



CITY OF WINDSOR MINUTES 05/03/2021

City Council Meeting

Date: Monday, May 3, 2021

Time: 10:00 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.

1. ORDER OF BUSINESS

2. CALL TO ORDER

The Mayor calls the meeting to order at 10:00 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 April 19, 2021

Moved by: Councillor Kaschak
Seconded by: Councillor Francis

That the minutes of the meeting of Council held April 19, 2021 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 153/2021

5. NOTICE OF PROCLAMATIONS

Illumination

“Ontario Medical Association – Doctors Day” – Saturday, May 1, 2021

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Gignac
Seconded by: Councillor Sleiman

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
- (d) hearing presentations and delegations;

- (e) consideration of business items;
(f) consideration of Committee reports:
(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 66-2021 through 74-2021 (inclusive).
Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence Monday, May 3, 2021

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR178/2021
That the following Communication Items 7.1.1 through 7.1.10 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Canadian National Railway Company (CN)	Notice of vegetation control activities in the area between April and October 2021 City Engineer Supervisor of Environmental Sustainability & Climate Change SE2021 Note & File
7.1.2	Ministry of the Environment, Conservation and Parks	Notification of application by Windsor Salt Ltd. for Permit to Take Water. Ontario's new Water Taking and Transfer Regulation (<i>O.Reg 387/04</i>) attached. City Engineer GP2021 Note & File

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No.	Sender	Subject
7.1.3	Ministry of Finance	Letter regarding property tax refund applications related to business shutdowns Deputy Treasurer, Taxation, Treasury, & Financial Projects Chief Financial Officer / City Treasurer GP2021 Note & File
7.1.4	Municipal Property Assessment Corporation (MPAC)	MPAC's 2020 Annual Report Chief Financial Officer / City Treasurer GM2021 Note & File
7.1.5	Windsor Police Service	Windsor Police Service's 2020 – 2022 Strategic Plan City Solicitor SP2021 Note & File
7.1.6	Windsor Police Service	Windsor Police Service's 2020 Annual Report City Solicitor SP2021 Note & File
7.1.7	WindsorEssex Economic Development Corporation / Invest WindsorEssex	WindsorEssex Economic Development Corporation rebrands as Invest WindsorEssex MDI2021 Note & File
7.1.8	LEA Consulting Ltd.	Notice of Study Commencement – Detail Design Services for the Rehabilitation of the Highway 401, Lakeshore Road 103 Underpass and Concession Road 8 Underpass GWP 3100-18-00 & 3099-18-00 City Engineer SW2021 Note & File

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No.	Sender	Subject
7.1.9	Manager of Environmental Quality – City of Windsor; and G2S Consulting Inc.	G2S Consulting Inc. has been retained to prepare an application for a Record of Site Condition (RSC) for the property located at 0, 968, and 980 Goyeau St. The City of Windsor has no objection to the application. (Assumption of Non-Potable Groundwater condition.) <p style="text-align: right;">Manager of Environmental Quality City Engineer SW2021 Note & File</p>
7.1.10	Manager of Environmental Quality – City of Windsor; and Soil & Materials Engineering Inc.	Soil & Materials Engineering Inc. submitting an application for a Record of Site Condition (RSC) for the property located at 11646/11662 Tecumseh Road E. The City of Windsor has no objection to the application. <p style="text-align: right;">Manager of Environmental Quality City Engineer SW2021 Note & File</p>

Carried.

Report Number: CMC 7/2021

7.2. Response to CR591/2020 – Cannabis Odour - City Wide

Moved by: Councillor McKenzie

Seconded by: Councillor Holt

Decision Number: CR179/2021

That the report of the Senior Legal Counsel and Student-at-Law dated April 9, 2021 entitled “Response to CR591/2020 – Cannabis Odour” **BE DEFERRED** to allow for a further report once the enforceability of the Town of Leamington’s Cannabis Regulation By-law is considered by the Superior Court of Justice and the Normal Farm Practices Protection Board, and that the report also include possible enforcement options that would be available for Council’s consideration.

Carried.

Report Number: C 51/2021

Clerk’s File: AL2021

7.3. Compliance with Applicable Laws & Regulations, 2021 Q1 - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR180/2021

That City Council **RECEIVE FOR INFORMATION** the Status Report on Compliance with Applicable Laws and Regulations, 2021 Q1.
Carried.

