval of Mark Falkenburger for Site Plan Approval to permit a warehouse expansion at 200 Morton Drive. Note & File ZS/12537
7.1.6	Ministry of Tourism, Culture and Sport	Update on Ontario’s Culture Strategy. Manager, Cultural Affairs Note & File GP2016

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7.1.7	Manager of Urban Design	Application of Penske Truck Leasing Inc. for Site Plan Approval to permit a new addition at 4505 Fourth Street. Note & File ZS/12540
7.1.8	County of Essex	Proposed Cost Sharing Allocation – Windsor-Essex Hospitals' System Plan. Note & File MH/12346
7.1.9	Dillon Consulting	Notice of REA Amendment for Windsor Solar Project. City Engineer Manager of Energy Initiatives Note & File MU/8327

Carried.

7.2. Award of Tender 45-16 – Queen Street from Prince Road to South Street 2016 Sewer Rehabilitation Program

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Holt

That the report of the City Engineer dated April 6, 2016 entitled “Award of Tender 45-16 – Queen Street from Prince Road to South Street 2016 Sewer Rehabilitation Program” BE RECEIVED for information; and further,

That APPROVAL BE GIVEN to providing an additional one year of maintenance to the Queen Street project (for a total of a two-year maintenance period) as a pilot project; and that a report BE PREPARED for Council’s further consideration by Administration at the conclusion of the two-year period on the costs and benefits of a two-year warranty.

The motion is **put** and is **lost** due to an equality of votes.

Aye votes: Councillors Payne, Holt, Kusmierczyk, Marra and Borrelli

Nay votes: Councillors Elliott, Sleiman, Francis, Gignac and Bortolin

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: CR285/2016

That the report regarding the Award of Tender 45-16, Queen Street, Sewer Relining and Pavement Rehabilitation **BE RECEIVED FOR INFORMATION**. All construction costs under Tender 45-16 will be charged to 007-5410-9998-02942-7144001.

Carried.

Report Number: C 45/2016

Clerk’s File: SW/12516

**7.3. 2015 Annual Report - Building Permit Fee Reserve Fund
Citywide**

Moved by: Councillor Elliott
Seconded by: Councillor Francis

Decision Number: CR286/2016

That the 2015 Annual Report on Building Permit Fees **BE ACCEPTED**
Carried.

Report Number: CM 14/2016
Clerk's File: SB2016

8. CONSENT AGENDA

**8.1. Combined Heat and Power at Windsor International Aquatic and Training
Centre - RFP to Retain an Engineering Consultant
Ward No.3**

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR287/2016

THAT Council **APPROVE**, in accordance with Purchasing Bylaw 93-2012, to proceed with issuing a Request for Proposal (RFP) for the purpose of retaining a firm to provide a turnkey solution (which may include consulting/ management services, design, procurement, installation, construction, commissioning, and contract administration) for Combined Heat and Power (CHP) Systems at the Windsor International Aquatic and Training Centre presented by WFCU (WIATC) based on the Detailed Engineering Study already prepared by the City's consultant CEM Engineering Inc., and

THAT Council **DIRECT** Administration to make the necessary amendments to the Energy Services Agreement dated June 1, 2013 between The Windsor Utilities Commission (WUC) and The Corporation of City of Windsor to allow for the implementation and use of a Combined Heat and Power solution at WIATC, and

THAT Council **DIRECT** the CAO and City Clerk to **EXECUTE** the amended Energy Services Agreement subject to approval of technical content by the City Engineer; financial matters by the City Treasurer and form by the City Solicitor, and

THAT Council **DIRECT** Administration to report back on the outcome of the RFP, identifying the successful proponent along with an updated detailed business case analysis for the project.
Carried.

Report Number: C 56/2016
Clerk's File: SR/11026

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CR288/2016 AMENDED BY CR757/2016 ADOPTED December 12, 2016

8.2. CQ21-2014 - Meadowbrook Lane Sidewalks and Streetlights - Ward #8

Moved by: Councillor Gignac

Seconded by: Councillor Holt

Decision Number: CR288/2016

- I. That City Council **RECEIVE FOR INFORMATION** the following report as it relates to CQ21-2014 – Meadowbrook Lane Sidewalks and Streetlights, and

