



## CITY OF WINDSOR MINUTES 03/02/2020

### City Council Meeting

Date: Monday, March 02, 2020

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

#### **Members Present:**

##### **Mayor**

Mayor Dilkens

##### **Councillors**

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

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

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### 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 6:08 o'clock p.m.

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

None disclosed.

### 4. ADOPTION OF THE MINUTES

#### 4.1. Adoption of the Special Meeting of Council minutes held January 27, 2020

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

That the minutes of the Special Meeting of Council held January 27, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 84/2020

#### 4.2. Adoption of the Windsor City Council meeting minutes held February 24, 2020

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

That the minutes of the meeting of Council held February 24, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 83/2020

### 5. NOTICE OF PROCLAMATIONS

"Windsor Lions Club's Pledge to Service Week" – March 19-24, 2020

"World Down Syndrome Day" – March 21, 2020

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### Flag Raising Ceremony:

“Windsor Lions Club’s Pledge to Service Week” – March 19-24, 2020

“Pakistan National Day” – March 29, 2020

## 6. COMMITTEE OF THE WHOLE

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

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-law No. 31-2020 through 36-2020 (inclusive).

Carried.

## 7. COMMUNICATIONS INFORMATION PACKAGE

### 7.1. Correspondence for Monday, March 2, 2020

Moved by: Councillor Bortolin

Seconded by: Councillor Costante

Decision Number: CR107/2020

That the following Communication Items 7.1.1 through 7.1.4 inclusive as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Windsor Utilities Commission	2019 City of Windsor Drinking Water Systems Annual Report  City Engineer EI2020 Note & File

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No.	Sender	Subject
7.1.2	Manager of Urban Design	Site Plan Approval, St. Clair Rhodes Development Corp, 1247 Riverside Drive East, proposed 4 storey development with 3 floors office and 4 <sup>th</sup> floor 4 condo units including 126 parking spaces  ZS/13745 Note & File
7.1.3	Manager of Urban Design	Site Plan Approval, Dan Amicone, Architecttura Inc, 1975 Provincial Road, proposed new 45M2 one storey building addition including 5 new parking and 1 loading space  ZS/13749 Note & File
7.1.4	Committee of Adjustment/Consent Authority Agenda Record	Applications to be heard by the Committee of Adjustment/Consent Authority, Thursday, March 5, 2020, 3:30 p.m., Room 204, 2 <sup>nd</sup> floor, Windsor City Hall, 350 City Hall Square West  ZC2020 Note & File

Carried.

Report Number: CMC 5/2020

**7.2. Response to Council Question CQ 2-2020 - Report on Options for 400 Erie St. E. in Regards to Issues Related to Parking - Ward 3**

Moved by: Councillor Bortolin  
 Seconded by: Councillor Gignac

Decision Number: CR108/2020

That the report of the Technologist III dated February 12, 2020 entitled "Response to Council Question CQ2-2020 – Report on Options for 400 Erie St. E. in Regards to Issues Related to Parking" **BE RECEIVED** for information; and further,

That parking **BE ALLOWED** on the west side of Mercer Street year-round; and,

That the proponent **BE ALLOWED** to create parking on the interior of their property subject to a Site Plan approval; and,

That parking **BE ALLOWED** as is along Broadhead Street on the north end of their property, status quo without an encroachment agreement; and,

That 3 parallel parking spots **BE ALLOWED** to exist on the east side of Mercer Street within the 1980 grandfather encroachment agreement in place, and that **THERE BE NO REQUIREMENT** to build up the curb on the east side of Mercer Street.  
Carried.

Report Number: C 26/2020  
Clerk's File: ST2020

## **8. CONSENT AGENDA**

### **8.1. *Development Charges Act Changes - City Wide***

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

Decision Number: CR109/2020

That City Council **APPROVE**, pending provincial regulations, the following recommendations in order to address the impacts of the new Bill 108 *Development Charges Act* changes that came into effect on January 1, 2020:

1. As permitted under Section 26.2 (3) of the *Development Charges Act (DCA)* (as amended), that City Council **AUTHORIZE** the Chief Financial Officer and City Treasurer to apply an annual interest rate charge equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2nd quarter) plus one percent (1%) or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%) to any "frozen" development charges payable with said amounts to be calculated as of the date on which a Site Plan Approval application is deemed complete or, if no Site Plan Approval application is made, the date at which a Zoning By-Law Amendment application for the development is deemed complete and **FURTHER** that said interest charges be applied on or after January 1, 2020 up to the date of payment so as to mitigate the cost impacts to the municipality with a goal of achieving revenue neutrality as compared to the previous DCA regime and;
2. As permitted under Section 26.1 (7) of the DCA, that City Council **AUTHORIZE** the Chief Financial Officer and City Treasurer to apply the following annual interest rate charges to any mandatory deferred DC fees (for rental housing, institutional development and non-profit housing development), payable in installments, in accordance with the *Development Charges Act* Section 26.1 (7) for any development charges that become payable on or after January 1, 2020:
  - a. For development applications that provide financial security in a form of a letter of credit, interest charges will be applied equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at 2nd quarter) plus one percent (1%) or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus one percent (1%) from the date the development charges would have been payable

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under Section 26 of the *Development Charges Act* (i.e. issuance of building permit) up to the date the instalment is paid.

