



CITY OF WINDSOR MINUTES 08/04/2020

City Council Meeting

Date: Tuesday, August 4, 2020

Time: 10:00 o'clock a.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 1 - Councillor Francis

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Vacant

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

Members Absent

Ward 2 - Councillor Costante

Clerk's Note: The Mayor and all members of Council participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

Minutes

City Council

Tuesday, August 4, 2020

Page 2 of 23

1. ORDER OF BUSINESS

2. CALL TO ORDER

The Mayor calls the meeting to order at 11:10 o'clock a.m.

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 July 27, 2020

Moved by: Councillor Holt

Seconded by: Councillor Kaschak

That the minutes of the meeting of Council held July 27, 2020 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 233/2020

5. NOTICE OF PROCLAMATIONS

None presented.

6. COMMITTEE OF THE WHOLE

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

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:

Minutes

City Council

Tuesday, August 4, 2020

Page 3 of 23

(g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and

(h) consideration of by-law 109-2020 through 117-2020 (inclusive).

Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence Tuesday, August 4, 2020

Moved by: Councillor Sleiman

Seconded by: Councillor Bortolin

Decision Number: CR391/2020

That the following Communication Items 7.1.1 through 7.1.5 inclusive as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Ontario Superior Court of Justice	Reasons on Motion for Leave to Appeal to the Divisional Court regarding CAMPP Windsor Essex Residents Association v. Windsor (City) 2020 ONSC 4612 City Solicitor Deputy City Solicitor City Planner MH/12346 Note & File
7.1.2	Stantec Consulting Ltd.	Notice of Completion of Environmental Study Report for Combined Sewer Overflow Control in the Riverfront Area West of Caron Avenue City Engineer Environment & Sustainability Coordinator Manager of Process Engineering & Maintenance SW2020 Note & File

Minutes
City Council
Tuesday, August 4, 2020

No.	Sender	Subject
7.1.3	Town of Tecumseh	<p>Notice that the Town of Tecumseh will hold a virtual/electronic public meeting Tuesday, August 11, 2020 at 6:30 p.m. to consider a proposed Plan of Condominium Approval pursuant to the provisions of the <i>Planning Act, R.S.O. 1990</i></p> <p style="text-align: right;">City Planner Deputy City Solicitor Chief Building Official Development Applications Clerk GM2020 Note & File</p>
7.1.4	Manager of Urban Design	<p>Site Plan Approval, JBM Capital Inc., 2601 Lauzon Pky., Multi-phased commercial building development</p> <p style="text-align: right;">ZS/11126 Note & File</p>
7.1.5	Committee of Adjustment / Consent Authority	<p>Applications to be heard by the Committee of Adjustment/Consent Authority, Thursday, August 13, 2020, 3:30 p.m., through Electronic Meeting Participation</p> <p style="text-align: right;">ZC2020 Note & File</p>

Carried.

Report Number: CMC 13/2020

8. CONSENT AGENDA

8.1. COVID-19 Impacts on Municipal Licensing Deadlines and Renewal Fees - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR392/2020

That City Council **APPROVE** the Licence Commissioner to **EXTEND** the February, May and August 2020 business and public vehicle licence deadlines regulated under Business Licensing By-law 395-2004 and Public Vehicle Licensing By-law 137-2007 *as amended by By-law 150-2018* until December 1, 2020; and,

Minutes

City Council

Tuesday, August 4, 2020

Page 5 of 23

That City Council **APPROVE** the Licence Commissioner to **WAIVE** any pending or potential late licence renewal fees associated with the February, May and August 2020 business and public vehicle deadlines until December 1, 2020; and,

That City Council **APPROVE** the Licence Commissioner to **MODIFY** the licence deadlines regulated under Business Licensing By-law 395-2004 and Public Vehicle Licensing By-law 137-2007 *as amended by By-law 150-2018* as deemed necessary, in the event there are further impacts on the issuance of municipal licences due to the COVID-19 pandemic.

Carried.