Report Number: CM 10/2021
Clerk's File: AL2021

8. CONSENT AGENDA

8.1. Amend Street and Alley Closing By-Law 71-2016 - Ward 10

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR181/2021

- I. That By-law 71-2016, adopted May 16, 2016, and registered on title as Instrument No. CE713583 (the "**By-law**") **BE AMENDED** as follows:
1. By **DELETING** all references to "to be retained by The Corporation of the City of Windsor for the purpose of sale as residential building lots" and **INSERTING** in its place "and convey"; and
 2. **INSERTING** the following after Section 1 in the By-law:
 - a.) That the portion of Elsmere Avenue described as Part 8 on 12R-26517 and Part 2 on 12R-27439 be sold as a building lot and to be listed for sale on the Multiple Listing Service at a list price to be determined by the Manager of Real Estate Services and commensurate with an independent appraisal, as appropriate; and
 - b.) That the portion of Elsmere Avenue described as Part 1 on 12R-27439 be conveyed to the abutting property owner at 804 South Pacific Avenue at a price to be determined by the Manager of Real Estate Services.
- II. That the City Solicitor **BE DIRECTED** to prepare an amending by-law; and further, the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor, and that the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Report Number: C 56/2021
Clerk's File: SAA2021

8.3. Review of Vacancy Rebate Program - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR183/2021

That City Council **RECEIVE** the Vacancy Rebate Program Review; and further,

That City Council **ELIMINATE** the municipal Vacancy Rebate Program on a City-wide basis; and further,

That the City Solicitor **PREPARE** the necessary By-law related thereto.
Carried.

Report Number: C 54/2021
Clerk's File: AF2021

8.5. Tender 56-21 – Ypres/Gladstone Road and Watermain Rehabilitation – Walker to Forest and Tecumseh to Ypres - Ward 4

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR185/2021

I. That the following low tender **BE ACCEPTED**:

TENDERER: Sterling Ridge Infrastructure Inc.
TENDER NO: 56-21
TOTAL TENDER PRICE: \$4,643,770.00 (excluding HST)
ACCOUNT CHARGED: 007-5410-9998-02942-7211000

and,

That the CAO and City Clerk **EXECUTE** the contract with the low tenderer, with said contract being satisfactory in form to the City Solicitor, satisfactory in technical content to the City Engineer, and in financial content to the City Treasurer; and,

II. That City Council **APPROVE** the transfer of \$588,702.28 in surplus funding from the 2019 Road Rehabilitation Project 7181040) to the 2021 Road Rehabilitation Project 7211000; and,

III. That City Council **APPROVE** the transfer of previously approved funding of \$250,000 from the 2021 Sidewalk Rehabilitation Project (ID# 7211031); \$219,382.35 from the City Wide Street Light Project (ID# 7035011); and \$1,400,000 from the Ypres Rehabilitation Project (ID# 7211044) to the 2021 Road Rehabilitation Project (ID# 7211000) to centralize administration and costing of the Ypres and Gladstone projects to be completed under Tender 56-21.

Carried.

8.6. Family Fuse - Parenting, Education, Purpose

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR186/2021 CSPS 145

That the presentation by Christie Nelson, Program Coordinator, Family Fuse entitled "Family Fuse – Parenting, Education, Purpose" **BE RECEIVED** for information; and,

That the presentation **BE REFERRED** to the Diversity Committee for review and consideration at an upcoming meeting.

Carried.

Report Number: SCM 115/2021 & SCM 51/2021
Clerk's File: SR2021

8.7. Implementation Update on the Windsor Essex 10 Year Housing and Homelessness Master Plan - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR187/2021 CSPS 144

That the report from the Executive Director of Housing and Children's Services providing updates regarding the implementation of Home Together: Windsor Essex Housing and Homelessness Master Plan **BE RECEIVED** for information.

Carried.

Report Number: SCM 116/2021 & S 14/2021
Clerk's File: GH/11710

8.8. Minutes of the Windsor Accessibility Advisory Committee of its meeting held November 24, 2020

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR188/2021 CSPS 134

That the minutes of the Windsor Accessibility Advisory Committee of its meeting held November 24, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 117/2021 & SCM 377/2020
Clerk's File: MB2020

8.9. Minutes of the Diversity Committee of its meeting held December 15, 2020

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR189/2021 CSPS 135

That the minutes of the Diversity Committee of its meeting held December 15, 2020 **BE RECEIVED.**

Carried.

Report Number: SCM 118/2021 & SCM 22/2021
Clerk's File: MB2020

8.10. Report No. 8 of the Diversity Committee - Community Consultation collaboration with the Windsor Essex Local Immigration Partnership

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR190/2021 CSPS 136

That Report No. 8 of the Diversity Committee of its meeting held December 15, 2020 indicating:

That a collaboration of the Windsor Essex Local Immigration Partnership (WELIP) and the Diversity Committee **BE APPROVED** to undertake a community consultation in conjunction with the Diversity and Inclusion Initiative to address racism in the community.

