



CITY OF WINDSOR MINUTES 01/07/2019

City Council Meeting

Date: Monday, January 07, 2019

Time: 6:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Councillor Kusmierczyk

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

Members Absent

Ward 1 - Councillor Francis

1. ORDER OF BUSINESS

2. CALL TO ORDER - Playing of the National Anthem

Following the playing of the Canadian National Anthem, the Mayor calls the meeting to order at 6:00 o'clock p.m.

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3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held December 17, 2018

Moved by: Councillor Costante

Seconded by: Councillor Sleiman

That the minutes of the meeting of Council held December 17, 2018 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 1/2019

5. NOTICE OF PROCLAMATIONS

“Employee Mentoring Month” – January 2019

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:

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- (i) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and
(g) consideration of by-law 1-2019 through 6-2019 (inclusive).
Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence Monday, January 7, 2019

Moved by: Councillor Kaschak

Seconded by: Councillor Kusmierczyk

Decision Number: CR1/2019

That the following Communication Items 7.1.1 through 7.1.12 inclusive as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Association of Municipalities of Ontario (AMO)	Bill 66 – Municipal Implications Overview City Clerk Commissioner Community Development & Health City Solicitor City Treasurer GM2019 Note & File
7.1.2	Association of Municipalities of Ontario (AMO)	At Queen’s Park: Summary of 2018 Completed Legislation City Planner City Solicitor City Clerk MMA2019 Note & File
7.1.3	Association of Municipalities of Ontario (AMO)	Financial Risks for Property Taxpayers and Municipal Budgets City Treasurer MMA2019 Note & File
7.1.4	Environment and Land Tribunals Ontario	Letter advising that the appeal by Beth Storey has been withdrawn and as a result the hearing scheduled for January 7, 2019 has been cancelled. City Planner Development Applications Clerk City Solicitor ZO/12978 & ZB/12977 Note & File

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No.	Sender	Subject
7.1.5	Essex Region Conservation Authority (ERCA)	Essex Region Conservation Authority 2019 Draft Budget: 30 Day Notice to Member Municipalities City Treasurer EI2019 Note & File
7.1.6	Manager of Urban Design	Application for Site Plan Approval, 1508815 Ontario Limited, Self Storage Facility, 1905 & 0 Tecumseh Rd. W. ZS/13370 Note & File
7.1.7	City Planner/Executive Director	Application to Amend Zoning By-Law 8600 to expand business to both parcels of land, CK Mechanical Heating & Cooling Inc., 3842 & 3846 Peter St., Completed on November 20, 2018 ZB/13371 Note & File
7.1.8	City Planner/Executive Director	Application to Amend Zoning By-Law 8600 to allow a duplex, 1307657 Ontario Ltd, 863 Lauzon Rd., Completed on November 27, 2018 ZB/13372 Note & File
7.1.9	Manager of Urban Design	Application for Site Plan Approval, The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario, Community Centre, 5055 Wyandotte St. E. (834 Raymo) ZS/13376 Note & File
7.1.10	Manager of Urban Design	Application for Site Plan Approval, Rosati Construction LTD., Stamping Automotive Parts Addition, 625 Sprucewood ZS/13375 Note & File
7.1.11	Manager of Urban Design	Application for Site Plan Approval, Mid South Land Developments, Addition to Existing Manufacturing Plant, 6365 Hawthorne Dr. ZS/13374 Note & File
7.1.12	Manager of Urban Design	Application for Site Plan Approval, Ali Abdull Khalek, One Storey Light Garage with Mezzanine, 1194 Aubin Rd. ZS/13373 Note & File

Carried.

8. CONSENT AGENDA

8.2. Declaration of Land Surplus to the City's Needs and Approval for Final Conveyance of Land to the Windsor-Detroit Tunnel Corporation for the Tunnel Plaza Improvement Project - Ward 3