Report Number: C 152/2020

Clerk's File: MH/13786

8.2. Amendment to the Berkely B1 Fishing Agreement and Council Resolution

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

Decision Number: CR393/2020

That CR508/2018 **BE AMENDED** as follows:

That City Council **APPROVE** the total maximum contribution of \$43,000 that was paid in 2019 from the Sports Tourism Event Bid capital project account (7121026) to act as the Host City of the Berkely B1 Fishing Championship for one year be applied to a future rescheduled event in 2021 or 2022; and further,

That City Council **AUTHORIZE** the Chief Administrative Officer and City Clerk to sign an amended agreement satisfactory in form to the City Solicitor, in financial content to the City Treasurer and in technical content to the Executive Director of Recreation & Culture; and further,

That the funds previously committed for a second event in the amount of \$43,000 **BE UNCOMMITTED** and available for other future identified events and initiatives.

Carried.

Report Number: S 92/2020

Clerk's File: SR/13663

8.3. Minutes of the meetings of the Executive Committee and Board of Directors, Willistead Manor Inc., held February 13, 2020

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

Decision Number: CR394/2020

That the minutes of the Executive Committee and Board of Directors, Willistead Manor Inc., of its meetings held February 13, 2020 **BE RECEIVED** for information.

Carried.

8.4. Minutes of the Housing & Homelessness Advisory Committee of its meeting held February 11, 2020

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR395/2020
That the minutes of the Housing & Homelessness Advisory Committee of its meeting held February 11, 2020 **BE RECEIVED** for information.
Carried.

Report Number: SCM 125/2020
Clerk's File: MB2020

8.5. Minutes of the meeting of the Committee of Management for Huron Lodge held April 27, 2020

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR396/2020
That the minutes of the Committee of Management for Huron Lodge of its meeting held April 27, 2020 **BE RECEIVED** for information.
Carried.

Report Number: SCM 158/2020
Clerk's File: MB2020

8.6. Minutes of the Diversity Committee of its meeting held May 14, 2020

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR397/2020
That the minutes of the Diversity Committee of its meeting held May 14, 2020 **BE RECEIVED** for information.
Carried.

Report Number: SCM 172/2020
Clerk's File: MB2020

Minutes

City Council

Tuesday, August 4, 2020

Page 7 of 23

8.7. Minutes of the Windsor Accessibility Advisory Committee of its meeting held June 9, 2020

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR398/2020

That the minutes of the Windsor Accessibility Advisory Committee of its meeting held June 9, 2020

BE RECEIVED for information.

Carried.

Report Number: SCM 205/2020

Clerk's File: MB2020

8.9. Rezoning - Green Smart Apartments Inc - 1091 California - Z-006/20 ZNG/6056 - Ward 2

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR400/2020 DHSC 175

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 42, Part of Lot 43, and Part of Alley, Block D, Registered Plan 50 (known municipally as 1091 California Avenue; Roll No. 050-370-10200; PIN 01221-0330), situated on the west side of California Avenue, north of Girardot Street, from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) and by adding a site specific exception to Section 20(1) as follows:

391. WEST SIDE OF CALIFORNIA AVENUE, NORTH OF GIRARDOT STREET

For the lands comprising of Lot 42, Part of Lot 43, and Part of Alley, Block D, Registered Plan 50, for a *Semi-Detached Dwelling* the minimum *lot width* shall be as existing. [ZDM 4; ZNG/6056]

Carried.

Report Number: SCM 216/2020 & S 77/2020

Clerk's File: ZB/13810

8.11. Descent of the Holy Ghost Romanian Orthodox Church, 2895 Seminole Street – Community Heritage Fund Request (Ward 5)

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR402/2020 DHSC 177

- I. That the request by the Descent of the Holy Ghost Romanian Orthodox Church for a grant of an upset amount of \$21,357 from the Community Heritage Fund (Reserve Fund 157), for the

Minutes

City Council

Tuesday, August 4, 2020

Page 8 of 23

Building Permit Services required for the roof dome replacement at 2895 Seminole Street, **BE APPROVED**, subject to:

- a. Determination by the Chief Building Official and the City Planner that the work is completed to applicable codes and heritage conservation standards;
 - b. Owner's submission of paid receipts for work completed;
 - c. That the Community Heritage Fund (Reserve Fund 157) grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.
- II. That any further changes determined to be minor that require Council Approval as per the approved Heritage Alteration Permit (CR 499/2019), **BE DELEGATED** to the City Planner for final approval.
- III. That CR499/2019 **BE AMENDED** by deleting clauses II.a. and III. since it is not necessary to enter into a heritage conservation agreement and all determination of good work will be reviewed through the Building Permit Application.