BE APPROVED.

Carried.

Report Number: SCM 119/2021 & SCM 23/2021
Clerk's File: MB2020

8.12. Minutes of the Housing & Homelessness Advisory Committee of its meeting held November 25, 2020

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR192/2021 CSPS 138

That the minutes of the Housing & Homelessness Advisory Committee of its meeting held November 25, 2020 **BE RECEIVED.**

Carried.

Report Number: SCM 121/2021 & SCM 50/2021
Clerk's File: MB2020

8.13. Housing & Homelessness Advisory Committee 2020 Annual Report

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR193/2021 CSPS 139

That the 2020 Annual Report of the Housing & Homelessness Advisory Committee **BE APPROVED.**

Carried.

Report Number: SCM 122/2021 & SCM 59/2021

Clerk's File: MB2020

8.14. Minutes of the Committee of Management for Huron Lodge of its meeting held December 11, 2020

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR194/2021 CSPS 140

That the minutes of the Committee of Management for Huron Lodge of its meeting held December 11, 2020 **BE RECEIVED.**

Carried.

Report Number: SCM 123/2021 & SCM 35/2021

Clerk's File: MB2020

8.15. Minutes of the Meeting of the Board of Directors, Willistead Manor Inc., held February 11, 2021

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR195/2021 CSPS 141

That the minutes of the Board of Directors, Willistead Manor Inc., of its meeting held February 11, 2021 **BE RECEIVED.**

Carried.

Report Number: SCM 124/2021 & SCM 66/2021

Clerk's File: MB2021

8.16. Diversity Committee 2020 Annual Report

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR196/2021 CSPS 142

That the 2020 Annual Report of the Diversity Committee **BE APPROVED.**

Carried.

Report Number: SCM 125/2021 & SCM 75/2021

Clerk's File: MB2020

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8.17. A New Provincial-Municipal Vision for Social Assistance Transformation - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR197/2021 CSPS 143

That the report from the Executive Director, Employment & Social Services providing an update on a new provincial-municipal Vision for Social Assistance Transformation **BE RECEIVED** for information.

Carried.

Report Number: SCM 126/2021 & S 31/2021
Clerk's File: SS2021

8.22. 374 Ouellette Street, Canada Building- Heritage Alteration Permit Request (Ward 3)

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR202/2021 DHSC 272

- I. That a Heritage Alteration Permit at the Canada Building, 364-374 Ouellette Street, **BE GRANTED**, for the proposed work scope generally described in Appendix B, including:
 - interior rehabilitation and restoration work
 - exterior door entrance restoration
 - exterior masonry restoration
- II. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with, and requested for in the proposed scope of work, and of the approval conditions, including and not limited to:
 - a. Submission of satisfactory product details and samples (including material and colour selections)
 - b. Approval of any requested mock-up
 - c. Submission of satisfactory conservation treatments in the form of drawings and/or specifications, to demonstrate no negative heritage impacts on the designated features
- III. That Building Permits **NOT BE ISSUED** until delegated approval is provided for by the City Planner and zoning requirements are satisfied.

Carried.

Report Number: SCM 137/2021 & S 34/2021
Clerk's File: MBA/10055

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8.23. 766 Devonshire Rd, Niels Ortved House – Heritage Designation Report (Ward 4)

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR203/2021 DHSC 273

That the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Niels Ortved House, at 766 Devonshire Road, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A'.

Carried.

Report Number: SCM 138/2021 & S 29/2021

Clerk's File: MBA/14078

8.24. 357-359 Indian Road (Sandwich HCD)- Request for Heritage Permit for Demolition and Alteration (Ward 2)

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR204/2021 DHSC 274

- I. That the request for a s. 42(1)2. *Ontario Heritage Act*, Heritage Permit for the demolition and replacement with a historically accurate reconstruction at 357-359 Indian Road **BE GRANTED** generally as per plans in Appendix B, conditional to the following:
 - a. Recommendations of the Heritage Consultant as per Section 7.2 of the Built Heritage Assessment; and
 - b. Further revisions requested as outlined in this report, including concerns about windows on north elevation; and
- II. That an Exemption under Demolition Control Bylaw 20-2007 **BE GRANTED** subject to the fulfillment of the following standard requirements for demolitions within the Olde Sandwich Towne Community Improvement Plan Area:
 - (i) a plan for a redevelopment in conformity with the Official Plan and Zoning Bylaw requirements,
 - (ii) an executed Site Plan Control Agreement(s),
 - (iii) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill conditions of the Site Plan Control Agreement;
 - (iv) the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - a) The Redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;

b) If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition, the Clerk enter the sum of Twenty Thousand Dollars (\$20,000 per unit) on the collectors roll of the property and prepare a certificate for registration and the City Solicitor register the certificate in the land registry office against the property.

