



## CITY OF WINDSOR MINUTES 01/18/2021

### City Council Meeting

Date: Monday, January 18, 2021

Time: 10:30 o'clock a.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 - Councillor Gill

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

**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.

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### 1. ORDER OF BUSINESS

### 2. CALL TO ORDER

The Mayor calls the meeting to order at 10:33 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 December 21, 2020

Moved by: Councillor Bortolin

Seconded by: Councillor Costante

That the minutes of the meeting of Council held December 21, 2020 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 20/2021

### 5. NOTICE OF PROCLAMATIONS

None presented.

### 6. COMMITTEE OF THE WHOLE

Moved by: Councillor Francis

Seconded by: Councillor Gignac

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;

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(f) consideration of Committee reports:

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

(h) consideration of by-laws 1-2021 through 21-2021 (inclusive).

Carried.

## 7. COMMUNICATIONS INFORMATION PACKAGE

### 7.1. Correspondence Monday, January 18, 2021

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR4/2021

That the following Communication Items 7.1.1 through 7.1.3, 7.1.5, 7.1.6, and 7.1.8 through 7.1.13 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted, that Item 7.7 be dealt with during regular business, and that Items 7.1.7 and 7.1.4 be dealt with as follows:

#### 7.1.7 Letter regarding a newly-formed conservation authorities working group

Moved by: Councillor Gignac

Seconded by: Councillor Francis

Decision Number: CR5/2021

That the correspondence from the Minister of the Environment, Conservation and Parks dated January 11, 2021 regarding "Ontario Moves Forward with Conservation Authorities Working Group" **BE RECEIVED**; and further,

That Administration **BE DIRECTED** to send a letter to the Ministry requesting that there be representation from the Essex Region Conservation Authority, so that the region has a voice on the newly-formed conservation authorities working group, and to monitor and apprise Windsor City Council on any possible impacts that develop as a result of this working group.

Carried.

Clerk's File: EI2021

#### 7.1.4 Letter regarding the next census, which will take place in May 2021. Letter asks for support to increase awareness of the census among residents by adopting a council resolution

Moved by: Councillor Costante

Seconded by: Councillor Francis

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Decision Number: CR6/2021

That the correspondence from the Director General, Census Management Office dated January 13, 2021 regarding “2021 Census of Population” **BE RECEIVED**; and further,

That the Council of the Corporation of the City of Windsor **SUPPORTS** the 2021 Census, and encourages all residents to complete their census questionnaire online at [www.census.gc.ca](http://www.census.gc.ca), as accurate and complete census data support programs and services that benefit our community.  
 Carried.

Clerk’s File: GF2021

No.	Sender	Subject
7.1.1	Minister of Transport	Letter in response to correspondence regarding NAV Canada’s aeronautical study  Chief Executive Officer, Your Quick Gateway (Windsor) Inc. MTA2021 Note & File
7.1.2	Town of Tecumseh	Letter expressing opposition to the review by Navigation Canada (NAV Canada) for the possible removal of Windsor International Airport air traffic controllers  Chief Executive Officer, Your Quick Gateway (Windsor) Inc. MTR/13933 Note & File
7.1.3	Member of Parliament, New Westminster - Burnaby	Letter regarding Bill C-213, An Act to Enact the Canada Pharmacare Act. Letter requests the consideration of a council resolution (included in letter) and signing of the e-petition (link included in letter)  Commissioner of Development & Health GF2021 COUNCIL DIRECTION REQUESTED, otherwise Note & File

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No.	Sender	Subject
7.1.4	Statistics Canada / Government of Canada	Letter regarding the next census, which will take place in May 2021. Letter asks for support to increase awareness of the census among residents by adopting a council resolution (included in letter)  City Planner Senior Manager of Communications & Customer Service GF2021 COUNCIL DIRECTION REQUESTED, otherwise Note & File
7.1.5	Local Planning Appeal Tribunal	Local Planning Appeal Tribunal will conduct a Case Management Conference by video at 10:00 a.m. on February 12, 2021 re: A & M Chams v. City of Windsor, Land Compensation, 6642 Tecumseh Rd. E., Case No. LC110040  Deputy City Solicitor City Planner SPL2021 Note & File
7.1.6	Local Planning Appeal Tribunal	Local Planning Appeal Tribunal will conduct a hearing by video at 10:00 a.m. on March 23, 2021 re: Power Cycle Inc. v. Windsor (City), Land Compensation, 3140 Walker Rd., Case No. LC150015  Deputy City Solicitor City Planner APM2021 Note & File
7.1.7	Minister of the Environment, Conservation and Parks	Letter regarding a newly-formed conservation authorities working group  City Engineer EI2021 Note & File
7.1.8	Minister of Transportation	Letter regarding the launch of the 2020-21 Gas Tax Program and the City's funding allocation  Executive Director of Transit Windsor City Engineer Chief Financial Officer / City Treasurer AFB/11080 Note & File

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No.	Sender	Subject
7.1.9	Minister of Municipal Affairs and Housing	Letter regarding the new provincial funding announced on December 10, 2020  Executive Director of Housing & Children's Services Executive Director of Employment & Social Services Commissioner of Development & Health Chief Financial Officer / City Treasurer GH/11710 Note & File
7.1.10	Manager of Urban Design	Site Plan Control (SPC) applications: <ul style="list-style-type: none"><li>• Baker Investments Limited, 8380-8474 Wyandotte St. E., Proposing a three storey, 52 unit apartment building with access to existing adjacent retail plaza</li><li>• Jean Haidar, 4558 Ontario St., Proposing to construct a four unit multiple dwelling building with associated parking provided in the rear yard, accessed from the alley</li><li>• Fortis Group Construction Inc., 3805, 3809, 3813 &amp; 3817 Howard Ave., Proposing a 3,199.1 square meter mixed-use commercial &amp; residential development, 4-stories in building, including 78 residential units, 669.4 square metres of ground floor commercial space, 2 enclosed parking garages for 10 &amp; 6 vehicles respectively, and a 124 space parking area on grade</li><li>• Petretta Construction, 4440 Tecumseh Rd. E., New medical office resulting from the exterior and interior renovations of the existing building</li></ul> ZS/14018 ZS/14019 ZS/13733 ZS/14020 Note & File
7.1.11	City Planner / Executive Director	Application for Zoning Amendment, 2593885 Ontario Ltd., 131 Elliott St. W., Application to amend Zoning By-law 8600 to allow for hotel use with four (4) units on the 2 <sup>nd</sup> floor (formerly bed & breakfast units)  ZB/14022 Note & File

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No.	Sender	Subject
7.1.12	City Planner / Executive Director	Application for Zoning Amendment, Donato DiGiovanni, 1631 Riverside Dr. E., Application to amend Zoning By-law 8600 to allow a proposed four-unit residential rental dwelling  ZB/14023 Note & File
7.1.13	Committee of Adjustment / Consent Authority	Applications to be heard by the Committee of Adjustment / Consent Authority, Thursday, January 28, 2021, 3:30 p.m., through Electronic Meeting Participation  Z2021 Note & File

Carried.

Report Number: CMC 1/2021

### 7.2. Windsor Canada Utilities - 1st, 2nd & 3rd Quarter 2020 Financial Statements - City Wide

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR7/2021

That City Council **RECEIVE** for information, the Windsor Canada Utilities Ltd. 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Quarter 2020 Financial Statements.

Carried.

Report Number: C 247/2020

Clerk's File: AF2021

### 7.3. Update on submission to ICIP COVID and Safe Restart Transit Grant Programs

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR8/2021

That the report of Senior Manager of Asset Planning dated December 18, 2020 entitled "Update on submission to ICIP COVID and Safe Restart Transit Grant Programs" **BE RECEIVED**.

Carried.

Report Number: CM 31/2020

Clerk's File: MH/13786

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### 7.4. 2020 Audit Planning Report

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR9/2021

That City Council **RECEIVE FOR INFORMATION** the 2020 KPMG Audit Planning Report for the year ending December 31, 2020.

Carried.

Report Number: C 249/2020

Clerk's File: AF2021

### 7.5. On-Street Parking Near Auto-Centric Businesses - City Wide

Moved by: Councillor Bortolin

Seconded by: Councillor Holt

Decision Number: CR10/2021

That the report of Senior Legal Counsel dated November 20, 2020 entitled "On-Street Parking Near Auto-Centric Businesses" **BE RECEIVED**; and further,

That administration **BE DIRECTED** to prepare an amendment to Parking By-law 9023 to address the issue of on-street parking near auto-centric businesses.

Carried.

Report Number: C 232/2020

Clerk's File: AB2021

### 7.6. Engineering/Architectural Consultants Engaged via Roster – January 1 2020 to June 30 2020 "CITY WIDE"

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR11/2021

That the report of the Purchasing Manager dated September 25, 2020 2020 entitled "Engineering/Architectural Consultants Engaged via Roster – January 1 2020 to June 30 2020 "CITY WIDE"" **BE RECEIVED** by Council for information in compliance with section 163 of Bylaw 93-2012 (the "Purchasing Bylaw").

Carried.