- II. That Administration **BE AUTHORIZED** to complete the installation of sidewalks, streetlights and deficiencies on Meadowbrook Lane at an estimated cost between \$130,000-150,000 to be funded by;
 - Cash in the securities provided by Windsor Venture Development Corporation in the amount of \$40,000 from its development on Meadowbrook Lane authorized by CR282/2005,
 - \$30,000-36,000 from the Pedestrian Generator Policy fund ID#7045034 representing the City's contribution to these services,
 - Balance estimated at \$60,000-80,000 to be funded through the New Infrastructure Development fund ID#7035119 with full cost sharing recoveries from future development of Parcel A (0 Meadowbrook Lane, Part 10 12R-5019 and Part 4 12R-10427) in the amount of \$45,000-55,000 and from Parcel B (3565 Forest Glade Dr, Parts 15-18 12R-22621) in the amount of \$15,000-19,000, and
 -

- III. That a By-law **BE PASSED TO CLOSE** one (1) foot within Meadowbrook Lane and Forest Glade Drive abutting Parcels A and B to create a 1 foot reserve. At such time as the outstanding funds are paid by the respective properties the abutting 1 foot reserve **BE DECLARED** to be a public highway.

Carried.

Report Number: C 58/2016

Clerk's File: SW/12707

8.3. Wards 2, 4 & 5 - Windsor-Essex County Community Garden Collective Request

Moved by: Councillor Gignac

Seconded by: Councillor Holt

Decision Number: CR289/2016

- I. That Council **APPROVE** a request from the Windsor-Essex County Community Garden Collective (300 Giles Blvd, Unit A1, Windsor, Steve Green, Network Coordinator) ("**WECCGC**"), to use the following properties to facilitate the installation of community gardens and an urban agriculture operation as described in Appendices A, B and C:

1. Lens Ave between Elsmere and Louis Ave (Lots 325 to 335, inclusive, Registered Plan 1229, Part of Lots 318 to 324, inclusive, Registered Plan 1229 and Lots 336 to 342, inclusive, Registered Plan 1229, Marentette Avenue (Closed by R1008582), Registered Plan 1229 between Essex Terminal Railway & Lens Avenue and Alley abutting Lots 336 to 342, inclusive, Registered Plan 1229 (Closed by R1008582), s/t R1008582);
2. Peter St south of Mill St (Part of Lots 5 and 6, west side of Peter Street, Registered Plan 40, Town of Sandwich as in WW31138); and
3. Drouillard at Wyandotte St E, Northwest comer (Lot 11, Registered Plan 476, Sandwich East) (the “**Licensed Lands**”).

Subject to the following conditions:

- a. Use of the Licensed Lands as community gardens in accordance with WECCGC’s proposal which is attached as Appendix ‘D’;
- b. The term of the license is from April 1, 2016 or the date the license agreement is signed, whichever occurs later, to Nov 30, 2016;
- c. WECCGC is obligated to take the Licensed Lands as is and to construct and maintain their improvements on the Licensed Lands at its own expense.
- d. Pay a security deposit in the amount of \$500.00 per property to ensure that the Licensed Lands are returned to their original condition at the end of the license term;
- e. Property taxes for the Licensed Lands will be the responsibility of WECCGC;
- f. The annual fee for the Licensed Lands is \$50.00 per property, payable in advance;
- g. The Licensed Lands are to be kept free of pests and animals
- h. The use of pesticides and herbicides is prohibited;
- i. The use of uncomposted manure and fertilizer is prohibited;
- j. General Liability insurance in the amount of \$2,000,000 with “The Corporation of the City of Windsor” named as an additional insured, in accordance with the Purchasing Bylaw, and satisfactory in form and content to the Manager of Risk and Insurance;
- k. WECCGC acknowledges that it is in receipt of all relevant soil testing and agrees to use the Licensed Lands at its own risk;
- l. WECCGC agrees to indemnify and hold harmless The Corporation of the City of Windsor, its affiliates, officers, employees, councillors, and assigns [collectively the “**City**”], from and against any and all losses, damages, costs and expenses, and all claims, demands, actions, causes of action, suits, proceedings and liability, including all claims made by any third party under or relating to this license, for bodily injury or property damage howsoever arising, including use of contaminated soil, unless caused by the City’s sole negligence;
- m. The City is not responsible in the case of vandalism or theft;

- n. WECCGC must provide plans and specifications of the proposed community gardens for review and approval to the satisfaction of the Executive Director of Parks and Facility Operations;
- o. The storage of motor vehicles, tractors, fuel and chemicals is prohibited;
- p. The use of motorized equipment is limited to the first 30 days of the growing season starting on April 1, 2016, or the date of approval by City Council, whichever occurs later;
- q. WECCGC will maintain the Licensed Lands not under cultivation by controlling weeds and grass on a regular basis; and
- r. The balance of the terms and conditions of the license, except as noted herein, are the standard requirement in other municipal licenses.