Carried.

Report Number: SCM 218/2020 & S 72/2020
Clerk's File: MBA/10446

8.12. Closure of the north/south alley south of Wyandotte Street E., abutting the east limit of Florence Avenue extension, and the closure of a remnant portion of the east/west alley south of Wyandotte Street E., east of Florence Avenue extension; Applicant – VGA INVESTMENTS INC.; File No. SAA/6063, Ward 7

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR403/2020 DHSC 178

- I. That the 3.05 metres wide north-south alley located on the south side of Wyandotte Street, east side of Florence Avenue extension, between the south limit of Wyandotte Street right-of-way and the south limit of lot 45, Plan 1142, as shown on Drawing No. CC-1770 *attached* as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. That the 3.05 metres wide north-south alley located on the south side of Wyandotte Street, east side of Florence Avenue extension, between the south limit of Wyandotte Street right-of-way and the south limit of lot 45, Plan 1142, as shown on Drawing No. CC-1770 *attached* as Appendix "A", **BE CLOSED AND CONVEYED** to the applicant, for the purpose of increasing the width of the proposed Florence Avenue Road allowance to conform to the Official Plan requirement (22m minimum width) per CR54/2020 DHSC 125 attached hereto as **Appendix "D"**.

Minutes

City Council

Tuesday, August 4, 2020

Page 9 of 23

- III. That the remnant unclosed portion of the 4.27 metre wide east-west alley south of Wyandotte Street East, east of Florence Avenue extension, described as PART 1 on Reference Plan 12R25749, **BE ASSUMED** for subsequent closure.
- IV. That the remnant unclosed portion of the 4.27 metre wide east-west alley south of Wyandotte Street East, east of Florence Avenue extension, described as PART 1 on Reference Plan 12R25749, **BE CLOSED AND CONVEYED** to the abutting property owners subject to easements as shown in Recommendation V below.
- V. That 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,
 - b) Cogeco Connexion, and
 - c) Owners of the lands fronting Wyandotte Street East, for the purpose of sewer installation and servicing through the alley.
- VI. That conveyance costs **BE SET** as follows:
 - a) For the remnant piece of the east-west alley, being PART 1, on Reference Plan 12R25749, abutting lands zoned DRD1.2: \$1.00 plus deed preparation and no survey costs.
 - b) For the subject north-south alley, abutting lands zoned DRD1.1 / HRD2.1: \$1.00 plus deed preparation, plus survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VII. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1770, *attached* as Appendix "A".
- VIII. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- IX. 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.
- X. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: SCM 219/2020 & S 84/2020

Clerk's File: SAA2020

8.13. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Rose City Mini Storage for 1867 Tecumseh Road West (Ward 10)

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

Minutes

City Council

Tuesday, August 4, 2020

Page 10 of 23

Decision Number: CR404/2020 DHSC 181

- I. That the request made by Rose City Mini Storage Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of the proposed Phase II Environmental Site Assessment Study at 1867 Tecumseh Road West pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor.
- III. That the request made by Rose City Mini Storage Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for the proposed remediation and redevelopment at 1867 Tecumseh Road West for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- IV. That the request made by Rose City Mini Storage Inc. 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 1867 Tecumseh Road West 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.
- V. 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 1867 Tecumseh Road West in accordance with the Provincial Brownfield Financial Tax Incentive Program.
- VI. That, Administration **BE DIRECTED** to prepare an agreement between Rose City Mini Storage Inc. 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 content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- VII. That the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements.
- VIII. That the approval to participate in Brownfield Tax Assistance and Rehabilitation Grant Programs **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 222/2020 & S 79/2020