- b. For development applications that have not provided financial security in the form of a letter of credit, interest charges will be applied equal to the greater of the Statistics Canada Building Construction Price Index Non-Residential (annual change as at second quarter) plus five percent (5%) or the Bank of Canada Rate as at June 30<sup>th</sup> of each year plus five percent (5%) from the date the development charges would have been payable under Section 26 of the *Development Charges Act* (i.e. issuance of building permit) up to the date the instalment is paid and;

3. That City Council **AUTHORIZE** the Chief Administrative Officer and City Clerk to execute any other necessary agreements, acceptable in form to the City Solicitor, in technical content to the Chief Building Official, and in financial content to the Chief Financial Officer and City Treasurer or take any other necessary actions related to the administration of the Development Charges By-law and requirements of Bill 108, as deemed appropriate to protect the City's financial interests including a review of the City's Development Charges By-law policies and;

4. That Administration **CONTINUE TO** collaborate with municipal associations and provide feedback to ensure revenue neutrality is preserved and other related risks are mitigated.

Carried.

Report Number: C 11/2020  
Clerk's File: GPL/3905

## **8.2. Revised Emergency Response Plan and By-law - City Wide**

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

Decision Number: CR110/2020

That City Council **APPROVE** the revised Emergency Response Plan for the City of Windsor and amend By-Law #98-2005; and,

That City Council **DELEGATES AUTHORITY** to the CAO to appoint the co-chairs of the Emergency Management Program Committee.

Carried.

Report Number: C 213/2019  
Clerk's File: SWE/3069

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### 8.3. Riverside Minor Baseball Parking Lot Improvements Tender 12-20

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

Decision Number: CR111/2020

That Council **APPROVE** a pre-commitment of funds in the amount of \$200,000 from Parking Lot Capital Upgrades PFO-013-12 in 2022 in order to complete the Riverside Baseball Parking Lot Project; and further,

That the Chief Administrative Officer **APPROVE** the Construction of the parking lot at Riverside Minor Baseball Park as per Tender No. 12-20 in the amount of \$342,104.35 (plus HST), submitted by Total Source Contracting; and further,

That the CAO and the City Clerk **BE AUTHORIZED** to sign a contract with Total Source Contracting as per Tender No. 12-20 in the amount of \$342,104.35 (plus HST) satisfactory in form to the City Solicitor, in technical content to the Corporate Leader of Parks, Recreation & Culture and Facilities and in financial content to the City Treasurer and Chief Financial Officer; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all agreements or contracts with successful vendors / proponents / bidders relating to work on the Riverside Minor Baseball Park approved projects so long as they are within the approved budget, satisfactory in technical content for all projects to the Corporate Leader for Parks, Recreation & Culture and Facilities, in financial content to the City Treasurer, and in legal form to the City Solicitor.  
Carried.

Report Number: C 28/2020

Clerk's File: SR/13742

### 9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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

#### 10.1. ERCA-At-A-Glance and 2019 Annual Report

**Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA)**

Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA), appears before Council to provide an overview of their 2019 Annual Report, including its mission, highlights, upcoming strategic initiatives, and the annual budget along with the city's contribution towards that budget.

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Moved by: Councillor McKenzie  
Seconded by: Councillor Gignac

Decision Number: CR113/2020

That the Essex Region Conservation Authority (ERCA) At-A-Glance and 2019 Annual Report and Presentation by Richard Wyma, General Manager/Secretary-Treasurer **BE RECEIVED** for information.

Carried.

Report Number: SCM 62/2020  
Clerk's File: EI/13741

#### **8.4. Windsor Deep Energy Efficiency Retrofit Program**

##### **Peter Garforth, Garforth International llc, Energy Productivity Solutions**

Peter Garforth, Garforth International llc, Energy Productivity Solutions, appears before Council and is available for questions regarding the "Windsor Residential Deep Energy Efficiency Retrofit Program."

Moved by: Councillor McKenzie  
Seconded by: Councillor Morrison

Decision Number: CR112/2020 ETPS 737

1. That the report of the Community Energy Plan Administrator dated January 3, 2020 entitled Windsor Residential Deep Energy Efficiency Retrofit Program **BE RECEIVED** for information.
2. That City Council **RECEIVE** the attached Final Report of the Project Working Team led by Garforth International LLC: City of Windsor Residential Deep Energy Efficiency Retrofit Program.
3. That Administration **REPORT BACK** with a detailed review of corporate risks, benefits, grant opportunities and other relevant program details for Council's consideration prior to the development of Windsor's Residential Deep Energy Efficiency Retrofit (R-DEER) Business Plan.

Carried.

Report Number: SCM 63/2020 & S 1/2020  
Clerk's File: EI/10822

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

None.