II. AND THAT the CAO and City Clerk **BE AUTHORIZED** to sign licence agreements attached as Appendices F, G and H.

Carried.

Appendices
Agreements

Report Number: C 79/2016
Clerk's File: AL/12298

11.1. Notice to Proceed for Independent Electricity System Operator (IESO) 'Feed-in Tariff' Program (FIT) Rooftop Solar PV Applications

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR290/2016

WHEREAS capitalized terms not defined herein have the meanings ascribed to them in the FIT Contract, Version 3.1;

AND WHEREAS the Province's FIT Program encourages the construction and operation of **rooftop solar PV** generation projects (the "Projects");

AND WHEREAS one or more Projects may be subject to FIT Contracts and may be constructed and operated in the City of Windsor ("Local Municipality");

AND WHEREAS in accordance with the FIT Rules, Version 3.0, the Council of the Local Municipality ("Council") had previously indicated, by a resolution, its support for Projects in the Local Municipality (the "Prior Resolution");

AND WHEREAS Council now indicates, by a resolution dated no earlier than June 10, 2015, Council's continued support for the construction and operation of the Projects anywhere in the Local Municipality (the "New Resolution");

AND WHEREAS, pursuant to the FIT Contract, where a New Resolution is received in respect of the Projects in the Local Municipality, Suppliers will be recognized as fulfilling the requirements under Section 2.4(d)(vii) of the FIT Contract, which may result in Suppliers being offered Notice to Proceed in accordance with the terms of their respective FIT Contract(s);

NOW THEREFORE BE IT RESOLVED THAT:

Council of the City of Windsor **SUPPORTS** the construction and operation of the Projects anywhere in the City of Windsor.

This resolution's sole purpose is to enable Suppliers to achieve Notice to Proceed under their FIT Contracts and may not be used for the purpose of any other form of municipal approval in relation to a FIT Contract or Project or for any other purpose; and further,

This resolution **SHALL EXPIRE** twelve (12) months after its adoption by Council.
Carried.

Report Number: C 55/2016
Clerk's File: MU/8327

12.1. Seniors Advisory Committee meeting minutes - February 4, 2016

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR293/2016 SDHC 386
That the Minutes of the Seniors Advisory Committee meeting held February 4, 2016
BE RECEIVED for information.
Carried.

Report Number: SCM 33/2016
Clerk's File: MB2016

12.2. Housing Advisory Committee meeting minutes - January 19, 2016

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR294/2016 SDHC 387
That the Minutes of the Housing Advisory Committee meeting held January 19, 2016 **BE RECEIVED** for information.
Carried.

Report Number: SCM 34/2016
Clerk's File: MB2016

12.3. Diversity Committee Report No. 3 (Creation of a Diversity Plan)

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR295/2016 SDHC 388
That Diversity Committee Report No. 3 (Creation of a Diversity Plan) **BE APPROVED** as presented.
Carried.

Report Number: SCM 35/2016
Clerk's File: MB2016

12.4. Huron Lodge Resident Monitoring & Nurse Bedside Call System Replacement & Upgrade

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR296/2016 SDHC 390
THAT the Social Development, Health & Culture Standing Committee **APPROVE** a transfer of \$100,000 previously allocated to the Wireless Technology Project# 7135002 to the Resident Monitoring and Nurse Bedside Call System Project# 7163001; and further **THAT** the 2018 Capital Budget dollars in the amount of \$100,000 for the Resident Monitoring and Nurse Bedside Call System **BE PRECOMMITTED** for 2018 to allow for the completion of the Wireless Technology Project.
Carried.