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

Decision Number: CR3/2019

- I. That the following parcels of land acquired in connection with the Let's Get Windsor-Essex Moving ("LGWEM") Phase I Border Projects Agreement re the Tunnel Plaza Improvement Project **BE DECLARED** surplus:
- Lying situate south of Park Street, north of Wyandotte Street East, east of Ouellette Avenue and west of Windsor Avenue, being part of the Windsor-Detroit Tunnel Plaza
 - Legal Description: Lot 2 and 4, Registered Plan 304, Part Lots 1 and 3, Registered Plan 304, Lots 106, 107, 110 and 11, Registered Plan 1303 and Part Lots 94, 95, 98, 99, 102, 103 and 114, Registered Plan 1303, designated as Parts 3, 5, 15, 18 and 21 on Plan 12R-26894 (the "**Lands**")
 - Lot area: approximately 6,387.3 m² (68,752.33 sq ft)
- II. That **APPROVAL BE GIVEN** to transfer the Lands to the Windsor-Detroit Tunnel Corporation, on the following terms and conditions:
1. The Lands will be transferred for nominal consideration of \$1.00.
 2. The Windsor-Detroit Tunnel Corporation is responsible for pursuing any exemptions for taxes and land transfer fees through their authority.
 3. The Windsor-Detroit Tunnel Corporation is responsible for all costs relating to the registration of the transfers and required easements.
 4. Easements to be Reserved or Granted as follows:

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- a. Easement to **BE RESERVED** in favour of The Corporation of the City of Windsor over Part 18 on Plan 12R-26964 for sanitary and storm sewers, sewer connections and catchbasins;
- b. Easement to **BE GRANTED** in favour of Union Gas Limited over Part 2 on Plan 12R-26964 SAVE AND EXCEPT Part 1 on Plan 12R-26894;
- c. Easement to **BE GRANTED** in favour of The Windsor Utilities Commission over Parts 9, 10, 11 and 27 on Plan 12R-26964;
- d. Easement to **BE GRANTED** in favour of Enwin Utilities Ltd. over Parts 11, 12 and 15 on Plan 12R-26964;
- e. Easements to **BE GRANTED** in favour of Bell Canada, Cogeco Connexion Inc., Managed Network Systems, Inc. and TELUS Communications Company over Parts 15 and 16 on Plan 12R-26964;

5. That the Easements set out above contain the following conditions:

- a. Utility / service providers **SHALL NOT** have the right to access the Lands, save and except for the purpose of repairing, maintaining and / or replacing the facilities within the Lands.
- b. Utility / service providers **MUST PROVIDE** the Windsor-Detroit Tunnel Corporation with at least two (2) business days' notice prior to entering the Lands or commencing any work thereon.
- c. In the case of an emergency, the utility / service providers **MUST PROVIDE** the Windsor-Detroit Tunnel Corporation with notice prior to entering the Lands or commencing any work thereon.
- d. Utility / service providers **SHALL NOT** obstruct or block any access routes to or from the Windsor-Detroit Tunnel.

And,

III. That the transaction **BE COMPLETED** electronically, for the property where it is available, pursuant to By-Law 366-2003 and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute all documents necessary to complete the transaction, as required, and that the City Solicitor or designate **BE AUTHORIZED** to execute documents standard to a real estate transaction.

Carried.

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8.4. Closure of alley system between Labelle Street and Grand Marais Road West, east of Mark Avenue and west of Everts Avenue (Ward 10) - SAA/5357

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

Decision Number: CR5/2019 PHED 622

- I. That the 4.27 metre (14 feet) wide alley system located between Labelle Street and Grand Marais Road West, east of Mark Avenue and west of Everts Avenue, as shown on Drawing No. CC-1727 attached hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the 4.27 metre (14 feet) wide alley system located between Labelle Street and Grand Marais Road West, east of Mark Avenue and west of Everts Avenue, as shown on Drawing No. CC-1727 attached hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada, Managed Network Systems Inc., COGECO CONNEXION Inc. and Enwin Utilities Ltd.
- III. That Conveyance Cost **BE SET** as follows:
 - a) For alleys abutting lands zoned RD1.4, \$1.00 plus deed preparation and proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - b) For alleys abutting lands zoned CD1.1, \$10.50 per sq ft (\$113.02 per m²) without easements and \$5.25 per sq ft (\$56.51 per m²) with easements.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1727, *attached* hereto as Appendix "A".
- 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.
Carried.

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ort Number: S 176/2018 & SCM 419/2018

Clerk's File: SAA2018

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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

10.1. Sewer Master Plan Project - Fourth Quarterly Update

Flavio Forest, P. Eng., Partner and Project Manager of Dillon Consulting Limited

Flavio Forest, P. Eng., Partner and Project Manager of Dillon Consulting Limited, appears before Council and is available for questions regarding the fourth quarter update of the Sewer Master Plan project.