Report Number: CM 21/2020

Clerk's File: SW/13041



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### 7.8. Ministry of Labour (MOL) Orders issued to the Corporation November 5th 2020 - City Wide

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR14/2021

That City Council **RECEIVE FOR INFORMATION** this report from the Executive Director of Human Resources with respect to a site visit and subsequent order issued by the Ontario Ministry of Labour (MOL) to the Corporation by the MOL related to a critical injury sustained by a member of the Windsor Fire and Rescue Services Training Division on November 5<sup>th</sup> 2020; and further,

That Council and Administration **BE MADE AWARE** that Windsor Fire and Rescue Services (WFRS) and the Human Resources Department have taken action to address this order and in doing so the Corporation did not appeal this order.

Carried.

Report Number: CM 30/2020

Clerk's File: GP2021

## 8. CONSENT AGENDA

### 8.1. 2020 Vesting Considerations

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR1/2021

As relates to the properties located at:

0 Curry	Roll Number	37 39 080 600 11704
0 Askin	Roll Number	37 39 080 500 05303
0 Tranby	Roll Number	37 39 060 300 03001
1028-1030 Drouillard	Roll Number	37 39 010 100 09800
0 Dodsworth	Roll Number	37 39 080 830 48500

That City Council **AUTHORIZE** the properties noted above be vested in the name of the Municipality; and,

That City Council **AUTHORIZE** the City Treasurer/designate to remove from the tax roll property taxes estimated in the amount of \$181,634 (inclusive of education tax) plus any additional levies or penalties that may be added from the date of this report until the date of actual removal and the amount be funded as charges as follows:

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- \$59,788 to be charged to the Property Acquisition through Vesting capital project (Project ID #7171059),
  - \$105,782 to be charged against the provision for property tax write-off (Dept ID #0224140) and,
  - approximately \$16,064 to be recovered by way of a charge back to the Province.

That City Council **AUTHORIZE** all future costs associated with the ongoing ownership of the vested properties held for sale, until such time as the properties can be sold, be charged to the Property Acquisition through Vesting capital project (Project ID #7171059); and,

That City Council **DIRECT** that future proceeds from the subsequent sale of the vested properties held for sale be credited to the Property Acquisition through Vesting capital project (Project ID #7171059); and,

That City Council **AUTHORIZE** the future costs associated with the ongoing ownership of the properties that cannot be sold and for which there is no municipal use be charged to available operating budgets.

Carried.

Report Number: C 205/2020

Clerk's File: AF2021

## 8.2. Municipal Funding Requirements for Windsor Essex Community Housing Corportion Capital Projects - City Wide

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR15/2021

That the CAO and City Clerk **BE AUTHORIZED** to execute a Contribution Agreement between the City and the Windsor Essex Community Housing Corporation that confirms the City's commitment, as shareholder, with regards to the funding and conditions thereon that have been approved to support the Meadowbrook Development provided the agreement is in a form satisfactory to the City Solicitor and satisfactory in financial and technical content to the City Treasurer; and,

That the CAO and City Clerk **BE AUTHORIZED** to execute a rent supplement agreement between the City, as Service Manager, and the Windsor Essex Community Housing Corporation that confirms an annual allocation of \$240,000 dedicated to the Meadowbrook Development for an eight-year period starting in 2022; provided the agreement is in a form satisfactory to the City Solicitor; satisfactory in financial content to the City Treasurer and satisfactory in technical content to the Executive Director of Housing and Children's Services; and,

That City Council **AUTHORIZE** Windsor Essex Community Housing Corporation to proceed to secure a repayable loan through Canada Mortgage and Housing Corporation Co-Investment Fund to a maximum of \$54 million to be used for purposes of the Repair and Renew capital project; debt

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servicing (principal and interest payments) for this repayable loan to be funded from future municipal operating subsidies which are cost shared with the County; and,

That City Council **AUTHORIZE** that a municipal guarantee be provided to Canada Mortgage and Housing Corporation for the performance of the project development in the established timeline and within the approved budget as well as both the nonrepayable and repayable loans provided to the Windsor Essex Community Housing Corporation which will be used for purposes of the Repair and Renewal capital project;and,

That the CAO and City Clerk be **AUTHORIZED** to execute a guarantee agreement in the form acceptable to Canada Mortgage and Housing Corporation subject to review for legal content by the City Solicitor and financial and technical content by the City Treasurer; and,

That the CAO and City Clerk **BE AUTHORIZED** to execute any additional agreements which may be requested of the City and the Windsor Essex Community Housing Corporation as it relates to the funding and commitments of projects which are jointly funded by the Canada Mortgage and Housing Corporation provided the agreements are in a form satisfactory to the City Solicitor; satisfactory in financial content to the City Treasurer and satisfactory in technical content to either the City Treasurer or the Executive Director of Housing and Children's Services; and,

That City Council **APPROVE** the following to establish a framework to support the City's current and ongoing capital contribution to the Repair and Renewal project:

- a) A reserve account (CHC Capital Funding) **BE ESTABLISHED** for the purpose of tracking the City's annual funding for capital expenditures solely related to the Windsor Essex Community Housing repair and renew project being funded in part by the Canada Mortgage and Housing Corporation estimated to be completed by 2028
- b) That the City's portion of the annual budget approval for capital funding, currently included in the Windsor Essex Community Housing Corporation operating budget, **BE REDIRECTED** annually to the CHC Capital Funding reserve account.
- c) That project HCS-001-14 be used to track all expenditures related to the Windsor Essex Community Housing Corporation repair and renewal capital project.
- d) That the CFO and City Treasurer **BE AUTHORIZED** to allocate draws from the CHC Capital Funding reserve as required to fund approved expenditures incurred through Project HCS-001-14.
- e) That a pre-commitment of City funding **BE APPROVED** in principle within the upcoming five year window (2021 to 2025) for Project HCS-001-14 for immediate use.
- f) That the CFO and City Treasurer (or designate) **BE AUTHORIZED** to provide the Windsor Essex Community Housing Corporation with the necessary funding from Project HCS-001-14 upon request of the CFO of the Windsor Essex Community Housing Corporation satisfactory in form to the City Treasurer or designate and as confirmed by the Executive Committee.

That City Council **REFER** the proposed capital funding plan (Option 2) that will address the additional capital request in the amount of \$40.1 million required to support and complete the

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Repair and Renewal plan as requested by the Windsor Essex Community Housing Corporation to the 2023 Capital Budget review and deliberation process; and,

That City Council **APPROVE** Administration's recommendation to establish an open line of credit, to be provided by the City to a maximum amount of \$50 million dollars (\$50,000,000) to its wholly owned subsidiary, Windsor Essex Community Housing Corporation; and,

That the CAO and City Clerk **BE AUTHORIZED** to execute an agreement for purposes of the open line of credit and any other related security documents with the Windsor Essex Community Housing Corporation, provided the agreement and/or document is in a form satisfactory to the City Solicitor and satisfactory in financial and technical content to the City Treasurer; and,

That the City Solicitor or designate **BE AUTHORIZED** to prepare and register the appropriate security documents as part of the recommendations noted above.

Carried.

Report Number: C 191/2020

Clerk's File: AF2021

### 8.3. Capital Variance Report - September 30, 2020 - City Wide

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR16/2021

1. That City Council **RECEIVE** for information the 2020 Life-to-Date Capital Variance Report as at September 30, 2020 as presented by the Chief Financial Officer / City Treasurer; and,
2. That City Council **APPROVE** the transfers to and from capital projects/reserves as identified within Appendix A – Summary of Capital Project Variances; and,
3. That Federal Gas Tax (Fund 176) funding identified and committed for the Connecting Links – Intake 5 (OPS-009-20) project be **EXCHANGED** for an equivalent amount of Service Sustainability (Fund 221) funding in the City-wide Road Rehabilitation (OPS-001-07) project as follows:
  - 2021: \$915,000
  - 2022: \$915,000
  - 2023: \$919,930

Carried.