- III. That all approvals **BE SUBJECT** to further finalization of construction drawings and details, the provision and approval of building material samples and colour samples by the Heritage Planner prior to issuance of building permits, as determined by the City Planner or his designate; and,
- IV. That the City Planner or his designate **BE DELEGATED** the authority to approve further minor changes to the approved scope for this property.

Carried.

Report Number: SCM 139/2021 & S 33/2021
Clerk's File: MB2021

8.25. Close and Convey Part of the North/South Alley Between Seminole St and Metcalfe St, Between 3930 Seminole St and 3970 Seminole St – SAA/6096 – Applicant: MRB Hardwares of Windsor (Seminole Home Hardware) – Ward 5

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR205/2021 DHSC 275

- I. That the 4.88 metre wide north/south alley between 3930 and 3970 Seminole St, and shown on Drawing No. CC-1778 *attached as Appendix 'A'*, **BE ASSUMED** for subsequent closure;
- II. That the 4.88 metre wide north/south alley between 3930 and 3970 Seminole St, and shown on Drawing No. CC-1778 *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:
- Enwin Utilities Ltd;
- III. That Conveyance Cost **BE SET** as follows:
- a. For alley abutting lands zoned Commercial CD2.2: \$172.22 per square metre without easements or \$86.11 per square metre with easements;
- IV. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1778, *attached as Appendix 'A'*;
- V. That a "No Exit" sign **BE INSTALLED** at the north end of the alley;

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- VI. That Cost of the “No Exit” sign **BE SET** at \$250.00 + HST and payable by the Applicant to the City prior to the registration of the Transfer;
- VII. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- VIII. 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,
- IX. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: SCM 140/2021 & S 4/2021
Clerk’s File: SAA2021

8.26. To Close Daytona Avenue ROW, South of Cabana Road W - SAS/6197 - Applicant: City of Windsor - Ward 1

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR206/2021 DHSC 276

- I. That the portion of Daytona Avenue south of Cabana Road W, as shown on Drawing No. CC-1781 *attached* as Appendix ‘A’, **BE ASSUMED** for subsequent closure;
- II. That the portion of Daytona Avenue south of Cabana Road W, as shown on Drawing No. CC-1781 *attached* as Appendix ‘A’, **BE CLOSED AND RETAINED**, and adjusted as necessary by the City Planner subject to the following:
- a. Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice be granted to:
 - EnWin Utilities;
 - Windsor Utilities; and
 - Enbridge Gas Inc.
- III. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1781 *attached* as Appendix ‘A’;
- IV. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- V. 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
- VI. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

8.27. To Close the Richardie Boulevard ROW, South of Cabana Road W - SAS/6198 - Applicant: City of Windsor - Ward 1

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR207/2021 DHSC 277

- I. That the portion of Richardie Boulevard south of Cabana Road W, as shown on Drawing No. CC-1782 *attached* as Appendix 'A', **BE ASSUMED** for subsequent closure;
 - II. That the portion of Richardie Boulevard south of Cabana Road, as shown on Drawing No. CC-1782 *attached* as Appendix 'A', **BE CLOSED AND RETAINED**, and adjusted as necessary by the City Planner subject to the following:
 - a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice be granted to:
 - Bell Canada;
 - EnWin Utilities; and
 - Enbridge Gas Inc.
 - III. That the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1782 *attached* as Appendix 'A';
 - IV. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
 - V. 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
 - VI. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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10. PRESENTATIONS AND DELEGATIONS

8.4. 2021 Business Improvement Area Budget & Levy Approvals

Debi Croucher, Executive Director, and Brian Yeomans, Chair – Downtown Windsor BIA (DWBIA)

Debi Croucher, Executive Director, and Brian Yeomans, Chair – Downtown Windsor BIA (DWBIA), appear before Council and are available for questions regarding the 2021 Business Improvement Area Budget and Levy approvals pertaining to the DWBIA.

Moved by: Councillor Bortolin

Seconded by: Councillor Holt

Decision Number: CR184/2021

That City Council **APPROVE** the 2021 Budget submissions and related levy requests for the Downtown Windsor, Via Italia (Erie Street), Olde Riverside Town Centre, Olde Sandwich Towne, Walkerville District, Ottawa Street, Pillette Village, Wyandotte Town Centre and Ford City Business Improvement Areas included as Appendices A through I and as summarized in Table 1; and,

That City Council **APPROVE** the 2021 Business Improvement Area Rates as presented in Table 1; and,

That the City Solicitor **BE AUTHORIZED** to prepare the necessary by-law; and further,

That Administration **BE DIRECTED** to hold back the 2nd payment due to the Wyandotte Town Centre BIA contingent on that BIA providing accurate, up-to-date audited financial statements.