Moved by: Councillor Gignac

Seconded by: Councillor Kusmierczyk

Decision Number: CR6/2019

That the fourth quarterly update of the Sewer Master Plan project **BE RECEIVED** for information.
Carried.

Report Number: C 218/2018

Clerk's File: SW/12983

8.3. Approval of Remaining 2018 Enhanced Capital Budget Projects (City-Wide)

Howard Weeks, resident of Ward 4

Howard Weeks, resident of Ward 4, appears before Council to provide comment regarding the administrative recommendation to proceed with and pre-commit funding for additional 2018 enhanced Capital projects for the 2019 calendar year, suggesting that there are potential pitfalls to this and that Council should set aside adequate time to consider this as part of overall accountability.

Moved by: Councillor Bortolin
Seconded by: Councillor Holt

Decision Number: CR4/2019

1. That City Council **AUTHORIZE** Administration to proceed with, and PRE-COMMIT funding for, the additional 2018 Enhanced Capital Projects identified in Appendix A for the 2019 calendar year; and,
2. That the award of tenders or RFP's for the identified works **BE PRE-APPROVED**, subject to being within the allocated budget and in accordance with Purchasing by-law 93-2012, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all relevant agreements, in form satisfactory to the City Solicitor, in financial content satisfactory to the City Treasurer and in technical content satisfactory to the City Engineer, City Planner or Corporate Leader of Parks, Recreation, Culture and Facilities; and,
3. That Administration **REPORT BACK** to City Council through a Communication Report(s) the results of all tenders that were awarded and approved, with any that require additional funding to be reported to Council separately.

Carried.

Report Number: C 217/2018
Clerk's File: SW/8513 & AFB/12410 & AFB/13207

8.1. Report for proposed allocation of funding for the AMO and Minister of OMAFRA and Small Business Main Street Revitalization Initiative

Howard Weeks, resident of Ward 4

Howard Weeks, resident of Ward 4, appears before Council to provide comment regarding the proposed allocation of funding for the Association of Municipalities of Ontario Main Street Revitalization Initiatives Fund, suggesting that this matter not be considered until further consultation is held, especially since the Downtown Windsor Business Improvement Association has a new board and they should be afforded the opportunity for input, with the aim of seeking more creative plans for this generous initiative.

Moved by: Councillor Sleiman
Seconded by: Councillor Gignac

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Decision Number: CR2/2019

That City Council **APPROVE** the projects identified and recommended in this report to be executed as part of the ASSOCIATION OF MUNICIPALITIES OF ONTARIO (AMO) Main Street Revitalization Initiatives Fund pursuant to the requirements of the program and to the Purchasing By-Law 93-2012 and amendments thereto; and further,

That the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all reports, applicable schedules and other such documents required as part of the reporting requirements to the City Planner / Executive Director of Planning & Building, subject to financial content approval from the City Treasurer or designate and in legal content by the City Solicitor or designate as required.

Carried.

Report Number: C 216/2018
Clerk's File: MMA2018

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None.

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. Report of the Striking Committee of its meeting held January 7, 2019

Moved by: Councillor Costante

Seconded by: Councillor Sleiman

Decision Number: CR7/2019

That the **Report of the Striking Committee** of its meeting held January 7, 2019 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2019

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Gignac

Seconded by: Councillor Holt

That the following By-laws No. 1-2019 through 6-2019 (inclusive) be introduced and read a first and second time:

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1-2019 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"" authorized by CR271/2006 & BL91-2017, adopted May 23, 2006 & June 19, 2017

2-2019 "A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS COSENZA STREET AND LAURA'S LANE, IN THE CITY OF WINDSOR" authorized by CR76/2011, adopted February 28, 2011

3-2019 "A BY-LAW TO ASSUME CANCUN STREET AND COSENZA STREET BEING STREETS SHOWN ON PLAN 12M-611 KNOWN AS CANCUN STREET COSENZA STREET AND THE MUNICIPAL SERVICES LOCATED THEREIN, IN THE CITY OF WINDSOR" authorized by M98-2012, adopted February 21, 2012

4-2019 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 944 IN THE CITY OF WINDSOR" authorized by BL139-2013, adopted August 26, 2013.