Report Number: C 251/2020

Clerk's File: AF2021

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### 8.4. Proposed Local Improvements for the East Marsh Drainage Redirection Project Ward 7

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR17/2021

- I. That Council **APPROVE** the construction of curb and gutters on John M Street, between Menard Street and Clairview Avenue, as shown on attached Drawing C-3595 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act* and that Notice of Intention to Pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners, in accordance with Section 6 of O. Reg. 586/06 and attached report of the City Engineer; and,
- II. That Council **APPROVE** the construction of sidewalks and streetlights on Menard Street, between Florence Avenue and Elinor Street, as shown on attached Drawing C-3594 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act* and that Notice of Intention to Pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners, in accordance with Section 6 of O. Reg. 586/06 and attached report of the City Engineer; and,
- III. That Council **APPROVE** the construction of curb and gutters on Elinor Street, between Wyandotte Street East and Clairview Avenue, as shown on attached Drawing C-3597 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act* and that Notice of Intention to Pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners, in accordance with Section 6 of O. Reg. 586/06 and attached report of the City Engineer; and,
- IV. That Council **APPROVE** the construction of curb and gutter on Clover Street, between Wyandotte Street East and Clairview Avenue, as shown on attached Drawing C-3596 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act* and that Notice of Intention to Pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners, in accordance with Section 6 of O. Reg. 586/06 and attached report of the City Engineer; and,
- V. That Council **APPROVE** the construction of streetlights and curb and gutter on Clairview Avenue, between Florence Avenue and Adelaide Avenue, as shown on attached Drawing C-3598 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act* and that Notice of Intention to Pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners, in accordance with Section 6 of O. Reg. 586/06 and attached report of the City Engineer; and,
- VI. That City Council **APPROVE** the rehabilitation of John M Street, Elinor Street, Clover Street and Clairview Avenue through a City initiated local improvement ahead of the local roads previously

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approved by Council (CR317/2019) due to the schedule commitments through the Disaster Mitigation Adaptation Fund (DMAF) program; and,

- VII. That 30 days after giving Notice of Intention to Pass a Local Improvement By-Law, Council **PASS** a By-Law for the construction of the municipal services identified in the above recommendations on John M Street, Menard Street, Elinor Street, Clover Street and Clairview Avenue as a local improvement, unless an affected property owner files an objection with the Clerk to the work being undertaking as a local improvement. If an objection is filed, the City will not apply to LPAT for approval of these local improvement works, and therefore the local improvement works will not proceed; and,
- VIII. That the net City costs as identified in this report **BE FUNDED** from Project ID #7205000 – DMAF East Marsh Road Drainage Redirection.  
Carried.

Report Number: C 1/2021  
Clerk's File: SW2021

### 8.5. Local Improvement (City Initiated) - Proposed Sanitary Sewer on Mark Avenue from Campbell Avenue to Algonquin Street – Ward 10

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

Decision Number: CR18/2021

- I. That Council **APPROVE** the construction of a sanitary sewer and private drain connection on Mark Avenue from Campbell Avenue to Algonquin Street, as shown on attached Drawing C-3592 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act*, with repayment term not to exceed 10 years at an interest rate deemed appropriate by Administration, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners, including the intention to apply to the Local Planning Appeal Tribunal under section 8 of O. Reg. 586/06 for approval to undertake the work as a local improvement, in accordance with the attached report of the City Engineer.
- II. That 30 days after giving Notice of Intention to Pass a Local Improvement By-Law, Council **PASS** a By-Law for the construction of sanitary sewer and private drain connections on Mark Avenue from Campbell Avenue to Algonquin Street as a local improvement in accordance with Section 5 of O. Reg. 586/06, unless any affected owner files an objection with the Clerk to the work being undertaking as a local improvement.
- III. That the net City costs of approximately \$1,211,950 **BE FUNDED** from Project ID #7159000 – Local Improvement Sanitary.
- IV. That Council **APPROVE** as a local improvement works on private property under the provisions of Part III of O. Reg. 586/06 under the *Municipal Act*, for the decommissioning of septic systems and construction of sanitary private drain connections on private property, to be completed by

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the property owners. This applies to the properties abutting Mark Avenue from Campbell Avenue to Algonquin Street when property owners request and consent to this work and that Notice of Intention to pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners in accordance with section 36.6 of O. Reg. 586/06.

- V. That for local improvement works on private property, the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign agreements, not to exceed 20 years, with property owners that consent to their lots being specially charged to raise the cost of the work related to decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Mark Avenue from Campbell Avenue to Algonquin Street which agreement shall be satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer.
- VI. That for local improvement works on private property, Council **BE AUTHORIZED** to pass by-laws as required for the decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Mark Avenue from Campbell Avenue to Algonquin Street as a local improvement in accordance with Part III of O. Reg. 586/06 under the *Municipal Act*; and at an interest rate deemed appropriate by Administration.

Carried.

Report Number: C 253/2020

Clerk's File: SW2021

### **8.6. Local Improvement - Proposed Construction of Storm Sewer, Curb and Gutter, LED Street Lighting, and Boulevard Restoration on Randolph Avenue from Cleary Street to Northwood Street**

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR19/2021

- I. That Council **APPROVE** the construction of storm sewer, curb and gutter, LED street lighting, pavement reconstruction, and boulevard restoration on Randolph Avenue between Cleary Street and Northwood Street, as shown on attached Drawing C-3399 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act*, with repayment term not to exceed 10 years at an interest rate deemed appropriate by Administration, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners under section 8 of O. Reg. 586/06 for approval to undertake the work as a local improvement, in accordance with the attached report of the City Engineer.
- II. That the net City costs of approximately \$1,331,505 **BE FUNDED** from Project ID #7171002 – Local Improvement - Infrastructure.
- III. That 30 days after giving Notice of Intention to Pass a Local Improvement By-law, Council **PASS** a By-law for the construction of storm sewer and private drain connections on

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Randolph Avenue from Cleary Street to Northwood Street as a local improvement in accordance with Section 5 of O. Reg. 586/06, unless any affected owner files an objection with the Clerk to the work being undertaken as a local improvement.

Carried.

Report Number: C 250/2020  
Clerk's File: SW2021

### 8.7. Amend CR1301/2001 - Alley Abutting Properties on Woodward Boulevard

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

Decision Number: CR20/2021

I. That Council Resolution 1301/2001 **BE AMENDED** by deleting a), b) and c) and substituting the following therefor:

- a) Easements be retained in favour of Bell Canda, Cogeco Cable Systems Inc.;
- b) The lands are to be conveyed at:
  - 1. For alley abutting lands zoned Residential RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
  - 2. For alley abutting lands zoned Residential RD3.1: \$236.80 per square metre without easements or \$118.40 with easements plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;
- c) That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- d) 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; and,
- e) That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Report Number: C 234/2020  
Clerk's File: SAA2021

### 8.8. Repeal of By-Law 10189 – Part of the north/south alley next east of Crawford Avenue, north of Wyandotte Street West - Ward 3

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie



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### √CLERK'S CORRECTION\*\*

Decision Number: CR21/2021

- I. That By-Law 10189, as amended by By-law 168-2008 (collectively, the "By-Law"), applying to the closing of a portion of the north/south alley next east of Crawford Avenue, north of Wyandotte Street East, as shown on the aerial diagrams attached as ~~Appendix B~~ √Appendix C (the "Alley"), to be conveyed to the abutting owners, **BE REPEALED**.
- II. That the City Solicitor or designate **BE REQUESTED** to prepare the necessary by-law(s).
- III. 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.
- IV. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: C 238/2020  
Clerk's File: SAA2021

### **8.9. Declaring Part of the north/south alley west of Caron Avenue, from Park Street West Northerly, closed by By-Law 7224, as an Unassumed Alley - Ward 3**

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

Decision Number: CR22/2021

- I. That a portion of the north/south alley west of Caron Avenue, from Park Street West northerly, closed by By-Law 7224 (the "**By-Law**"), being all of PIN 01197-0430, as shown on the aerial diagrams attached as Appendix B (the "**Alley**"), **BE DECLARED** an unassumed alley.
- II. That the City Solicitor or designate **BE REQUESTED** to prepare the necessary by-law(s).
- III. 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.
- IV. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: C 246/2020  
Clerk's File: SAA2021

### **8.10. Response to CQ 1-2020 – Facilitating the Transition to Electric Vehicles - City Wide**

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

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Decision Number: CR23/2021 ETPS 795

That the report of the Executive Initiatives Coordinator dated October 21, 2020 entitled "Response to CQ 1-2020 – Facilitating the Transition to Electric Vehicles- City Wide" **BE RECEIVED**; and further,

That the Province of Ontario **BE PETITIONED** to reconsider the electric rebate program, as well as changes to the Ontario Building Code making Electric Vehicle charging rough-ins mandatory in new construction.

Carried.

Report Number: SCM 356/2020 & S 147/2020

Clerk's File: SW/13715

### 8.12. Transport Terminal Land Use Study - City Wide - Tabling

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR25/2021 DHSC 225 DHSC 211

That the tabled Transport Terminal Land Use Study, attached as Appendix A, **BE RECEIVED** for information.

Carried.

Report Number: SCM 1/2021 & S 146/2020

Clerk's File: Z/13528

### 8.16. Zoning By-law Amendment Application for 1004 Pearson Avenue located at the southeast corner of Pearson and Beverly Glen; Applicant: 1027458 Ontario Inc. File No. Z-028/20 [ZNG/6187]; Ward 7

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR29/2021 DHSC 230

That an amendment to the Zoning By-law 8600 **BE APPROVED**, to change the zoning of the lands located at the southeast corner of Pearson Avenue and Beverly Glen Street, described as Part of Lots 41 and 42, Registered Plan 12M515, designated as Parts 1, 6 & 7, 12R-27363 and northerly portion of Parts 2, 5 & 8 on 12R-27363, from Green District 1.1 (GD1.1) to Residential District 2.3 (RD2.3).

Carried.

Report Number: SCM 4/2021 & S 172/2020

Clerk's File: ZB/13951

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### 8.20. 2020 Updates on the Implementation of the Walkerville Heritage Conservation District Study (Ward 4)

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR32/2021 DHSC 234

- I. That the report of the Heritage Planner regarding 2020 Updates on the Implementation of the Walkerville Heritage Conservation District Study **BE RECEIVED** for information.
- II. That available funds in the Capital Project 7086006 (Heritage Planning) **BE APPROVED** for the funding of the Walkerville Heritage Conservation District Study.