Clerk's File: Z/8955

Minutes

City Council

Tuesday, August 4, 2020

Page 11 of 23

8.14. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1362279 Ontario Ltd. for 840 Wyandotte Street East (Ward 4)

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

Decision Number: CR405/2020 DHSC 182

- I. That the request made by 1362279 Ontario Ltd. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for the proposed remediation and redevelopment at 840 Wyandotte Street East for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- II. That the request made by 1362279 Ontario Ltd. 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 840 Wyandotte Street 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.
- III. 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 840 Wyandotte Street East in accordance with the Provincial Brownfield Financial Tax Incentive Program.
- IV. That, Administration **BE DIRECTED** to prepare an agreement between 1362279 Ontario Ltd. 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 content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- V. That the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements.
- VI. That the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 223/2020 & S 80/2020

Clerk's File: Z/8955

Minutes

City Council

Tuesday, August 4, 2020

Page 12 of 23

8.15. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Duo Fratres Inc. for 1370 Argyle Road (Ward 4)

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

Decision Number: CR406/2020 DHSC 183

- I. That the request made by Duo Fratres Inc. to participate in the Feasibility Study Grant Program **BE APPROVED** for the completion of the proposed structural feasibility study for the building located at 1370 Argyle Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$7,500 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor.
- III. That the request made by Duo Fratres Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 1370 Argyle Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- IV. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$24,000 based upon the completion and submission of up to two eligible studies (e.g. initial Phase II Environmental Site Assessment, Phase II Delineation Study, and/or Remedial Work Plan) completed in a form acceptable to the City Planner and City Solicitor.

Carried.

Report Number: SCM 224/2020 & S 85/2020

Clerk's File: Z/8955

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

10. PRESENTATIONS AND DELEGATIONS

10.1. 2019 City of Windsor Consolidated Financial Statements & Trust Funds Financial Statements

Cynthia Swift, Partner of Audit, KPMG

Cynthia Swift, Partner of Audit, KPMG, appears before Council and is available for questions regarding the 2019 City of Windsor Consolidated Financial Statements and Trust Funds Financial Statements.

Minutes

City Council

Tuesday, August 4, 2020

Page 13 of 23

Moved by: Councillor Francis

Seconded by: Councillor Kaschak

Decision Number: CR407/2020

That City Council **RECEIVE AND ACCEPT** the Audited Consolidated Financial Statements for the year ended December 31, 2019, including the City of Windsor Trust Fund Statements.

Carried.

Report Number: C 139/2020

Clerk's File: AF/11247

8.8. Interim Control By-law Exemption 2020-8 - 4207785 Canada Inc. - 2650 Metcalfe Street - Ward 5

Melanie Muir, Dillon Consulting

Melanie Muir, Dillon Consulting, appears before Council to provide comment and to speak in support regarding the request for Interim Control By-law Exemption 2020-8 – 4207785 Canada Inc., for the property at 2650 Metcalfe Street.

Mark Belanger, Sherwood Auto Sales

Mark Belanger, Sherwood Auto Sales, appears before Council to speak in opposition regarding the request for Interim Control By-law Exemption 2020-8 – 4207785 Canada Inc., for the property at 2650 Metcalfe Street, as the owners of the subject property have not addressed long-standing issues pertaining to dust and dirt that blows into adjacent yards and surrounding community, and concludes by suggesting that before the City even considers the application, the applicant should be required to take immediate steps to prevent the dust, dirt and debris currently emanating from its property.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: CR399/2020 DHSC 174

That the request of 4207785 Canada Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 2650 Metcalfe **BE DENIED**.

Carried.

At the request of Councillor Gignac, a recorded vote is taken.

Aye votes: Councillors Sleiman, Holt, Bortolin, McKenzie, Kaschak, Morrison and Mayor Dilkens.

Nay votes: Councillors Gignac and Francis.

Absent: Councillor Costante.

Abstain: None.

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.1. Response to CR204/2019 - Proactive Enforcement Options - City Wide

Moved by: Councillor Gignac
Seconded by: Councillor Francis

That the report of the By-law Enforcement division dated July 6, 2020 entitled "Response to CR204/2019 – Proactive Enforcement Options" BE RECEIVED; and further,

That administration BE DIRECTED to implement Option 2 "Pilot Project Using Existing Staff" as outlined in the subject report; and further,

That the annual grace period currently allotted to first time offenders regarding the repeat offenders fee BE NULIFIED effective immediately.