Carried.

Report Number: C 52/2021

Clerk's File: AF2021

8.21. Rezoning Application – 1015 California Avenue Z 037/20 [ZNG6248] To change a zoning category and permit site specific provisions - Ward 2

Gefu Zhu, Windstar Homes Inc.

Gefu Zhu, Windstar Homes Inc., appears before Council to provide comment regarding the rezoning application for 1015 California Avenue to change a zoning category and permit site specific provisions, indicating that whereas the recommendation states a condition for parking at the rear of the building, his preference is for front yard parking.

Moved by: Councillor Gignac

Seconded by: Councillor Costante

Decision Number: CR201/2021 DHSC 271

That the report of the Development and Heritage Standing Committee regarding “Rezoning Application – 1015 California Avenue Z 037/20 [ZNG6248] to change a zoning category and permit site specific provisions” **BE DEFERRED** to the May 17, 2021 City Council meeting to allow administration to clarify the issues surrounding front yard parking on the subject property.

Carried.

Report Number: SCM 136/2021 & S 30/2021
Clerk’s File: ZB/14045

13.2. A BY-LAW TO REGULATE FEEDING OF WILD ANIMALS Authority No. CR625/2017

Tom Harris, Resident of Ward 6

Tom Harris, resident of Ward 6, appears before Council to provide comment regarding proposed By-law 67-2021, being a by-law to regulate the feeding of wild animals, suggesting that administration needs to consider more stringent measures related to rodent control and abatement.

Moved by: Councillor Gignac
Seconded by: Councillor Costante

Decision Number: CR210/2021

That with regards to By-law 67-2021, being a by-law to regulate the feeding of wild animals, that Administration **BE DIRECTED** to further examine options available to add to the by-law with regards to opportunities for potential mandatory options for rodents and extermination.

Carried.

Clerk’s Note: See also 1st, 2nd, and 3rd reading of by-laws section regarding By-law 67-2021.

Report Number: B 66/2021
Clerk’s File: MHS/9496

8.20. Zoning By-law Amendment Application for property known as 255 Cabana Road East, west of Howard Avenue, south side of Cabana Road East; Applicant: 255 Cabana Inc.; File No. Z-033/20, ZNG/6217; Ward 9

Ray Obeid, Area Resident

Ray Obeid, area resident, appears before Council to provide comment regarding the zoning by-law amendment application for property known as 255 Cabana Road East, west of Howard Avenue, south side of Cabana Road East, expressing concern that this application would jeopardize greenery in the subject location, which would also impact his privacy.

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Melanie Muir, Dillon Consulting

Melanie Muir, Dillon Consulting, appears before Council and is available for questions regarding the zoning by-law amendment application for property known as 255 Cabana Road East, west of Howard Avenue, south side of Cabana Road East, and stresses that issues raised by an area resident are matters that can be resolved during site plan control.

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

✓CLERK'S CORRECTION**

Decision Number: CR200/2021 DHSC 270

- I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the south side of Cabana Rd. E., west of Howard Ave., described as Pt Lot 6, Con. 4 (PIN 01290-0389), excluding the south rear portion being severed per COA Order B-020/20, from Residential District 1.4 (RD1.4) to Residential District 3.2 (RD3.2) in Zoning By-law 8600, subject to the following site specific zoning provision:

“406. SOUTH SIDE OF CABANA ROAD EAST, WEST OF HOWARD AVENUE

For the land comprising Part of Lot 6, Con. 4 (PIN 01290-0389), excluding the south rear portion being severed per COA Order B-020/20, the following shall apply

- i. The maximum number of dwelling units shall be 18 (eighteen)
- ii. The minimum required number of parking spaces shall be the maximum parking spaces permitted; ✓and✓
- iii. Reduction in the minimum required landscape open space yard is prohibited; ✓and,
- iv. Maximum building height is 10m. ✓
[ZDM 9; ZNG/6217]”;

- II. That the applicant's request for site-specific provisions to allow for reductions in required minimum landscape open space, minimum width of parking island, and minimum parking area separation from (i) a street, (ii) an interior lot line & (iii) a wall with habitable room window on the same land, **BE DENIED** for the reasons noted in this report;
- III. That the parcel described as Pt Lot 6, Con. 4 (PIN 01290-0389), situated on the south side of Cabana Rd. E., west of Howard Ave., excluding the south rear portion being severed per COA Order B-020/20, **BE EXEMPT** from the provisions of Interim Control By-law 103/2020 and further, that Interim Control By-law 103/2020 **BE AMENDED** by adding to Section 5 the following paragraph:
- **South side of Cabana, west of Howard Avenue**
Pt Lot 6, Concession 4; PIN 01290-0389; Roll No. 080-060-07000; excluding the south rear portion being severed per COA Order B-020/20.