Carried.

Report Number: SCM 8/2021 & S 169/2020

Clerk's File: MT2020

### 8.21. Ford City CIP/Building Facade Improvement CIP-1008 Drouillard Rd

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR33/2021 DHSC 235

- I. That the request for incentives under the Ford City CIP Financial Incentive Programs made by 2594756 Ontario Ltd. (c/o Kyle MacDonald), owner of the property located at 1008 Drouillard Road **BE APPROVED**, for the following incentive programs:
  - i. *Retail Investment Grant in the amount of \$15,000 per ground floor retail unit*;
  - ii. *Municipal Development Fees Grant in the amount of +/- \$1,503.00*
  - iii. *Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years (amount to be determined if eligible)*;
- II. That subject to completion and review satisfactory to the City Planner, the request made by 2594756 Ontario Ltd. (c/o Kyle MacDonald), owner of the property located at 1008 Drouillard Road, **BE APPROVED** for grants totalling a maximum of \$15,000 in principle under the *Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan*;
- III. That should the renovations result in an increased assessment which would make this application eligible for a property tax increment grant, Administration **BE DIRECTED** to prepare the agreement between the City and 2594756 Ontario Ltd. (c/o Kyle MacDonald) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements 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;

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- IV. That the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;
- V. That grants **BE PAID** to 2594756 Ontario Ltd. (c/o Kyle MacDonald) upon completion of improvements to the interior/exterior of the building through capital project 7181046 (The Ford City CIP) and facade improvements through reserve fund 156 (Community Facade Improvement Program) to the satisfaction of the City Planner and Chief Building Official;
- VI. That grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
- VII. That the *Building/Property Improvement Tax Increment Grant Program* identified in Section 5.1 IMPLEMENTATION of the Ford City Community Improvement Plan (CIP) under Program Details **BE REVISED** to reduce the annual grant (or tax increment) from at least \$2,500 to \$500 for properties that are taxed at the “residential” tax rate; and to reduce the annual grant (or tax increment) from at least \$5000 to \$1000 for all other tax categories.

Carried.

Report Number: SCM 9/2021 & S 142/2020  
Clerk's File: Z/13251

### **8.22. Request for exemption from Section 45(1.3) of the *Planning Act* to allow a Minor Variance for 525 & 535 Cabana Road E -Ward 9**

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

Decision Number: CR34/2021 DHSC 236

1. That the site located at 525 & 535 Cabana Road East, Part of Lot 15, Concession 5, situated on the south side of Cabana Road East, **BE EXEMPTED** from the mandatory two-year period where no applications for minor variance are permitted following a zoning bylaw amendment under Section 45 (1.3) of the *Planning Act*, as per authority granted to Council under Section 45 (1.4) of the *Planning Act*.

Carried.

Report Number: SCM 10/2021 & S 154/2020  
Clerk's File: ZS/12438

### **8.23. Close and Convey Part of the North/South Alley Between Dougall Ave and Church St, From Liberty St to Beals St W - SAA/6064 - Applicant: Raminderpreet Sidhu - Ward 1**

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

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Decision Number: CR35/2021 DHSC 237

- I. That the 4.27 metre wide north/south alley located on the south side of Liberty Street and north of Beals Street West, between Dougall Avenue and Church Street, and shown on Drawing No. CC-1771 *attached as Appendix "A"*, **BE ASSUMED** for subsequent closure.
- II. That the 4.27 metre wide north/south alley located on the south side of Liberty Street and north of Beals Street West, between Dougall Avenue and Church Street, and shown on Drawing No. CC-1771 *attached as Appendix "A"*, **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, 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:
    - Bell Canada, MNSi and Enwin Utilities Ltd.
- III. That Conveyance Cost **BE SET** as follows:
  - a. For alley abutting lands zoned RD1.4: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1771, *attached 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.

Report Number: SCM 11/2021 & S 118/2020  
Clerk's File: SAA2020

### 8.24. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Radhi Mohammad for 738 Wyandotte Street East (Ward 4)

Moved by: Councillor Kaschak  
Seconded by: Councillor McKenzie

Decision Number: CR36/2021 DHSC 238

- I. That the request made by Radhi Mohammed to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 738 Wyandotte Street East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

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- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$7,700 based upon the completion and submission of a Phase II Environmental Site Assessment completed in a form acceptable to the City Planner and City Solicitor.

Carried.

Report Number: SCM 12/2021 & S 167/2020

Clerk's File: Z/8955

### 8.25. Downtown CIP Grant Application Made by 5021089 Ontario Inc (Ray Blanchard) for 477 Pelissier Street, Ward 3

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR37/2021 DHSC 240

- I. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the New Residential Development Grant Program **BE APPROVED** for \$17,500 towards eligible cost of creating seven (7) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- II. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of seven (7) new residential units and one (1) office unit in an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- III. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program as a LEED Bronze Certified Project **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for an additional five (5) years in accordance with to the Downtown Windsor Enhancement Strategy and Community Improvement Plan, subject meeting the LEED Bronze or higher Certification pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner;
- IV. That Administration **BE DIRECTED** to prepare an agreement between the City and 5021089 Ontario Inc (Owner) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and 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 Grant Agreements;

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- VI. That the grant under the New Residential Development Grant Program for 477 Pelissier Street **BE PAID** to 5021089 Ontario Inc upon completion of the seven (7) new residential units as shown on Appendix B to Report S 173/2020 within one (1) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).
- VII. That should the proposed development not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications; and,
- VIII. That the City Planner **BE DELEGATED** authority to approve the Site Plan Control application for 477 Pelissier Street.

Carried.

Report Number: SCM 13/2021 & S 173/2020

Clerk's File: ZS/13971

### 8.26. Downtown CIP Grant Applications made by Baker Investments Limited for 615 Pelissier Street, Ward 3

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR38/2021 DHSC 241

- I. That the request made by Baker Investments Limited (Owner) for the proposed development at 101-121 Wyandotte Street West, 601 Pelissier Street, 615 Pelissier Street, and 121 Wyandotte Street West to participate in:
- a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
  - b. the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for a 50% matching grant to a maximum of \$30,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
  - c. the Upper Storey Residential Conversion Grant Program **BE APPROVED** for \$15,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. That Administration **BE DIRECTED** to prepare the agreements between the City and Baker Investments Limited (Owners) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and 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.

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- III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.
- IV. That the grants under the Commercial/Mixed Use Building Facade Improvement Grant Program and the Upper Storey Residential Conversion Grant Program for 101-121 Wyandotte Street West, 601 Pelissier Street, 615 Pelissier Street, and 121 Wyandotte Street West **BE PAID** to Baker Investments Limited upon completion of the facade improvements as shown in Appendix B to Report S174/2020 within eighteen (18) months from Council approval subject to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).
- V. That should the facade improvements and upper storey residential units not be completed in eighteen (18) months from Council approval, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 14/2021 & S 174/2020

Clerk's File: SPL/13981

### 8.27. Downtown CIP Grant Applications made by 531 Pelissier Ltd. for 569 Pelissier St., 170 Wyandotte St., 548 Victoria Ave., Ward 3

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR39/2021 DHSC 242

- I. That the request made by 531 Pelissier Ltd. and 2695185 Ontario Ltd (Owners) for the proposed development at 569 Pelissier St., 170 Wyandotte St., 0 Victoria Ave. to participate in:
- a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
  - b. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for an additional five (5) years as a Catalyst Project in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
  - c. the New Residential Development Grant Program **BE APPROVED** for \$50,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. That Administration **BE DIRECTED** to prepare the agreements between the City and 531 Pelissier Ltd. and 2695185 Ontario Ltd (Owners) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner as to



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content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.

- III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.
- IV. That CR305/2018 **BE AMENDED BY DELETING** the following approvals for SIND Investments Ltd (Owner) at 0 Victoria:
  - a. Item I. c. the New Residential Development Grant Program; and,
  - b. Item I. e. the Retail Investment Grant Program.
- V. That the grants under the New Residential Development Grant Program for 569 Pelissier St., 170 Wyandotte St., 0 Victoria Ave. **BE PAID** to 531 Pelissier Ltd. and 2695185 Ontario Ltd upon completion of the new residential units as shown in Appendix B to Report S 175/2020 within five (5) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).
- VI. That should the development as shown in Appendix B to Report S175/2020 not be completed in five (5) years of Council approval, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.
- VII. That the City Planner **BE DELEGATED** authority to approve the Site Plan Control application for 569 Pelissier St., 170 Wyandotte St., 0 Victoria Ave.

Carried.

Report Number: SCM 15/2021 & S 175/2020  
Clerk's File: SPL/13982

### **8.29. Greyhound Canada Transportation ULC Agreement - Relief of Commissions Paid During COVID-19 - City Wide**

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR41/2021 ETPS 803

That the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors and City Council **APPROVE** the payment relief of commission fees of \$3,750 monthly for the months of April to December 2020, which are outlined in the Greyhound Canada Transportation ULC agreement, for a total payment relief of \$33,750 plus applicable HST.  
Carried.