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### 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 McKenzie  
Seconded by: Councillor Morrison

Decision Number: CR114/2020

That the report of the In Camera meeting held March 2, 2020 **BE ADOPTED** as presented.  
Carried.

Clerk's File: ACO2020

### 13. BY-LAWS (First and Second Reading)

Moved by: Councillor Sleiman  
Seconded by: Councillor Bortolin

That the following By-laws No. 31-2020 through 36-2020 (inclusive) be introduced and read a first and second time:

**31-2020** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR401/2003, CR274/2006 & CR223/2009, adopted June 16, 2003, May 29, 2006 & June 15, 2009.

**32-2020** A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN PLAN OF SUBDIVISION 12M-664 IN THE CITY OF WINDSOR authorized by By-law 139-2013, adopted August 26, 2013.

**33-2020** A BY-LAW TO AMEND BY-LAW 49-2018, BEING A BY-LAW RESPECTING THE ISSUANCE OF VARIOUS PERMITS AND THE SCHEDULING OF INSPECTIONS authorized by B 55/2020, adopted January 27, 2020.

**34-2020** A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF PLANNING APPLICATIONS authorized by B 55/2020, adopted January 27, 2020.

**35-2020** A BY-LAW TO AMEND BY-LAW NUMBER 392-2002, BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF FEES AND CHARGES authorized by B 55/2020, adopted January 27, 2020.

**36-2020** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 2nd DAY OF MARCH, 2020.  
Carried.

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### 14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Costante  
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 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 Gignac  
Seconded by: Councillor Holt

That the By-laws No. 31-2020 through 36-2020 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 5-2020

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

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Decision Number: CR115/2020

That the following Council Question by Councillor Costante **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 5-2020:

### Assigned to City Engineer

Asks that administration investigate and report back on the possibility of increasing the number of on-street Paid for Parking spots in the Wyandotte West business area, particularly in the first areas north and south of Wyandotte in place of residential permitted locations. The report shall include an analysis on projected revenues and the effects of lost residential spots.

Carried.

Clerk's File: ST2020

## 18.4. CQ 6-2020

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: CR116/2020

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

CQ 6-2020:

### Assigned to City Engineer

Asks that administration report back to Council on the merits of allowing new residential parking permit areas within the city and what the process should be with regards to requesting new locations and conditions to be met for approval.

Carried.

Clerk's File: ST2020

## 18.5. CQ 7-2020

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: CR117/2020

That the following Council Question by Councillor Kaschak **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council

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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 7-2020:

**Assigned to City Engineer**

Asks that if Council decides to move forward with reducing the speed limit to 40 km/h on all city residential streets, that administration advise of the timelines and cost to implement this across the city.

Carried.

Clerk's File: ST2020

**21. ADJOURNMENT**

Moved by: Councillor Bortolin

Seconded by: Councillor Costante

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 6:38 o'clock p.m.

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Mayor

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City Clerk

**SPECIAL MEETING OF COUNCIL – IN CAMERA**  
**March 2, 2020**

**Meeting called to order at: 5:36 p.m.**

**Members in Attendance:**

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

**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  
J. Wilson, Corporate Leader, Parks, Facilities, Recreation and Culture  
A. Teliszewsky, Mayor's Chief of Staff  
P. Brode, Senior Legal Counsel (Item 5)

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

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**5. Property Matter – proposed/pending acquisition of land**

**Motion Carried.**

Verbal Motion is presented by Councillor Gignac, seconded by Councillor McKenzie, 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.	Personal matter – about an identifiable individual	2 3 9 ( 2 ) ( b )
2.	Legal matter – litigation update	2 3 9 ( 2 ) ( e ) ( f )
3.	Personal matter – labour negotiations update – verbal report	2 3 9 ( 2 ) ( d )
4.	Personal matter – labour negotiations update – verbal report	2 3 9 ( 2 ) ( d )
5.	Property matter – proposed/pending acquisition of land – ADDED at meeting	2 3 9 ( 2 ) ( c )

**Motion Carried.**

**Declarations of Pecuniary Interest:**

None declared.

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

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

**Motion Carried.**

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**Moved by Councillor Gignac, seconded by Councillor Costante,  
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held March 2, 2020 directly to Council for consideration at the next Regular Meeting.**

1. That the confidential report from the Senior Manager of Parks, Corporate Leader, Parks, Facilities, Recreation and Culture and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a personal matter about an identifiable individual **BE RECEIVED** and further Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.

2. That the recommendation contained in the in-camera report from the City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a legal matter – litigation update **BE APPROVED**.

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 update **BE RECEIVED**.

4. 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 update **BE RECEIVED**.

5. That the verbal report from the Corporate Leader, Parks, Facilities, Recreation and Culture and Senior Legal Counsel respecting a property matter – proposed/pending acquisition of land **BE RECEIVED** and that Administration **PROCEED** on the verbal direction of Council.

**Motion Carried.**

**Moved by Councillor Holt, seconded by Councillor McKenzie,  
That the special meeting of council held March 2, 2020 BE ADJOURNED.  
(Time: 5:59 p.m.)  
Motion Carried.**