Report Number: S 62/2016
Clerk's File: AH/12496

12.5. Downtown Windsor Business Improvement Association - Afternoons In The Alley Temporary Road Closure Maiden Lane West - Ward 3

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR297/2016 SDHC 392
THAT the request from the Downtown Windsor Business Improvement Association to temporarily close Maiden Lane West between Ouellette Avenue and Pelissier Street to host Afternoons In The Alley events between the hours of 12:00 p.m. noon – 10:00 p.m. each Saturday, commencing on June 4, 2016 and concluding on August 27, 2016, **BE APPROVED** subject to the terms and conditions of the Special Event Agreement and further;

THAT, subject to the authority granted by the Delegation of Authority By-law section 3.26, the Chief Administrative Officer **BE AUTHORIZED** to waive the provisions of Schedule #1 to Business Licensing By-law 395-2004, subject to approval of the Licence Commissioner.
Carried.

Report Number: S 64/2016
Clerk's File: MH/12398

12.6. Pathway to Potential Request for Proposals Results - City Wide

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR298/2016 SDHC 393

THAT the report of the Community Development and Health Services Department dated April 6th, 2016 regarding the results of the 2015 Pathway to Potential Request for Proposals submitted for information **BE NOTED AND FILED.**

Carried.

Report Number: CM 8/2016
Clerk's File: SS/10488

12.7. Minutes of the Committee of Management for Huron Lodge Long Term Care Home meeting held March 4, 2016

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR299/2016 SDHC 389

That the Minutes of the Committee of Management for Huron Lodge Long Term Care Home meeting held March 4, 2016 **BE RECEIVED** for information

Carried.

Report Number: SCM 37/2016
Clerk's File: MB2016

12.8. Interim Control By-law Exemption - 3230 to 3232 and 3236 to 3238 Sandwich St.

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR300/2016 PHED 370

That an exemption from the Interim Control By-law 126-2015, **BE GRANTED** to 1433341 Ontario Inc, the owner(s) of the property located at 3230 to 3232 (Sandwich Brewing Co.) and 3236 to 3238 (Rock Bottom) Sandwich Street to construct a parking area for the existing commercial establishments, on condition that the Sandwich Heritage Conservation District Plan policies and Olde Sandwich Towne Community Improvement Plan, and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines be incorporated into this development.

Carried.

Report Number: S 71/2015
Clerk's File: ACO2016

12.9. Status Update Report – Development Approval Business Process Review (BPI) Implementation

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR301/2016 PHED 369

That the update report **BE RECEIVED** for information and that the City Planner **BE DIRECTED** to report back to the Committee in 12 months regarding the continued progress on implementing the BPIs that remain.

Carried.

Report Number: S 57/2015
Clerk's File: SPL2016

12.10. Request under the Alley Closing Subsidy Program (ACSP) to close one north-south alley located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy Street

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR302/2016 PHED 371

- I. That part of the north-south alley having the width of 4.27m (14ft), located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy St., as shown on Drawing CC-1681 ***attached*** hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That part of the north-south alley having the width of 4.27m (14ft), located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy St., as shown on Drawing CC-1681 ***attached*** hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:
 - i. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - a. Bell Canada, Cogeco Cable Canada LP, Union Gas and Enwin Utilities Ltd (Hydro)
 - ii. Conveyance Cost **BE SET** as follows:
 - Abutting properties zoned RD 1.3:
 1. \$1.00 plus alley subsidy cost of \$99.00 **during** the alley subsidy program;
 2. \$1.00 plus alley subsidy cost of \$99.00 **after** the expiration of the alley subsidy program

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- III. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1681, attached hereto as Appendix "A"
- IV. That The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s)
- VI. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor
- VII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003
- VIII. If the existing alley approach at the south end of the ally becomes obsolete after the alley closure, the City shall remove the existing southerly alley approaches in the future when budget funds exist. Alternatively should property owners that abut the southerly approach to the closed alley wish to retain the alley approach as driveways, permits from Public Works shall **BE REQUIRED**.

Carried.

Report Number: S 68/2015
Clerk's File: SAA2016

12.11. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1109045 Ontario Limited for 775 Riverside Drive East

Moved by: Councillor Gignac
Seconded by: Councillor Holt

Decision Number: CR303/2016 PHED 372

THAT the request made by 1109045 Ontario Limited to participate in the Brownfield Tax Assistance Program **BE APPROVED** for the proposed remediation and redevelopment at 775 Riverside Drive East for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 775 Riverside Drive East in accordance with the Provincial Brownfield Financial Tax Incentive Program; and

THAT the request made by 1109045 Ontario Limited to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the proposed redevelopment at 775 Riverside Drive East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

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THAT, Administration **BE DIRECTED** to prepare an agreement between 1109045 Ontario Limited, and/or any future owner, and the City to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to technical content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements.