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

At the request of Councillor Gignac, a recorded vote is taken.

Aye votes: Councillors Gignac and Francis.

Nay votes: Councillors Sleiman, Holt, Bortolin, McKenzie, Kaschak, Morrison and Mayor Dilkens.

Absent: Councillor Costante.

Abstain: None.

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR408/2020

That the report of the By-law Enforcement division dated July 6, 2020 entitled "Response to CR204/2019 – Proactive Enforcement Options" **BE REFERRED** to 2021 budget deliberations along with additional information for budgetary consideration.

Carried.

At the request of Councillor Gignac, a recorded vote is taken.

Aye votes: Councillors Sleiman, Holt, Bortolin, McKenzie, Kaschak, Morrison and Mayor Dilkens.

Nay votes: Councillors Gignac and Francis.

Absent: Councillor Costante.

Abstain: None.

Minutes
City Council
Tuesday, August 4, 2020

Page 15 of 23

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR409/2020

That the annual grace period currently allotted to first time by-law offenders regarding the repeat offenders fee **BE NULIFIED** effective immediately.

Carried.

At the request of Councillor Gignac, a recorded vote is taken.

Aye votes: Councillors Sleiman, Holt, Bortolin, McKenzie, Kaschak, Morrison, Gignac, Francis, and Mayor Dilkens.

Nay votes: None.

Absent: Councillor Costante.

Abstain: None.

Report Number: C 140/2020

Clerk's File: SB2020

11.2. Expropriation of lands at Riverside Drive East/ Devonshire Road for road improvements and Hiram Walker statue - Ward 4

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: CR410/2020

That the City Council of the City of Windsor sitting as an Expropriation Authority under the *Expropriations Act* **APPROVE** the taking of the lands being part of lot 95 in Concession 1 designated as parts 1 and 2 on Plan 12R-28137 for the purposes of road widening and the Hiram Walker statue; and,

That City Council **APPROVE** a transfer to project 7185001 - Riverside/Devonshire Roundabout from 7181040 - 2019 City Wide Road Rehab. for an amount not to exceed \$144,000 plus applicable taxes and associated land registration costs should the land acquisition result in a budget shortfall in project 7185001.

Carried.

Report Number: C 147/2020

Clerk's File: APM2020

11.3. Application for Property Tax Relief Under Section 357 of the Ontario Municipal Act, 2001 - Ward 3

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Minutes

City Council

Tuesday, August 4, 2020

Page 16 of 23

Decision Number: CR411/2020 CR313/2020

That City Council **APPROVE** the request for full property tax relief for the property located at 33 Riverside Dr E, owned by 2087676 Ontario Inc. for the period of time beginning April 1, 2020 and ending the earlier of either the termination of Ontario Regulation 141/20 or December 31, 2020; and further,

That the CFO/City Treasurer (or designate) **BE AUTHORIZED** to write-off an amount equivalent to the total municipal and education taxes on a monthly basis estimated to be \$363,642 in total for the remainder of the 2020 taxation year following the receipt of payment of taxes due from the property owner for the period January 1, 2020 to March 31, 2020; and further,

That should property tax relief be required beyond December 31, 2020, upon receipt of an application for property tax relief for the 2021 taxation year the City Treasurer **BE AUTHORIZED** to process such application consistent with the direction provided for this 2020 application which will be reported to City Council at a later date; and further,

That administration **BE DIRECTED** to notify the applicants, that as a consequence of the tax waiver, that the BIA levy is not required but that they be requested to consider making that contribution as a donation to mitigate the unintended consequences on the BIA.

Carried.