5-2019 "A BY-LAW TO FURTHER AMEND BY-LAW 188-2000, BEING A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR" authorized by BL98-2011, adopted June 7, 2011

6-2019 "A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SEVENTH DAY OF JANUARY, 2019"

Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Kaschak

Seconded by: Councillor Kusmierczyk

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 presented)
- 2) Consent Agenda (as presented)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (as presented)
- 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

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

That the following By-laws No. 1-2019 through 6-2019 (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

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR8/2019

That the petition presented by Councillor Kusmierczyk from residents seeking to close Airbnb location at 11847 Savanna Street, **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the City Clerk for the purpose of an examination of the requested works or undertakings; and further, that this be included as part of the forthcoming Airbnb report by Administration.

Carried.

Clerk's File: ACO/13382

18. QUESTION PERIOD

None registered.

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.

Accordingly, the meeting is adjourned at 6:35 o'clock p.m.

Mayor

City Clerk

REPORT OF THE STRIKING COMMITTEE
of its meeting held
January 7, 2019

PRESENT: Mayor D. Dilkens
Councillor F. Costante
Councillor C. Holt
Councillor R. Bortolin
Councillor G. Kaschak
Councillor J. Jo-Anne Gignac
Councillor K. McKenzie
Councillor J. Morrison
Councillor E. Sleiman
Councillor I. Kusmierczyk

ABSENT: Councillor F. Francis

Also in attendance:

O. Colucci, Chief Administrative Officer
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Resources
S. Askin-Hager, City Solicitor and Corporate Leader Economic Development and Public Safety
S. Vlachodimos, Deputy Clerk
W. Foot and S. Gebauer, Council Assistants

Declarations of Pecuniary Interest:

None disclosed.

Your Committee submits the following recommendations:

- (1) That the names of the Standing Committees **BE CHANGED** as indicated below:

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Previous Name	Approved Name
Executive Standing Committee	Corporate Services Standing Committee
Planning, Heritage & Economic Development Standing Committee	Development & Heritage Standing Committee
Environment, Transportation & Public Safety Standing Committee	No name change
Social Development, Health & Culture Standing Committee	Community Services and Parks Standing Committee

(2) That Council appointments to the various Standing Committees **BE CONSIDERED** at the Striking Committee of Council to be held January 21, 2019.

(3) That the timelines for recruitment of citizens appointees to the various Agencies, Boards and Committees (ABC's) as outlined on the agenda (Ad in Star on January 12, 2019 with deadline date for submitting applications as January 31, 2019) **BE APPROVED**

CHAIR

CITY CLERK

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PROJECTS to proceed with request in 2019	Total Amount to Fund	2018	2019	2020	2021	2022	2023	Total
California/Pulford - Norfolk to Daytona	\$ 1,150,000						\$1,150,000	\$ 1,150,000
Wigle Park - Phase 2 funding	\$ 175,000						\$ 175,000	\$ 175,000
Park - Pelissier to Caron	\$ 430,000	\$ 43,000	\$ 387,000					\$ 430,000
Stodgell Park Redevelopment	\$ 460,000						\$ 460,000	\$ 460,000
Erie Street - La Bella Strada Streetscaping	\$ 300,000						\$ 300,000	\$ 300,000
St. Luke - Seminole to ETR - Reconstruction	\$ 510,000	\$ 51,000			\$459,000			\$ 510,000
Albert - Wyandotte to Edna - Mill and Pave	\$ 114,000		\$ 114,000					\$ 114,000
Streetlights - Banwell Road - Between Tecumseh and Mulberry	\$ 70,000						\$ 70,000	\$ 70,000
Wayfinding Signage and Markers - Ganatchio/Little River	\$ 100,000						\$ 100,000	\$ 100,000
Wyandotte - St. Rose to Janisse - Repair WB, Reconstruct EB	\$ 440,000						\$ 440,000	\$ 440,000
Courtland Cres. - South National to South National - Mill and Pave	\$ 120,000						\$ 120,000	\$ 120,000
Annie St. - Tecumseh to Cul-de-sac - Mill and Pave	\$ 90,000						\$ 90,000	\$ 90,000
Byng - Lappan to Melinda - Reconstruction	\$ 1,380,000	\$128,000	\$ 600,000	\$2,000			\$ 650,000	\$ 1,380,000
Ward Funds	\$ 500,000						\$ 500,000	\$ 500,000
Bike Park	\$ 500,000						\$ 500,000	\$ 500,000
Financing Charges	\$ 75,000						\$ 75,000	\$ 75,000
TOTAL PROJECT requests for 2019	\$ 6,414,000	\$222,000	\$1,101,000	\$2,000	\$459,000	\$ -	\$4,630,000	\$ 6,414,000