Carried.

Report Number: SCM 39/2016

Clerk's File: SPL/10759

12.12. Economic Revitalization Community Improvement Plan (CIP) application made by Windsor Mold Inc. for 4011 and 4035 Malden Road

Moved by: Councillor Gignac

Seconded by: Councillor Holt

Decision Number: CR304/2016 PHED 373

THAT the request made by Windsor Mold Inc. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development located at 4011 and 4035 Malden Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and

THAT, Administration **BE DIRECTED** to prepare an agreement between the City and Windsor Mold Inc. to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner as to technical content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement.

Carried.

Report Number: S 68/2016

Clerk's File: SPL/10759

9. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

Communication No. 7.1.2 - Correspondence by Jonathan Gignac – citizen, dated April 10, 2016 regarding a request for a Bike Park in Windsor.

[For final disposition of the matter see CR308/2016 under the Communications section of the Minutes]

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

11.3. Response to CQ4-2016: Review of best practices and a recommendation to enhance the City of Windsor's existing Smoking By-Law

Dr. Gary Kirk, CEO & Medical Officer of Health; Nicole Dupuis, Director of Health Promotion; Kristy McBeth, Director of Knowledge Management; and Eric Nadalin, Manager of Chronic Disease & Injury Prevention – Windsor-Essex County Health Unit

Dr. Gary Kirk, CEO & Medical Officer of Health; Nicole Dupuis, Director of Health Promotion; Kristy McBeth, Director of Knowledge Management; and Eric Nadalin, Manager of Chronic Disease & Injury Prevention – Windsor-Essex County Health Unit appear before Council to make a Board of Health endorsed recommendation on Smoke Free Outdoor Space Policy Adoption, strongly recommending that Council support Option 2 as opposed to Option 3, as Option 2 would prohibit smoking in the following additional locations: all areas prohibited under the *Smoke-Free Ontario Act*, as well as city parks, beaches, trails, bus shelters, boat ramps/marinas, recreation centres, conservation areas and community gardens; and provide an overview of the role of the Windsor-Essex County Health Unit in terms of compliance with regulations and legislation; and conclude by stating that health care cost attributed to smoking is \$3071.00 per smoker/per year and that additional cost to the City for enforcement and cessation is \$0.00.

Moved by: Councillor Marra

Seconded by: Councillor Borrelli

That the report of the Social Planning Coordinator dated April 10, 2016 responding to CQ4-2016 BE RECEIVED; and further,

That By-law 113-2006 (A By-law to Prohibit Smoking in the City of Windsor) BE AMENDED as proposed by Administration in Option 2 to:

- PROHIBIT smoking in the following additional locations: all areas prohibited under O. Reg. 48/06 of the *Smoke-Free Ontario Act* (SFOA), as well as City parks, beaches, trails, bus shelters, boat ramps/marinas, recreation centres, conservation areas and community gardens;
- EXPAND the definition of “smoking” to include e-cigarettes, water pipes, and any other lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product;
- EXPAND the responsibility for the enforcement of the by-law to include the Windsor-Essex County Health Unit (WECHU) through its Tobacco Enforcement Officers (TEOs); and,
- APPROVE the installation of the new by-law signage at a cost of \$6,000 from the Budget Stabilization Reserve.

The motion is **put** and is **lost**.

Aye Votes: Councillors Marra, Borrelli and Bortolin

Nay Votes: Councillors Elliott, Sleiman, Francis, Payne, Holt, Kusmierczyk and Gignac

Moved by: Councillor Gignac
Seconded by: Councillor Francis

Decision Number: CR292/2016

THAT the report of the Social Planning Coordinator responding to CQ4-2016 **BE RECEIVED** for consideration, and further;

THAT By-Law 113-2006 (A By-law to Prohibit Smoking in the City of Windsor) **BE AMENDED** as proposed by Administration in Option 3 to:

Prohibit smoking in the following additional locations: all areas prescribed under O. Reg 48/06 of the *Smoke-Free Ontario Act* (SFOA), as well as City parks, beaches, trails, bus shelters, boat ramps/marinas, recreation centers, conservation areas, and community gardens *except in designated smoking areas (DSAs) as identified within the by-law, or by agreement or permit;* and

Expand the definition of “smoking” to include: e-cigarettes, water pipes, or any other lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product, and further;

THAT City Council **ENDORSE** expanded responsibility for the enforcement of the by-law to include the Windsor-Essex County Health Unit (WECHU) through its Tobacco Enforcement Officers (TEOs), and further;

THAT City Council **APPROVE** the installation of the new by-law signage at a cost of \$6,000, to **BE FUNDED** from the Budget Stabilization Reserve.