Report Number: SCM 17/2021 & S 179/2020  
Clerk's File: MT/13786

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### 11.2. Roseland Golf & Curling Club Limited – Annual General Meeting City Wide

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR44/2021

- I. That Council, acting as the shareholder for Roseland Golf & Curling Club Limited (“Roseland”) **APPROVE** the resolutions presented by Roseland in the attached Report of the Board; and,
- II. That the Mayor **BE APPOINTED** to sign the resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to the annual general meeting of Roseland for the year 2020; and,
- III. That the Mayor **BE APPOINTED** to sign the rectifying resolution on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to ensuring the corporate minute book is accurate and up to date.

Carried.

Report Number: C 241/2020

Clerk’s File: SR2021

### 11.3. Municipal Transit Enhanced Cleaning (MTEC) program

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: CR2/2021

That the Mayor, in addition to the CAO and City Clerk, also **BE AUTHORIZED** to execute any agreements, declarations and other such documents required as part of receiving funding for grants that have been confirmed or are pending confirmation as of the date herein, and only if deemed required by the grant provider, to be satisfactory in form, technical content and financial content by the parties outlined in the original approvals granting the CAO and City Clerk authority to execute such documents.

Carried.

Report Number: C 3/2021

Clerk’s File: MH/13786

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

None requested.

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### 10. PRESENTATIONS AND DELEGATIONS

#### 10.1. Stormwater Financing Project - Final Study Report, City Wide

**Brian Bishop, Environment & Infrastructure Solutions, Wood PLC; and Peter Simcisko, Watson & Associates Economists Ltd.**

Brian Bishop, Environment & Infrastructure Solutions, Wood PLC; and Peter Simcisko, Watson & Associates Economists Ltd., appear before Council to present an overview of the Stormwater Financing Project Final Study Report including the background and study goals, stormwater management, current stormwater management assets, consultation and public engagement, future program areas of focus, future program estimated cost of services, current funding model, proposed rate structure, stormwater services cost share between residential and non-residential properties, annual wastewater and stormwater bills for an average single-detached house, annual wastewater and stormwater bills for non-residential properties, annual wastewater and stormwater bills for medium non-residential properties, annual wastewater and stormwater bills for large non-residential properties, and conclude with a summary of recommendations and next steps.

#### **William Balazs**

William Balazs appears before Council to provide comment regarding the Stormwater Financing Project Final Study Report, suggesting it is premature to approve this, given that there are areas not mentioned that need to be addressed, such as the Sandwich South district area.

Moved by: Councillor Sleiman

Seconded by: Councillor Gignac

Decision Number: CR42/2021

That City Council **ENDORSE** in principle the attached report entitled "Stormwater Financing Study", completed by Wood Environmental & Infrastructure Solutions, in association with Watson & Associates Economist Ltd., dated December 2020 (Appendix A), which includes the following key elements:

1. Segregation of stormwater from wastewater funding. This will allow for the stormwater services provided by the City to be clearly defined and funded in the most appropriate manner.
2. A proposed level of service for a future stormwater program of approximately \$46.4 million (in 2020 dollars). Program elements include: stormwater operating, maintenance, planning, engineering, program administration, and capital improvements.
3. A five-year phase-in plan for the level of service changes and corresponding staffing and funding requirements to be integrated into the existing program.

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4. A new user-fee funding model and rate structure for stormwater services, based on type of development, as follows:
- a. Residential Properties: Flat rate based on Impervious Area Sampling by Property Type (i.e. low, medium, and high density)
  - b. Non-Residential: Actual Impervious Area per Property;
- and further,

That City Council **DIRECT** Administration to report back with a proposed plan detailing the steps, the project team, and the funding requirements, to fully implement the recommendations.

Carried.

Report Number: C 243/2020

Clerk's File: SW/13199

### **8.17. Draft Plan of Subdivision Application 3638-3738 Howard Avenue SDN-001/20 [SDN/6094]- Luigi Albano, Albano Holdings Inc., Imperial Developments Inc., 2601817 Ontario Ltd., J. Rauti Developments Inc. - Ward 9**

#### **Shane Lafontaine, Consulting Engineer for Applicant**

Shane Lafontaine, consulting engineer for applicant, appears before Council and is available for questions regarding the "Draft Plan of Subdivision Application 3638-3738 Howard Avenue SDN-001/20 – Luigi Albano, Albano Holdings Inc., Imperial Developments Inc. 2601817 Ontario Ltd., J. Rauti Developments Inc."

Moved by: Councillor McKenzie

Seconded by: Councillor Kaschak

Decision Number: CR30/2021 DHSC 231

I. That the application of Imperial Developments Inc., 2601817 Ontario Ltd., J. Rauti Developments Inc. for Draft Plan of Subdivision approval of Part of Block A, Registered Plan 1259, City of Windsor; **BE APPROVED** on the following basis:

- A That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN001/20-1, which will facilitate the construction of 86 single detached dwellings, a block for an Active Transportation Corridor, and a block for a storm water management facility.
- B. That the Draft Plan Approval shall lapse on January 18, 2024.
- C. That the Owners shall submit for approval of the City Planner, a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

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- D. That the Owners undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:
- a. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
  - b. The Owners will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
    1. 22 m right-of-way for the extension of Holburn Street from the existing terminus of Holburn Street to Howard Avenue;
    2. 20m right of way for the new Streets "A", "B", "C", and "D"
  - c. The Owners and City agree to cost share the construction of the Holburn Street extension, from the current stub westerly to Howard Avenue. The City agrees to contribute construction costs associated with upgrading the road from a local to collector road subject to approval by the Corporation's City Council, based on a public tender process satisfactory to the City Engineer.
  - d. The Owners will convey a 0.3m reserve blocks along the north limit of Blocks 1, and 21, and along the south limit of 40, 54, 55, 70, 71 and 86 to the satisfaction of the City Planner.
  - e. The Owners will provide the following corner cut-offs on the approved Final Plan of Subdivision:

4.6mx4.6m – Intersection of Holburn Street and Howard Avenue;  
Intersection of Street A and Holburn Street;  
Intersection of Street B and Holburn Street;  
Intersection of Street C and Holburn Street;  
Intersections of Street D and Holburn Street.
  - f. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:

On both sides of Holburn Street;  
On the East Side of Streets "A", "B", "C",  
On the outside (South, West and East sides) of Street "D".  
All to the satisfaction of the City Engineer and the City Planner;
  - g. The Owners agrees to complete a revised Transportation Impact Study and implement the study recommendations to the satisfaction of the City Engineer and the Chief Building Official.

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- h. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
  2. The study shall be finalized to the satisfaction of the City Engineer.
- i. The Owners(s) will:
1. Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
  2. Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
  3. Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
- j. The Owners shall agree to convey to the Corporation, 5% of the lands to be developed, for park purposes or equivalent cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.
- k. The Owners shall agree to convey gratuitously to the Corporation Block 88 on the draft Plan of Subdivision (SDN 001/20-1) to the Corporation for the purposes of an Active Transportation Corridor.
- l. The Owners shall agree to construct an Active Transportation Corridor over Block 88, to the satisfaction of the City Engineer and the Executive Director of Parks and Facilities.
- m. The Owners shall agree to convey gratuitously to the Corporation Block 87 on the draft Plan of Subdivision (SDN 001/20-1) for the purposes of municipal infrastructure (Storm Water Management) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.
- n. The Owners shall agree to gratuitously convey a 6m easement across Lot 17 on the draft Plan of Subdivision (SDN 001/20-1) to the Corporation for the purposes of municipal infrastructure (Storm Water Management) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.

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### NOTES TO DRAFT APPROVAL (File: SDN-001/20)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
  2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
  3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.
  4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.
  5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.
- II That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,
- III That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IV That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.
- V. That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 87 on the Draft Plan of Subdivision, identified as SDN001/20-1 in this report from Residential District 1.1 (RD1.1) to Green District (GD) 1.5 for the purposes of a storm water detention facility.

Carried.

Report Number: SCM 5/2021 & S 176/2020

Clerk's File: ZP/13865 & ZB/14030

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### 8.13. OPA & Rezoning - Transport Terminal Land Use Study - OPA 139 OPA/6195 Z-031/20 ZNG/6194 - City Wide

#### Steven Pickard, Solicitor

Steven Pickard, Solicitor, appears before Council to speak in support of the OPA and Rezoning request for a Transport Terminal Land Use Study but requests that Council not approve the recommendation to add a site specific exemption for the parcel known municipally as 2650 Metcalfe Street to prohibit a transport terminal on the parcel.

#### Matt Campbell, representing SBDRE (Windsor) Co.

Matt Campbell, representing SBDRE (Windsor) Co., appears before Council to provide comment regarding their request for an OPA and Rezoning for a Transport Land Use Study at 1790 Provincial Road, expressing concern with respect to the proposed zoning by-law amendments that may result in undue hardship for the re-use of the subject lands for a Transport Terminal.