- IV. That administration **BE DIRECTED** to facilitate discussions between the applicant as well as the immediately abutting property owner to the west of the property and to ensure privacy concerns are addressed through the site plan control process.

Carried.

Report Number: SCM 135/2021 & S 36/2021
Clerk's File: ZP/14000

8.19. Approval of a Draft Plan of Subdivision on lands located on the south side of Plymouth Dr., east of Central Avenue; File No. SDN-002/20 [SDN/6119]; Applicant – Grand Central Business Park Inc., Ward 5

Melanie Muir, Dillon Consulting

Melanie Muir, Dillon Consulting, appears before Council to provide comment regarding “approval of a Draft Plan of Subdivision on lands located on the south side of Plymouth Dr., east of Central Avenue, expressing concerns regarding the condition being recommended for land conveyance. A portion of block 9 was to be conveyed gratuitously and the rest to be purchased. The issue of the sidewalk to be put in by the City, but clarification is needed as to where the money for this comes from as well as issues related to traffic conditions.

Moved by: Councillor Gignac
Seconded by: Councillor Francis

Decision Number: CR199/2021 DHSC 269

That the report of the Development and Heritage Standing Committee regarding “Approval of a Draft Plan of Subdivision on lands located on the south side of Plymouth Dr., east of Central Avenue; File No. SDN-002/20 [SDN/6119]; Applicant – Grand Central Business Park Inc.” **BE DEFERRED** to allow for administration to review and provide clarification regarding the issues raised by Melanie Muir, Dillon Consulting, including land conveyance, issue of sidewalks, and traffic conditions.

Carried.

Report Number: SCM 134/2021 & S 35/2021
Clerk's File: ZP/14066

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

8.18. Rezoning - Aces Powersports - 6010 North Service Road East - Z-003/21 ZNG/6324 - Ward 8

Moved by: Councillor Kaschak
Seconded by: Councillor Costante

Decision Number: CR198/2021 DHSC 268

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 206 RP 1153 and part closed alley described as Parts 10, 11, 12 & 13, Plan 12R-18423, known municipally as 6010 North Service Road East, west side of North Service Road East, by adding a new site specific exception to Section 20(1) as follows:

- 407. WEST SIDE OF NORTH SERVICE ROAD EAST, WEST OF JEFFERSON BOULEVARD**
For the lands comprising Lot 206, Registered Plan 1153 and part closed alley described as Parts 10, 11, 12 & 13, Plan 12R-18423, an *Automobile Repair Garage* shall be an additional permitted use.
[ZDM 11; ZNG/6325]

Carried.

Report Number: SCM 133/2021 & S 32/2021
Clerk's File: ZB/14046

8.2. 2021 Tax Policy Decisions and Establishment of the 2021 Final Property Tax Rates

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR182/2021

That City Council **RECEIVE** the information contained in the 2021 Tax Policy Report; and,

That City Council **APPROVE** the following Tax Policy Principles which have been used to calculate the 2021 Final property tax rates:

1. That the Optional Tax Classes of office building, shopping center, parking lot/vacant commercial land, and large industrial **CONTINUE** to be used in the establishment of annual property tax rates.
2. That Administration **CONTINUE TO MONITOR** the application of a Small Business Class and **REPORT BACK** to City Council for further direction as part of the 2022 Tax Policy report
3. That tax reductions for the first and second sub-classes of farmland awaiting development **BE RECONFIRMED** at their present level of 65% and 30% respectively.
4. That Administration **BE DIRECTED** to review the application of discounts applied to the first and second sub-classes of farmland awaiting development and provide recommendations to City Council with regards to the elimination of the tax rate discounts as part of the 2022 Tax Policy report.
5. That the Municipality **CONFIRM** the threshold on the tax level for eligible new construction at 100%;

6. That City Council **ELIMINATE** the tax rate discount on excess commercial and vacant/excess industrial lands; and

That City Council **APPROVE** the 2021 Tax Ratios and Municipal Tax Rates as presented in Table 1; and,

That City Council **APPROVE** the 2021 Final Property Tax collection dates as presented in Table 2; and,

That City Council **MAINTAIN** the prescribed maximum rate for late payment charges as follows:

- 1 ¼% of the amount of tax due and unpaid as a penalty for non-payment on the first day of default; and,
- 1 ¼% of the amount of tax due and unpaid as interest for non-payment on the first day of each month; and,

That the City Solicitor **BE AUTHORIZED** to prepare the necessary by-laws.