Report Number: C 88/2020

Clerk's File: AF2020

8.10. Z-007/20 ZNG/6057 - Rosati Development Corp -Part Lot 15, Concession 5 - 525-535 Cabana Road E - Ward 9

Moved by: Councillor McKenzie

Seconded by: Councillor Holt

Decision Number: CR401/2020 DHSC 176

I That the recommendation in report S88/2020 be deleted and the following **BE SUBSTITUTED** therefore:

That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Part Lot 15, Concession 5, situated on the south side of Cabana Road East, known municipally as 525-535 Cabana Road East, by deleting Section S.20(1)223 and replacing it with the following:

"223. For the lands comprising part of Lot 15, Concession 5, described as PIN 01298-0080 LT and 01298-0081 LT, situated on the south side of Cabana Road East, east of Howard Avenue ("the property"), that:

- i) the following shall be additional permitted uses:
 - a medical office, business office, personal service shop, pharmacy, professional studio, health studio, restaurant and take-out restaurant; and,

- ii) the following uses shall be prohibited:
 - a drive through restaurant and a restaurant patio; and,
- (iii) the following regulations shall apply:
 - (a) All parking spaces shall be located in the front yard and side yard. Parking spaces are prohibited in the rear yard.
 - (b) Maximum building height - one storey
 - (c) Maximum net floor area - 474 square metres
 - (d) Minimum rear yard setback - 3.0 metres
 - (e) Minimum west side yard width - 0.0 metres
 - (f) Minimum east side yard width - 3.7 metres.”

II That as part of any amendment to the existing approved site plan for the property, Council **DIRECTS** the Site Plan Control Officer to take the following items into consideration:

- i) Along the shared east property line, remove the existing fence and install a privacy fence at least 2.4m in height with boards on both sides so that there is no visibility through the fence. The first 9.15m of the fence south of Cabana will be up to 1m high so as not to obstruct views for cars exiting from the property;
- ii) 2.4 m high privacy fencing will be installed along the rear of the property;
- iii) Developer to remove the 3 pines trees along the east property line (including the one on the neighbour's property) and install on the property at least 4 (four) Cedar trees at least 3.048 m high so as to block the view to the raised patio at 539 Cabana Road East;
- iv) Developer to install 1.83m high black cedars every 1.2m on center along the shared property line; and
- v) all restaurant garbage to be stored in the building.

Carried.

Report Number: SCM 217/2020, C 150/2020, & S 88/2020
Clerk's File: ZB/13809

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR412/2020

That the report of the In Camera meeting held August 4, 2020 **BE ADOPTED** as presented.
Carried.

Clerk's File: ACO2020

Minutes

City Council

Tuesday, August 4, 2020

Page 18 of 23

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

That the following By-laws No. 109-2020 through 117-2020 (inclusive) be introduced and read a first and second time:

109-2020 A BY-LAW TO AMEND INTERIM CONTROL BY-LAW 78-2019 SO THAT THE PROVISIONS OF BY-LAW 78-2019 SHALL NOT APPLY TO CERTAIN LANDS authorized by CR202/2020 and CR203/2020 dated May 4, 2020.

110-2020 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR299/2020 dated June 3, 2020.

111-2020 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR302/2020 dated June 3, 2020.

112-2020 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR342/2020 dated July 13, 2020.

113-2020 A BY-LAW TO ADOPT AMENDMENT NO. 131 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR343/2020 dated July 13, 2020.

114-2020 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR343/2020 dated July 13, 2020.

115-2020 A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 325 DEVONSHIRE ROAD, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE *ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED* authorized by CR283/2020 dated June 1, 2020.

116-2020 A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN PLAN OF SUBDIVISION 12M-631 IN THE CITY OF WINDSOR authorized by BL139-2013 passed August 26, 2013.

117-2020 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 AUGUST, 2020.

Carried.

Minutes

City Council

Tuesday, August 4, 2020

Page 19 of 23

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Bortolin

Seconded by: Councillor Sleiman

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 amended)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (as amended)
- 5) Committee Reports (as presented)
- 6) By-laws given first and second readings

Carried.