Moved by: Councillor Gignac

Seconded by: Councillor Francis

Decision Number: CR26/2021 DHSC 226 DHSC 227 DHSC 228

That the report of the Development and Heritage Standing Committee of its meeting held December 14, 2020 regarding "OPA & Rezoning – Transport Terminal Land Use Study – OPA 139 OPA/6195 Z-031/20 ZNG/6194" **BE REFERRED** back to administration for a further report to Council on options or authority Council has in the future concerning 2650 Metcalfe and the appropriateness of the proposed prohibition that the Standing Committee recommended, and that this additional information **BE CONSIDERED** at the February 1, 2021 meeting of Council with no further delegations.

Carried.

Report Number: SCM 2/2021 & S 170/2020

Clerk's File: Z/13528

### 8.18. Zoning By-law Amendment to permit a Multiple Dwelling Development - 3129 Lauzon Road ZNG-026/20 [ZNG/6173]- 2516053 Ontario Inc., - Ward

#### Melanie Muir, Dillon Consulting

Melanie Muir, Dillon Consulting, appears before Council to speak in support of the zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road and provides a high level overview of the proposed development.



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### **Brenda Gagnier, representing property owner Rose-Marie Gagnier**

Brenda Gagnier, representing property owner Rose-Marie Gagnier, appears before Council to speak in opposition to the proposed zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road, expressing concern that it's inconsistent with the Official Plan and the existing neighbourhood and that it could result in negative traffic implications.

### **Jacqueline Roy-Proulx, Area Resident**

Jacqueline Roy-Proulx, area resident, appears before Council to speak in opposition to the proposed zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road, suggesting that there needs to be a traffic impact study which would highlight the importance of safety, and states that this does not take into consideration the already existing flooding issues in the subject area and concludes by recommending that environmental studies should be undertaken and completed first.

### **Paresh Jariwala, Area Resident**

Paresh Jariwala, area resident, appears before Council to speak in opposition to the proposed zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road, stating that there are concerns that have not been addressed such as traffic impact.

### **Veronica Symonds, Area Resident**

Veronica Symonds, area resident, appears before Council to speak in opposition to the proposed zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road, suggesting that this proposal is incompatible with the existing neighbourhood.

### **Lisa Tomko, Area Resident**

Lisa Tomko, area resident, appears before Council to speak in opposition to the proposed zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road, suggesting that this proposal does not meet the needs of the existing residents in the subject area.

### **Randy Churchill, Area Resident**

Randy Churchill, area resident, appears before Council to speak in opposition to the proposed zoning by-law amendment to permit a multiple dwelling development at 3129 Lauzon Road, suggesting that the proposed 96-units are too much for the subject location.

Moved by: Councillor Gill

Seconded by: Councillor Kaschak

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That the zoning by-law amendment request to permit a multiple dwelling development at 3129 Lauzon Road (ZNG-026/20 / ZNG/6173 – 2516053 Ontario Inc.) **BE DENIED** based on concerns expressed by nearby residents such as traffic impact and neighbourhood incompatibility.

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

Aye votes: Councillor Gill.

Nay votes: Councillors Francis, Costante, Bortolin, Holt, Sleiman, Gignac, Kaschak, McKenzie and Morrison.

Absent: None.

Abstain: None.

Report Number: SCM 6/2021 & S 177/2020

Clerk's File: ZB/13918

Moved by: Councillor Bortolin

Seconded by: Councillor Gignac

Decision Number: CR31/2021 DHSC 232

- I. That By-law 103-20 (Residential Interim Control By-law) **BE AMENDED** To exempt that portion of Part of Lot 127, Concession 2, known municipally as 3129 Lauzon Road; subject to rezoning Z-025/20 ZNG/6173;
- II. That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Part of Lot 127, Concession 2, known municipally as 3129 Lauzon Road; from Residential District 1.1 (RD1.1) to Residential District (RD) 2.5, with the following additional site specific regulations:
  - i. Lot Area – Minimum – 15,000 m<sup>2</sup>
  - ii. Interior Side Yard – where a habitable room window of any dwelling unit faces a side lot line- Minimum – 20m
  - iii. Building Height – Maximum – 12m

Carried.

Councillor Gill voting nay.

Report Number: SCM 6/2021 & S 177/2020

Clerk's File: ZB/13918

### **8.19. Rezoning - AIPL Canada Holdings Inc. - 1200 -1220 University Avenue West - Z-009/20 [ZNG/6070] - Ward 3**

#### **Josh Hurley-Burns and Karl Tanner, Dillon Consulting**

Josh Hurley-Burns and Karl Tanner, Dillon Consulting, appear before Council to speak in support of the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West, which would amend the zoning by-law to facilitate the redevelopment and adaptive reuse of a former industrial and commercial property known historically as the SW&A Street Railway storage

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and maintenance barns, with the proposed redevelopment plans to include construction of a new multiple dwelling with 133 dwelling units and reuse of the existing buildings for commercial uses.

### **Vas Papadiamantopoulos and Dan Amicone, Architecttura, Architects of Record on this Project**

Vas Papadiamantopoulos and Dan Amicone, Architecttura, architects of record on this project, appear before Council and are available for questions regarding the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West.

### **James Tuz, Area Resident**

James Tuz, area resident, appears before Council to provide comment regarding the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West, expressing opposition as there needs to be a step taken back to reassess, refocus and deliver with due diligence, and with the community concerns and collaboration in mind.

### **Greg Allen, Area Resident**

Greg Allen, area resident, appears before Council to provide comment regarding the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West, stating that whereas he is in favour of new development on the subject site, some provisions need to be applied and suggests that the current proposal is overwhelming in size and does not conform to the area and would thus have significant impact on the current long established and future neighbourhood community.

### **Aimee Allen, Area Resident**

Aimee Allen, area resident, appears before Council to provide comment regarding the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West, expressing opposition as the subject neighbourhood has been experiencing flooding and this would make matters worse, and suggests that residents be included in the process for development.

### **Mike Greenwood, MIW Services**

Mike Greenwood, MIW Services, appears before Council to speak in opposition regarding the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West, suggesting that the proposed amendments will lead to intensification and therefore put undue pressure on residents, such as traffic and parking issues and concludes by stating that there remain many outstanding questions pertaining to this proposal.

### **Shabeg Singh, Applicant**

Shabeg Singh, applicant, appears before Council and is available for questions regarding the rezoning request by AIPL Canada Holdings Inc., for 1200-1220 University Avenue West.

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Moved by: Councillor Bortolin

Seconded by: Councillor Costante

Decision Number: CR3/2021 DHSC 233

- I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 73, Concession 1 (known municipally as 1200-1220 University Avenue West; Roll No. 040-170-05400-000) situated on the north side of University Avenue West between Cameron Avenue and Elm Avenue by adding the following site specific provisions to Section 20(1):

**“392 NORTH SIDE OF UNIVERSITY AVENUE WEST, BETWEEN CAMERON AVENUE AND ELM AVENUE**

1. For lands comprising Part Lot 73, Concession 1 (Roll No. 040-170-05400) the following additional provisions shall apply:
  - b) Required bicycle parking – minimum – 44 spaces;
  - c) Notwithstanding Section 24.30.20.1 required bicycle parking spaces may be located on a *lot* that abuts the uses they are intended to serve;
  - d) Minimum separation distance between a *parking area* and *interior lot line* shall be 0 m;
  - e) Minimum separation distance between a *parking area* and a building wall containing a habitable room window shall be 0 m; and
  - f) Minimum one-way lane width within an *access area* shall be 3.0 m.
2. For lands comprising Part Lot 73, Concession 1 (Roll No. 040-170-05400), Part 1 of 12R-28391 a multiple dwelling shall be an additional permitted use and the following additional provisions shall apply:
  - a) A building without access to a paved street, municipal storm water outlet, municipal sanitary sewer, municipal electrical service, and municipal water service is permitted provided the required easement agreements are registered on the title of both the subject and abutting property to provide access and municipal services;
  - b) Notwithstanding Section 5.2.20.1 a maximum of 53 *dwelling units* shall have a minimum *gross floor area* of 31.0 m<sup>2</sup>;
  - c) *Building height* – maximum – 19.0 m;
  - d) *Amenity area* – per *dwelling unit* – minimum – 10.0 m<sup>2</sup>;
  - e) Required parking – *multiple dwelling* – minimum – 1.0 space per *dwelling unit*;
  - f) Required visitor parking spaces for a *multiple dwelling* – minimum - 0 spaces; and
  - g) Notwithstanding Section 24.26.1 required parking spaces may be located on a *lot* that abuts the dwelling units they are intended to serve.