Carried.

Councillor Bortolin voting nay.

Report Number: C 53/2021

Clerk's File: AF2021

8.11. Report No. 11 of the Housing and Homelessness Advisory Committee - Debenture Model for Affordable Housing

Moved by: Councillor Gignac

Seconded by: Councillor Francis

Decision Number: CR191/2021 CSPS 137

That Report No. 11 of the Housing and Homelessness Advisory Committee of its meeting held November 25, 2020 indicating:

- i) That the City of Windsor **BE REQUESTED** to develop debenture models including but not limited to loans and bond issuances for Council to consider adopting in order to raise revenues required to achieve the affordable housing stock targets articulated in the unanimously adopted Housing and Homelessness Master Plan.
- ii) That funds raised through such models **COULD BE DEPLOYED** in collaboration with community partners and/or senior levels of government.
- iii) That the City of Windsor Real Estate Services Department **BE DIRECTED** to review the City of Windsor's existing real estate portfolio to identify opportunities to develop land to increase the supply of affordable housing in the community.

BE APPROVED; and further,

That any report that comes back to Council be a comprehensive review, including CMHC funding; asset management modelling; and any other tools that might be available; as well as budgetary forecast capacity on the city budget.

Carried.

11.1. 2020 Year-End Operating Budget Variance Report - City Wide

Moved by: Councillor McKenzie
Seconded by: Councillor Costante

Decision Number: CR208/2021

1. That Council **RECEIVE FOR INFORMATION** the 2020 Year-End Operating Budget Variance Report.
2. That the final 2020 Property Tax Levy Operating Budget surplus of \$5,805,949 (net of the \$1,000,000 approved by City Council on April 19, 2021 to be transferred to capital for traffic calming initiatives) **BE TRANSFERRED** to the Budget Stabilization Reserve.
3. That COVID Municipal Safe Restart Funding totalling \$24,876,977 **BE TRANSFERRED** from Reserve F224 to the following entities to offset the 2020 COVID financial impacts in each respective area:
 - a. City of Windsor Municipal Budget - \$15,092,977
 - b. Windsor Detroit Tunnel - \$6,130,000
 - c. Windsor Airport (YQG) - \$3,178,000
 - d. Roseland Golf & Curling - \$476,000
4. That an amount of \$300,000 of the remaining (100% provincially funded) COVID Municipal Safe Restart Funding **BE APPROVED** to fund various employee resiliency initiatives to support staff in their continued work in providing services and programs to the community during the ongoing pandemic and in the recovery period post-pandemic.
5. That COVID Transit Municipal Safe Restart Funding totalling \$6,187,618 **BE TRANSFERRED** from Reserve F225 to Transit Windsor operations to offset the 2020 COVID financial impacts.
6. That in order to avoid the need to re-budget for various items, Council **APPROVE** \$2,240,985 in budget carryovers as detailed in Appendix C: 2020 Budget Carry-Forwards.
7. That Council **APPROVE** the balancing of and transfers from Capital Projects, as detailed in Appendix D: 2020 Capital Closeouts.
8. That Council **APPROVE** the attached Development Charges 2020 Income Statement Schedule (Appendix E).
9. That Council **APPROVE** the attached Development Charge Reserve Fund Statement – Listing of Credits (Appendix F).

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10. That Council **APPROVE** the creation of 5 new reserve funds as required under the *Development Charges Act* to separately track the revenues and expenditures for Engineered Services for the area specific rates in the Sandwich South Planning District, and city wide sewage treatment costs as follows:
- SSPD – Roads & Related
 - SSPD – Sanitary Sewer
 - SSPD – Storm Sewer & Municipal Drains
 - SSPD – Water
 - Sewage Treatment
11. That Council **APPROVE** the creation of a County Recycling Contract reserve account whereby annual reconciled net variances related to the annual contract will be deposited or withdrawn as required at each year-end for the life of the contract.
12. That Council **APPROVE** the transfer of \$15,148 realized from the sale of the bus used for resident therapeutic outings at Huron Lodge to the Resident Service Equipment Replacement capital project (7219000).
13. That in light of the large projects to repair and restore Windsor-Essex Community Housing Corporation aging infrastructure, as well as the development of new affordable housing units at Meadowbrook lane in Windsor, the City Treasurer **BE AUTHORIZED** as part of the 2020 year-end process, to provide Windsor-Essex Community Housing Corporation with a one-time 2020 subsidy amount to be transferred from the City Social Housing Reserve fund (Fund 216) in the amount of \$931,477 for their family portfolio to be applied to repay an outstanding cash flow loan in the City of Windsor's financial records that was advanced several years ago in conjunction with the amalgamation of the various Housing Entities.
14. That Council **APPROVE** the following housekeeping items and various transfers to/(from) the various reserve accounts/funds:
- \$223,920 to Fund 180 – Building Permit Reserve;
 - \$177,387 to Account 1743 – County Recycling Contract;
 - \$69,955 to Account 1763 - Class Reserve – Parks & Recreation;
 - \$38,331 to Account 1799 – Flood Protection Education Program;
 - \$9,581 to Account 1770 – Educational Assistance Reserve;
 - \$7,675 to Account 1755 – Reserve for Fire Education;
 - \$1,124 to Account 1771 – Mapping Reserve Account;
 - (\$130) from Account 1777 – Riverfront Brick Program;
 - (\$1,782) from Account 1756 – Tree Planting Reserve;
 - (\$26,162) from Account 1781 – Fire – Small Fleet Reserve;
 - (\$173,603) from Account 1762 – Municipal Elections Reserve
 - (\$212,526) from Account 1785 – BIA Maintenance-PW Operations
 - (\$222,509) from Funds 114-128 – Development Charge Reserves
 - (\$509,325) from Fund 160 – Capital Expenditure Reserve