15. NOTICES OF MOTION

Councillor Holt gives notice that he intends to introduce the following draft motion for Council's consideration at the August 24, 2020 meeting of Council, pending administrative comment at that meeting:

That with regards to the City of Windsor receiving requests for written submissions regarding an application for a Cannabis Retail Store Authorization, from the Alcohol and Gaming Commission of Ontario (AGCO), that Administration BE DIRECTED to follow provincial guidelines for locations of cannabis retail stores as the City of Windsor's municipal guidelines, as well as the City of Windsor's zoning requirements, and to approve accordingly those applications that meet these minimum standards, without the need for Council approval, and further,

That Administration BE DIRECTED to report back to Council as communications items on the application submissions that have been forwarded to the AGCO.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Francis

Seconded by: Councillor Gignac

That the By-laws No. 109-2020 through 117-2020 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

18.3. CQ 22-2020

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

Decision Number: CR413/2020

That the following Council Question by Councillor Bortolin **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:

CQ 22-2020:

Assigned to City Solicitor

Ask administration to report back on options to deal with issues tied to donation drop boxes and the organizations/businesses that house them. The issues are, but not limited to, blight, squatting, lighting, security, after hours access, and crime attraction. Would also ask that administration consider licensing, by-law, and even zoning options while comparing what other municipalities do as well.

Carried.

Clerk's File: APM2020

21. ADJOURNMENT

Moved by: Councillor Sleiman
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 2:25 o'clock p.m.

SPECIAL MEETING OF COUNCIL – IN CAMERA
August 4, 2020

Members participating via electronic participation in accordance with Procedure By-law #98-2011 as amended, which allows for electronic participation during a declared emergency.

Meeting called to order at: 9:00 a.m.

Members in Attendance:

Mayor D. Dilkens
Councillor F. Francis
Councillor R. Bortolin
Councillor G. Kaschak
Councillor J. Gignac
Councillor K. McKenzie
Councillor J. Morrison
Councillor E. Sleiman
Councillor C. Holt

Members Absent:

Councillor F. Costante

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, Acting Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
S. Askin-Hager, City Solicitor and Corporate Leader Economic Development and Public Safety
J. Wilson, Corporate Leader, Parks, Facilities, Recreation and Culture
A. Teliszewsky, Mayor's Chief of Staff
D. Dawson, Executive Director of Operations (Item 2)

Minutes

City Council

Tuesday, August 4, 2020

Page 22 of 23

- A. Albidone, Manager of Environmental Services (Item 2)
- T. Ardovini, Deputy Treasurer Financial Planning (Item 2)
- J. Guthrie, Deputy Treasurer Taxation (Item 1)
- N. Couvillion, Manager Performance Management & Financial Planning (Item 2)

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

<u>Item No.</u>	<u>Subject</u>	Section – Pursuant to Municipal Act, 2001, as amended
1.	Legal matter – litigation <u>NOTE: See also Item 11.3 on regular agenda</u>	239(2)(e)(f)
2.	Legal matter – agreement	239(2)(k)
3.	Personal matter – labour negotiations – verbal report	239(2)(d)
4.	Personal matter – about an identifiable individual – verbal report	239(2)(b)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

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

Motion Carried.

****SEE NOTE BELOW**

Moved by Councillor Kaschak, seconded by Councillor McKenzie, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held August 4, 2020 directly to Council for consideration at the next Regular Meeting.

Minutes

City Council

Tuesday, August 4, 2020

Page 23 of 23

1. That the in-camera report from the Deputy Treasurer Taxation and Financial Planning, Deputy City Solicitor – Legal and Real Estate, 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 – sale of land **BE RECEIVED**.

2. That the recommendation contained in the in-camera report from the Executive Director of Operations, City Engineer and Corporate Leader Environmental Protection and Transportation, City Solicitor and Corporate Leader Economic Development and Public Safety, City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Resources and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a legal matter – agreement **BE APPROVED**.

Councillors Francis and Gignac voting nay

3. That the confidential verbal report from the City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Resources respecting a personal matter – labour negotiations **BE RECEIVED** and further that Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.

4. That the confidential verbal report from the Mayor respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council

Motion Carried.

**Moved by Councillor Holt, seconded by Councillor Francis,
That the special meeting of council held August 4, 2020 BE ADJOURNED.
(Time: 10:54 a.m.)**

Motion Carried.

****CLERK'S NOTE: The transmittal motion and final votes were held in the open session of Council on August 4, 2020.**