[ZDM 3; ZNG/6070]”; and

- II. That Council **DECLARE** Section 45(1.3) of the *Planning Act*, which restricts a person from applying for a minor variance for a period of two years following a zoning by-law amendment does not apply to an application for lands described as Lot 73, Concession 1, (Roll No. 040-170-05400), known municipally as 1200-1220 University Avenue West; and,

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- III. That the following matters **BE ADDRESSED** though Site Plan Control:
- a. The owner provide proposed excavation and shoring details related to the construction of the proposed multiple dwelling to the Detroit River Tunnel Partnership (DRTP) for its review;
  - b. That a warning clause be inserted in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling unit, warning prospective purchasers or tenants of the existence of the Detroit River Tunnel Partnership's operating rail right-of-way; the possibility of alterations including the possibility that Detroit River Tunnel Partnership may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the proposed building and individual units, and that Detroit River Tunnel Partnership will not be responsible for complaints or claims arising from the use of its facilities and/or operations;
  - c. That the owner implement the recommendations of the 'Windsor Street Car Barns Barrel-Roof Building—Initial Assessment and Recommendations' letter prepared by Jonathan Dee of John G. Cooke & Associates Ltd (JCAL), dated October 5, 2020, and 'Heritage Summary and Next Steps' letter, prepared by Don Loucks of Metropolitan Design Ltd, also dated October 5, 2020, satisfactory to the City Planner and Chief Building Official, as a condition of the Site Plan Control approval. Should an earlier/partial Site Plan Control approval be sought for 1200 University Avenue West, the Owner must first still stabilize the Barrel Roof Building located at the rear of 1220 University Avenue West immediately, as a condition of the Site Plan Control Approval, prior to any permit issuance;
  - d. That the owner submits designs for the new residential building, to the extent that it is a matter of exterior design, which incorporate the findings of the Heritage Impact Assessment and follow the Standards and Guidelines for the Conservation of Historic Places in Canada;
  - e. A construction vibration control assessment report be conducted by a qualified vibration engineer and structural engineer, to the satisfaction of the City Planner and the Chief Building Official, as a condition of Site Plan Control approval prior to any building permit issuance;
  - f. That the owner agrees to enter into a Heritage Conservation Easement with the City for the conservation of the heritage properties 1200 University Ave West and 1220 University Ave West (including the Barrel Roof Building); and,
  - g. That 'no parking' signs on either side of the existing driveway be removed when access to the site is reconfigured.

Carried.

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Report Number: SCM 7/2021 & S 91/2020

Clerk's File: ZB/13838

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

#### 11.1. Advisory Committees of Council - 2020 Budget Carry Forward Requests - City Wide

Moved by: Councillor Holt

Seconded by: Councillor Costante

Decision Number: CR43/2021

That the report of the Financial Planning Administrator dated December 18, 2020 entitled "Advisory Committees of Council – 2020 Budget Carry Forward Requests" **BE RECEIVED**; and further,

That all advisory committees listed in the administrative report **BE ALLOWED TO RETAIN** access to all of their unspent 2020 budgetary dollars for the 2021 calendar year, and further, that these advisory committees **SUBMIT** their business plans for those funds by the end of the second quarter, 2021 for Council approval.

Carried.

Report Number: C 248/2020

Clerk's File: AFB/13698

#### 7.7. Response to CQ29-2018 regarding Naloxone Use by First Responders - City Wide

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: CR12/2021

That Windsor City Council **APPRISE** all emergency first responder organizations operating within the City of Windsor including the Essex Windsor Emergency Medical Services, the Windsor Police Service, and the Windsor Fire and Rescue Services that it endorses the full deployment of Naloxone as a component of the field operation services provided to residents in the community.

Carried.

At the request of Councillor McKenzie, a recorded vote is taken on this matter.

Aye votes: Councillors Costante, Bortolin, Holt, Gill, Kaschak, McKenzie and Morrison.

Nay votes: Councillors Francis, Gignac, Sleiman and Mayor Dilkens.

Absent: None.

Abstain: None.

Report Number: S 148/2019

Clerk's File: MH2021

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Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: CR13/2021

That Council **DIRECT** the Windsor Fire and Rescue Services to take the appropriate steps to introduce the use of Naloxone where appropriate in Windsor as soon as possible.

Carried.

At the request of Councillor McKenzie, a recorded vote is taken on this matter.

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

Nay votes: None.

Absent: None.

Abstain: None.

Report Number: S 148/2019

Clerk's File: MH2021

### 8.11. Designation of Transit as an Essential Service - City Wide

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR24/2021 ETPS 798

That the report of the City Solicitor dated November 4, 2020 entitled "Designation of Transit as an Essential Service - City Wide" **BE RECEIVED** for information.

Carried.

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

Aye votes: Councillors Costante, Gill, Kaschak, Morrison, Francis, Gignac, Sleiman and Mayor Dilkens.

Nay votes: Councillors Bortolin, Holt and McKenzie.

Absent: None.

Abstain: None.

Report Number: SCM 359/2020 & S 157/2020

Clerk's File: MH/13786 & MT2020

### 8.28. Wyandotte Street East Corridor Review - Wards 4, 5 & 6

Moved by: Councillor Holt

Seconded by: Councillor McKenzie

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Decision Number: CR40/2021 ETPS 802

That the report of the Environment, Transportation and Public Safety Standing Committee of its meeting held December 16, 2020 regarding "Wyandotte Street East Corridor Review" **BE REFERRED** back to Administration to narrow the focus as soon as possible, and to satisfy the Active Transportation Master Plan by providing cycling infrastructure along Wyandotte Street East and further, that in-person public meetings **BE HELD** once permitted, as part of a consultation process that would include residents and businesses in the subject area.

Carried.

Report Number: SCM 16/2021 & S 155/2020

Clerk's File: APM/9120

### 8.14. Interim Control By-law Exemption 2020-5 - David & Susan Valihora - 2445 Sydney Avenue - Ward 9

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

Decision Number: CR27/2021 CR208/2020

That Report S 17/2020 **BE REVISED** by replacing the original recommendation with the following:

- 1) That Council **APPROVE** the request of David & Susan Valihora for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 2445 Sydney Avenue (east of Riberdy Road and Sydney Avenue)
- 2) That Council **AMEND** Interim Control By-law 78-2019 by adding to Section 6 the following:
  - e) 2445 Sydney Avenue  
Part Lot 97, Concession 3 (commencing at the east limit of Plan 1126)  
PIN 014080975; Roll No. 070-290-09100

That Report S 17/2020 **BE AMENDED** by adding Appendix 3J, attached to this memo, to Report S 17/2020 and by adding the following to Recommendation 3 in Report S 17/2020:

3J) Amend Zoning District Map 12 by adding specific zoning exception symbol S.20(1)404 to the hatched area identified as Subject Land on the map attached as Appendix 3J to Report S 17/2020; and

Add the following new clause to Section 20(1):

#### 404. **EAST OF RIBERDY ROAD AT SYDNEY AVENUE**

For the lands described as Part Lot 97, Concession 3, PIN 014080975, for a transport terminal, the following additional provisions shall apply:

- a) Notwithstanding Section 5.99.97.60 b) and c), where a berm cannot be provided along an exterior lot line or interior lot line located within 50 m of a



development reserve district, green district, residential district, or institutional district, or a lot containing a dwelling or dwelling unit, the setback from exterior lot line or interior lot line shall be a minimum of 35 m and said setback shall be maintained as a landscaped open space yard. Said setback does not apply to any access way.

- b) That only that area used to access the parcel and where transport truck or transport trailer manoeuvre are to be paved with asphalt, concrete, or any combination thereof.

[ZDM 12; ZNG/6194]

Carried.

Councillors Kaschak and McKenzie voting nay.

Report Number: SCM 108/2020 & S 17/2020

Clerk's File: Z/13528

### **8.15. Interim Control By-law Exemption 2020-12 - Amex Freight - 4455 Division Road - Ward 9**

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: CR28/2021 DHSC 229

- 1) That Council **APPROVE** the request of Lassaline Planning Consultants Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 4455 Division Road (north side of Division Road, east of Walker Road).
- 2) That Council **AMEND** Interim Control By-law 78-2019 by adding to Section 6 the following:
  - l) 4455 Division Road  
Part Lot 97, Concession 3, designated as Part 1, Plan 12R-7529  
PIN 013510160; Roll No. 070-270-10700.
- 2) That the Site Plan Approval Officer **BE DIRECTED** to consider the following matters for inclusion in an approved site plan:
  - a) Appropriate mitigation measures identified in a noise study;
  - b) For a Transport Storage Area, the setback from the interior lot line shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as a landscaped open space yard.

Carried.

Councillor McKenzie voting nay.

Report Number: SCM 3/2021 & S 168/2020

Clerk's File: AB2020

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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 Bortolin

Seconded by: Councillor Costante

Decision Number: CR45/2021

That the report of the In Camera meeting held January 18, 2021 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2021

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

Moved by: Councillor Francis

Seconded by: Councillor Gignac

That the following By-laws No. 1-2021 through 21-2021 (inclusive) be introduced and read a first and second time:

**1-2021** A BY-LAW TO IMPOSE DEVELOPMENT CHARGES authorized by CR616/2020, dated December 7, 2020.

**2-2021** A BY-LAW TO ADOPT AMENDMENT NO. 134 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR607/2020, dated December 7, 2020.

**3-2021** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR607/2020, dated December 7, 2020.

**4-2021** A BY-LAW TO ADOPT AMENDMENT NO. 137 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR606/2020, dated December 7, 2020.

**5-2021** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR606/2020, dated December 7, 2020.

**6-2021** A BY-LAW TO AUTHORIZE THE TEMPORARY BORROWING OF MONEY FOR CURRENT EXPENDITURES FOR 2021 authorized by CR603/2020, dated December 7, 2020.