Carried.

Councillors Borrelli and Bortolin voting nay.

Report Number: C 54/2016
Clerk's File: MH2016

11. **REGULAR BUSINESS ITEMS (Non-Consent Items)**

11.2. **Establishment of 2016 Tax Rates-City Wide**

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR291/2016

THAT City Council **APPROVE** the following recommendations for purposes of calculation of the 2016 Property Tax Rates:

1. **THAT** the Municipality **CONTINUE** with the use of optional tax classes of office building, shopping center, parking lot/vacant land, and large industrial.
2. **THAT** City Council **ADOPT** the ratios as set out in Table 3 for the 2016 taxation year.
3. **THAT** tax reductions for the first and second sub-classes of farmland awaiting development **BE RECONFIRMED** at their present level of 65% and 30% respectively.
4. **THAT** the Municipality **ADOPT** the default reduction rates on vacant commercial and industrial tax classes of 30% and 35% respectively.
5. **THAT** the Municipality **SET** the threshold on the tax level for eligible new construction at 100%.
6. **THAT** the Municipality **EXCLUDE** the multi-residential class from the 2016 capping program.

7. THAT the Municipality **EXCLUDE** the industrial class from the 2016 capping program.
8. THAT the 2016 capping program for the commercial class **BE APPROVED** to reflect the parameters comprising the following optional tools:
- a. Establishing a maximum increase threshold at the greater of: 10% of the previous year's annualized capped tax and 10% of the previous year's annualized CVA tax for eligible property and
 - b. Imposing a threshold adjustment for capped properties where the required billing adjustment (credits only) is within \$500 of the properties' CVA tax; and
 - c. Initiate a Capping Program Phase-Out, which for 2016 taxation will limit the amount of any final capping credit to 75% of the amount calculated using the parameters and limits set out under clauses (a) and (b) of this paragraph; and
 - d. Those properties that have reached their CVA tax destination be excluded; and
 - e. Those properties that will cross over their CVA tax destination be excluded
9. THAT the Municipality **APPROVE** to fund the cost of capping for the commercial class estimated at \$3,074 be done on a one-time basis through the Budget Stabilization Reserve.
10. THAT the City Solicitor **BE DIRECTED** to prepare the necessary by-laws.
- Carried.

Report Number: C 82/2016
Clerk's File: AF2016

12. CONSIDERATION OF COMMITTEE REPORTS

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR307/2016

That the **Report of the special In-camera** meeting held May 2, 2016 [Session 1] **BE ADOPTED** as presented.

Carried.

ACO2016

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR309/2016

That the **Report of the special In-camera** meeting held May 2, 2016 [Session 2] **BE ADOPTED** as presented.

Carried.

ACO2016

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

That the following By-laws No. 57-2016 through 62-2016 (inclusive) be introduced and read a first and second time:

- 13.1. **57-2016** A BY-LAW TO AMEND BY-LAW 187-2000, BEING A BY-LAW TO CLOSE, STOP UP AND CONVEY THE NORTH/SOUTH ALLEY BETWEEN WALKER AND TURNER, FROM LAPPAN AND CALDERWOOD, authorized by CR161/2016, adopted March 7, 2016
- 13.2. **58-2016** A BY-LAW TO CLOSE AND STOP UP AND CONVEY, THE ENTIRE LENGTH OF THE WESTERLY 3.048 METRE (10 FOOT) WIDE PORTION OF THE NORTH/SOUTH ALLEY BETWEEN RANDOLPH AVENUE AND ASKIN AVENUE, SOUTH OF FANCHETTE STREET UP TO THE NORTH LIMIT OF THE INTERSECTING EAST/WEST ALLEY NEXT NORTH OF WYANDOTTE STREET WEST, CITY OF WINDSOR, authority M405-2015, adopted October 5, 2015
- 13.3. **59-2016** A BY-LAW TO APPOINT JOSEPH MANCINA AS CHIEF FINANCIAL OFFICER AND CITY TREASURER, authorized by CR237/2016, adopted April 18, 2016
- 13.4. **60-2016** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", Authority: By-law 28-2004, passed January 26, 2004
- 13.5. **61-2016** 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, Authority: M41-2012 and By-law 47-2010
- 13.6 **62-2016** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SECOND DAY OF MAY, 2016

Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Elliott
Seconded by: Councillor Francis

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

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

Carried.