Carried.

12. CONSIDERATION OF COMMITTEE REPORTS

12.2. Report of the Striking Committee of its meeting held April 19, 2021

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR209/2021

That the report of the Striking Committee of its meeting held April 19, 2021 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 151/2021
Clerk's File: ACO2021

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

That the following By-laws No. 66-2021 through 74-2021 (inclusive) be introduced and read a first and second time:

66-2021 A BY-LAW TO AMEND BY-LAW 71-2016, BEING A BY-LAW TO CLOSE AND STOP UP TO BE RETAINED BY THE CORPORATION OF THE CITY OF WINDSOR FOR THE PURPOSE OF SALE AS RESIDENTIAL BUILDING LOTS THE 20.12 METRES (66 FEET) WIDE PORTION OF ELSMERE AVENUE RIGHT-OF-WAY LOCATED NORTH OF SOUTH PACIFIC AVENUE ABUTTING THE SOUTH LIMIT OF THE CANADIAN PACIFIC RAILWAY CORRIDOR, CITY OF WINDSOR, **See Item 8.1 (Report C 56/2021)**.

67-2021 A BY-LAW TO REGULATE FEEDING OF WILD ANIMALS, authorized by CR625/2017 dated October 16, 2017.

68-2021 A BY-LAW TO AUTHORIZE THE CONSTRUCTION OF A SANITARY SEWER AND PRIVATE DRAIN CONNECTIONS ON MARK AVENUE FROM CAMPBELL AVENUE TO ALGONQUIN STREET, IN THE CITY OF WINDSOR, AS A LOCAL IMPROVEMENT, authorized by CR18/2021 dated January 18, 2021.

69-2021 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9148 BEING A BY-LAW TO REGULATE TRAFFIC WITHIN THE LIMITS OF THE CITY OF WINDSOR, authorized by CAO 103/2021 dated April 14, 2021.

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70-2021 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", authorized by CR128/2021 dated April 19, 2021.

71-2021 A BY-LAW TO AUTHORIZE THE CONSTRUCTION OF STORM SEWER, PRIVATE DRAIN CONNECTIONS, CURB AND GUTTER, LED STREET LIGHTING, AND BOULEVARD RESTORATION ON RANDOLPH AVENUE FROM CLEARY STREET TO NORTHWOOD STREET, IN THE CITY OF WINDSOR, AS A LOCAL IMPROVEMENT, authorized by CR19/2021 dated January 18, 2021.

72-2021 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS CABANA ROAD WEST, IN THE CITY OF WINDSOR, authorized by CR170/2021 dated April 19, 2021.

73-2021 A BY-LAW TO AMEND BY-LAW 52-2020, BEING A BY-LAW TO CLOSE AND STOP UP AND CONVEY THE 4.57 METRE EAST/WEST ALLEY AND THE 3.53 METRE NORTH/SOUTH ALLEY LOCATED SOUTH OF COLLEGE AVENUE, EAST OF CAMPBELL AVENUE, NORTH OF LAING STREET AND WEST OF CURRY AVENUE, CITY OF WINDSOR, authorized by CAO 287/2020 dated January 7, 2021.

74-2021 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING BY HELD ON THE 3RD DAY OF MAY, 2021.
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Bortolin

Seconded by: Councillor Costante

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

None.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That the By-laws No. 66-2021 through 74-2021 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 Morrison
Seconded by: Councillor Sleiman

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 12:38 o'clock p.m.

Mayor

City Clerk