**7-2021** A BY-LAW TO PROVIDE FOR INTERIM TAX LEVIES FOR 2021 authorized by CR602/2020, dated December 7, 2020.

**8-2021** A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS DUCHARME STREET, IN THE CITY OF WINDSOR authorized by CR76/2011, dated February 28, 2011.

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**9-2021** A BY-LAW TO ASSUME PART OF PEPPERVINE STREET FROM BARKLEY AVENUE TO MONTICELLO AVENUE BEING STREETS SHOWN ON PLAN OF SUBDIVISION 12M-521 KNOWN AS PART OF PEPPERVINE STREET FROM BARKLEY AVENUE TO MONTICELLO AVENUE AND THE MUNICIPAL SERVICES LOCATED THEREIN, IN THE CITY OF WINDSOR authorized by M98-2012, dated February 21, 2012.

**10-2021** A BY-LAW TO AMEND BY-LAW 3-2006 BEING A BY-LAW TO ESTABLISH STANDARDS RESPECTING YARD WASTE & EXTERIOR PROPERTY MAINTENANCE AND TO PROHIBIT LITTERING IN THE CITY OF WINDSOR authorized by CR593/2020, dated December 7, 2020.

**11-2021** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR605/2020, dated December 7, 2020.

**12-2021** A BY-LAW TO REPEAL BY-LAW NUMBER 10189, AS AMENDED BY BY-LAW 168-2008, BEING A BY-LAW TO CLOSE, STOP UP AND CONVEY PART OF THE NORTH/SOUTH ALLEY NEXT EAST OF CRAWFORD AVENUE, NORTH OF WYANDOTTE STREET WEST, R.P.'S 282 AND 463 (**See Item 8.8 – Report C 238/2020**).

**13-2021** A BY-LAW TO ESTABLISH A PORTION OF THE NORTH/SOUTH ALLEY WEST OF CARON AVENUE, FROM PARK STREET NORTHERLY, R.P. 282, CLOSED BY BY-LAW 7224, AS AN UNASSUMED ALEY (**See Item 8.9 – Report C 246/2020**).

**14-2021** A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 5.59 METRE EAST/WEST ALLEY LOCATED EAST OF ROSSINI BOULEVARD, NORTH OF TECUMSEH ROAD EAST AND SOUTH OF GRIFFEN COURT, CITY OF WINDSOR authorized by CR20/2020, dated January 6, 2020.

**15-2021** A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 5.59 METRE EAST/WEST ALLEY LOCATED EAST OF ROSSINI BOULEVARD, NORTH OF TECUMSEH ROAD EAST AND SOUTH OF GRIFFEN COURT, CITY OF WINDSOR authorized by CR20/2020, dated January 6, 2020.

**16-2021** A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 4.57 METRE NORTH/SOUTH ALLEY LOCATED SOUTH OF ARCADIA STREET, NORTH OF CALUMET STREET, EAST OF LONGFELLOW AVENUE AND WEST OF ALEXANDRA AVENUE, CITY OF WINDSOR authorized by CR17/2020, dated January 6, 2020.

**17-2021** A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.57 METRE NORTH/SOUTH ALLEY LOCATED SOUTH OF ARCADIA STREET, NORTH OF CALUMET STREET, EAST OF LONGFELLOW AVENUE AND WEST OF ALEXANDRA AVENUE, CITY OF WINDSOR authorized by CR17/2020, dated January 6, 2020.

**18-2021** A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 6.10 METRE NORTH/SOUTH ALLEY LOCATED BETWEEN THE PROPERTIES MUNICIPALLY KNOWN AS

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722 BRANT STREET AND 736 BRANT STREET, CITY OF WINDSOR authorized by CR244/2020, dated May 25, 2020.

**19-2021** A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 6.10 METRE NORTH/SOUTH ALLEY LOCATED BETWEEN THE PROPERTIES MUNICIPALLY KNOWN AS 722 BRANT STREET AND 736 BRANT STREET, CITY OF WINDSOR authorized by CR244/2020, dated May 25, 2020.

**20-2021** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" (**See Item 8.19 - Report S 91/2020**).

**21-2021** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 18<sup>TH</sup> DAY OF JANUARY, 2021.  
Carried.

## 14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Gill

Seconded by: Councillor Holt

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 (as amended)
- 5) Committee Reports (as presented)
- 6) By-laws given first and second readings (as presented)

Carried.

## 15. NOTICES OF MOTION

### Brian Hogan, President, Windsor and District Labour Council

Brian Hogan, President, Windsor and District Labour Council, appears before Council to speak in support of the recommendation proposing that the Province of Ontario repeal Schedule 6 of the *Budget Measures Act* (Bill 229), and that the Province continue to work with Conservation Authorities across Ontario to find workable solutions to reduce red tape and create conditions for growth, and that the Province embrace their long-standing partnership with the Conservation Authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role and concludes by stating that the Essex Region Conservation Authority has done good work.

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### Rick LaBonte, Local 444 Community Environment Committee

Rick LaBonte, Local 444 Community Environment Committee, appears before Council to speak in support of the recommendation proposing that the Province of Ontario repeal Schedule 6 of the *Budget Measures Act* (Bill 229), and that the Province continue to work with Conservation Authorities across Ontario to find workable solutions to reduce red tape and create conditions for growth, and that the Province embrace their long-standing partnership with the Conservation Authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role and concludes by suggesting this would go a long way towards securing the area's environmental future.

Moved by: Councillor McKenzie

Seconded by: Councillor Holt

Decision Number: CR46/2021

That the Windsor City Council, given the provincial government's recent passage Bill 229 adopt the following resolution:

WHEREAS on November 5, 2020, the Government of Ontario introduced Bill 229, the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, which proposes changes to Conservation Authorities' permitting, planning and enforcement powers (contained in Schedule 6);

AND WHEREAS Conservation Authorities play a critical role protecting our environment and natural heritage, mitigating natural hazards, and supporting municipal partners by providing an environmental, conservation and risk assessment lens on development applications;

AND WHEREAS proposed changes in Schedule 6 of Bill 229 have raised concerns amongst Conservation Authorities, First Nations, the Association of Municipalities Ontario, dozens of individual municipalities, environmental groups, the Ontario's Big City Mayors, Professional Associations in agriculture and engineering as well as others and community members in Windsor;

#### **THEREFORE, BE IT RESOLVED:**

- (a) That the Province of Ontario repeal Schedule 6 of the *Budget Measures Act* (Bill 229);
- (b) That the Province continue to work with Conservation Authorities across Ontario to find workable solutions to reduce red tape and create conditions for growth;
- (c) That the Province respect the current Conservation Authority / Municipal relationships;
- (d) That the Province embrace their long-standing partnership with the Conservation Authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role; and

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(e) That this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario; Honourable Peter Bethlenfalvy, Minister of Finance; Honourable Jeff Yurek, Minister of Environment; Honourable John Yakabuski, Minister of Natural Resources and Forestry; Honourable Steve Clark, Minister of Municipal Affairs and Housing; local MPPs; the local Media; Conservation Ontario, the Essex Region Conservation Authority (ERCA) and the Association of Municipalities Ontario (AMO).

Carried.

Councillors Gignac and Francis voting nay.

Clerk's File: GP2021

### 16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

That the By-laws No. 1 through 21-2021 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

None registered.

### 21. ADJOURNMENT

Moved by: Councillor Francis

Seconded by: Councillor Gignac

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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 6:41 o'clock p.m.

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Mayor

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City Clerk

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Adopted by Council at its meeting held January 18, 2021 (CR45/2021)  
VC/bm

### SPECIAL MEETING OF COUNCIL – IN CAMERA January 18, 2021

**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: 10:00 a.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  
Councillor J. Gill

**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, Commissioner, Parks, Recreation, Culture and Facilities  
A. Teliszewsky, Mayor's Chief of Staff



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Verbal Motion is presented by Councillor Gill, seconded by Councillor Gignac, 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.	Property matter – settlement	239(2)(c)
2.	Property matter – acquisition of land – expropriation	239(2)(c)
3.	Personal matter – labour negotiations – verbal	239(2)(d)

**Motion Carried.**

### Declarations of Pecuniary Interest:

None declared

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

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 Francis, seconded by Councillor Kaschak,  
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 18, 2021 directly to Council for consideration at the next Regular Meeting.

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1. That the recommendation contained in the in-camera report from Senior Legal Counsel, City Solicitor and Corporate Leader Economic Development and Public Safety, City Engineer and Corporate Leader Environmental Protection and Transportation and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – settlement **BE APPROVED**.
2. That the recommendation contained in the in-camera report from the Acting Lease Administrator, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety, City Engineer and Corporate Leader Environmental Protection and Transportation and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – acquisition of land – expropriation **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 **BE RECEIVED**.

**Motion Carried.**

**Moved by Councillor Gill, seconded by Councillor Gignac,  
That the special meeting of council held January 18, 2021 BE ADJOURNED.  
(Time: 10:07 a.m.)**

**Motion Carried.**

**\*\*CLERK'S NOTE: The transmittal motion and final votes were held in the open session of Council on January 18, 2021**