15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS
By-Laws 57-2016 to 62-2016 inclusive.

Moved by: Councillor Gignac
Seconded by: Councillor Holt

That the following By-laws No. 57-2016 through 62-2016 (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

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR305/2016

That the following Council Question by Councillor Borrelli **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:

CQ18-2016

The "Hum" is back and creating a nuisance affecting the quality of life and peaceful enjoyment of the west end residents. It is being asked of the Mayor and Clerk to write a letter to the Federal Ministry of Environment to address this long standing issue.

EI2016

Carried.

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

Decision Number: CR306/2016

That the following Council Question by Councillor Kusmierczyk **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:

CQ19-2016

Asks:

1. When will WFCU gym floor be replaced and with what material?
2. What will be done to fix floor drains at WFCU washrooms/change rooms and when?
3. When will floor drains in WFCU Zamboni room be fixed to address water pooling?
4. When will sound system be upgraded in WFCU?
5. When will WFCU parking lot be resurfaced?

Carried.

SR/8880

21. ADJOURNMENT

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

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

Accordingly, the meeting is adjourned at 8:52 o'clock p.m.

Mayor

City Clerk

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Minutes

City Council

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ADOPTED by Council at its meeting held May 2, 2016 [CR307/2016]

VC/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA May 2, 2016 (Session 1)

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 H. Payne
Councillor E. Sleiman
Councillor I.
Kusmierczyk

Members Absent:

Councillor P. Borrelli

Also in attendance:

O. Colucci, Chief Administrative Officer
J. Payne, Community Development and Health Commissioner and
Corporate Leader Social Development, Health, Recreation and Culture
M. Winterton, City Engineer and Corporate Leader Environmental Protection and
Transportation
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public
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 WDTC/Corporate Leader of Transportation Services
T. Sabelli, Asset/Lease Administrator (Item 1)

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Marra, 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 matter – lease	2 3 9 (2) (c)
2.	Personal matter – about identifiable individuals	2 3 9 (2) (b)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1 and 2)

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

Motion Carried.

Moved by Councillor Bortolin, seconded by Councillor Elliott, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held May 2, 2016 (Session 1) 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, Executive Director of Recreation and Culture, 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 the City Solicitor and Corporate Leader Economic Development and Public Safety, 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 about identifiable individuals **BE APPROVED.**

Motion Carried.

Minutes

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**Moved by Councillor Holt, seconded by Councillor Francis,
That the special meeting of council held May 2, 2016 (Session 1) BE ADJOURNED.
(Time: 5:20 p.m.)
Motion Carried.**

SPECIAL MEETING OF COUNCIL – IN CAMERA
May 2, 2016 (Session 2)

Meeting called to order at: 5:22 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 H. Payne
Councillor E. Sleiman
Councillor I.
Kusmierczyk

Members Absent:

Councillor P. Borrelli

Also in attendance:

O. Colucci, Chief Administrative Officer
J. Payne, Community Development and Health Commissioner and
Corporate Leader Social Development, Health, Recreation and Culture
M. Winterton, City Engineer and Corporate Leader Environmental Protection and
Transportation
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public
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 WDTC/Corporate Leader of Transportation Services

**Verbal Motion is presented by Councillor Marra, seconded by Councillor Bortolin,
That Rule 3.3(c) of the *Procedure By-law, 98-2011*, BE WAIVED to allow for the
Mayor to call a special meeting without 24 hours notice.**

Motion Carried.

Verbal Motion is presented by Councillor Marra, seconded by Councillor Bortolin, 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 – about an identifiable individual	2 3 9 (2) (b)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Item 1)

Verbal Motion is presented by Councillor Holt, seconded by Councillor Bortolin, to move back into public session.

Motion Carried.

Moved by Councillor Marra, seconded by Councillor Payne, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held May 2, 2016 (Session 2) directly to Council for consideration at the next Regular Meeting.

1. That the confidential verbal report from the City Solicitor and Corporate Leader Economic Development and Public Safety 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 Francis, That the special meeting of council held May 2, 2016 (Session 2) BE ADJOURNED. (Time: 5:24 p.m.)

Motion Carried.