



COUNCIL MEETING MINUTES

March 6, 2017

**Subject: Adoption of the minutes of the Windsor City Council meeting held
February 21, 2017**

Tuesday, February 21, 2017
6:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 10 - Councillor Borrelli

Ward 3 - Councillor Bortolin

Ward 2 - Councillor Elliott

Ward 1 - Councillor Francis

Ward 6 - Councillor Gignac

Ward 4 - Councillor Holt

Ward 7 - Councillor Kusmierczyk

Ward 8 - Councillor Marra

Ward 9 - Councillor Payne

Ward 5 - Councillor Sleiman

1. ORDER OF BUSINESS

2. CALL TO ORDER - Playing of the National Anthem & Moment of Silent Reflection

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

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Francis discloses an interest and abstains from voting on Item 8.10 being the Report of the Social Development, Health and Culture Standing Committee of its meeting held February 1, 2017 regarding "Diversity Committee 2015 Annual Report", as it relates to his employer.

Councillor Francis discloses an interest and abstains from voting on Item 8.14 being the Report of the Social Development, Health and Culture Standing Committee of its meeting held February 1, 2017 regarding "Report No. 21 of the Seniors Advisory Committee regarding application for the Seniors Community Grant Program", as it relates to his employer.

4. ADOPTION OF THE MINUTES

4.1 Minutes of the meeting of Council held January 23, 2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That the Minutes of the regular meeting of Council held January 23, 2017 **BE ADOPTED** as presented.
Carried.

4.2 Council Minutes February 6, 2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That the Minutes of the regular meeting of Council held February 6, 2017 **BE ADOPTED** as presented.
Carried.

5. NOTICE OF PROCLAMATIONS

February 2017 – Heart Month
February 19-25, 2017 – Rotary International World Peace & Understanding Week
March 2017 – Easter Seals Month

Flag Raisings

February 21, 2017- International Mother's Language Day

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

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

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
- (d) hearing presentations and delegations;
- (e) consideration of business items;
- (f) consideration of Committee reports:
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled); and
- (g) consideration of by-laws 33-2017 through 36-2017 (inclusive).

Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1 Correspondence for Council - February 21, 2017

Moved by: Councillor Marra

Seconded by: Councillor Payne

Decision Number: CR83/2017

That the following Communication Items 7.1.1 to 7.1.7 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Operation Lifesaver	Request for Resolution in support of Rail Safety Week City Engineer COUNCIL DIRECTION REQUESTED otherwise Note & File APR2017
7.1.2	Town of Tecumseh	Notice of Public Meeting for a Proposed Zoning By-Law Amendment concerning the use of shipping containers as accessory storage units City Planner City Solicitor Development Applications Clerk Note & File ZB2017
7.1.3	Secretary/Treasurer, Committee of Adjustment	Committee of Adjustment/Consent Authority Agenda for Thursday, February 23, 2017 Note & File ZC2017
7.1.4	City Engineer	Notice of Study Completion – Kamloops Street Extension Class Environmental Assessment Note & File ZB/12244 ZP/12271

No.	Sender	Subject
7.1.5	Manager of Urban Design	Site Plan Approval Application, Troup Group Inc., 254 Lauzon Road to increase the parking area Note & File ZS/12761
7.1.6	Manager of Urban Design	Site Plan Approval Application, Rammeloo Property Holdings Inc., 885 Wyandotte Street West to convert a vacant hydro substation into a health club Note & File ZS/12762
7.1.7	Manager of Urban Design	Site Plan Approval Application, City of Windsor – Sandwich Library, 363 Mill Street to demolish a garage structure, and convert the vacant Sandwich Fire Hall and Stable Building into a new library building and parking lot Note & File ZS/12763

Carried.

7.2 Windsor Canada Utilities Ltd. 2016 Q3 Financial Statements - City Wide

Moved by: Councillor Marra
 Seconded by: Councillor Payne

Decision Number: CR84/2017

That City Council **RECEIVE** for information, the Windsor Canada Utilities Ltd. 3rd Quarter 2016 Financial Statements.

Carried.

Report Number: C 18/2017
 Clerk's File: MU2017

7.3 Your Quick Gateway (Windsor) Inc. - 3rd Quarter 2016 Financial Statements - City Wide

Moved by: Councillor Marra
 Seconded by: Councillor Payne

Decision Number: CR85/2017

That City Council **RECEIVE** for information, the Your Quick Gateway (Windsor) Inc., 3rd Quarter 2016 Financial Statements.

Carried.

Report Number: C 19/2017
 Clerk's File: APM/9795

8. CONSENT AGENDA

8.1 Pre approval of funds for Howard Avenue, North Talbot Road to Lake Trail Drive, for property and easement acquisitions

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR86/2017

- I. That Council **APPROVE** revising the name of Project 7096001 from Howard/Southwood Lakes Intersection to Howard Avenue, North Talbot Road to Lake Trail Drive.
- II. That Council **PRE-APPROVE** \$350,000.00 that was identified in the 2017 Capital Budget for 2020 for Project 7096001 in order to carry out property and easement acquisitions along the corridor.
- III. That Council **DIRECT** Administration to begin negotiations with property owners for property requirements and easements for Project 7096001.

Carried.

Report Number: C 14/2017
Clerk's File: SW2017

8.2 Award of Tecumseh Road West Environmental Assessment: Proposal No. 175-16 - Ward 3 and 10

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR77/2017

- I. That, in accordance with the terms of RFP. 175-16, Council **AWARD** the contract to undertake the Tecumseh Road West Environmental Assessment to the following successful proponent:

Proponent/Company:	BT Engineering Inc.
Proposal:	Tecumseh Road West Environmental Assessment No. 175-16
Upset Limit:	\$200,879 + HST
Account:	007-2950-9998-05041-7086010 (Environmental Study Reports);

- II. That the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to sign a contract with the successful proponent satisfactory in form to the City Solicitor, in technical

content to the City Engineer, and in financial content to the Chief Financial Officer & City Treasurer.

Carried.

Report Number: C 196/2016
Clerk's File: MTR/12758

8.3 Amendment to By-Law Number 124-2016 - Appointment of Deputy Treasurer - City Wide

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR87/2017

WHEREAS City Council, at its meeting held August 22, 2016 passed By-Law Number 124-2016 appointing Daniel Seguin and Natasha Couvillon as Deputy City Treasurer, effective August 2, 2016;

AND WHEREAS Natasha Couvillon's acting assignment as a Deputy City Treasurer concluded effective January 31, 2017;

THEREFORE BE IT RESOLVED that By-Law Number 124-2016 **BE AMENDED** to delete Natasha Couvillon from the position of Deputy City Treasurer effective February 1, 2017; and

THAT the City Solicitor **BE DIRECTED** to prepare the necessary amendments to the By-Law in accordance with this recommendation.

Carried.

Report Number: C 21/2017
Clerk's File: AS2017

8.4 Delegation of Authority Semi-Annual Report for the period July 1, 2016 through December 31, 2016 - City Wide

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR88/2017 EC 293

That the Delegation of Authority Semi-Annual Report for the second half of 2016 (July 1, 2016 through December 31, 2016) **BE RECEIVED** for information; and

That City Council **APPROVE** adding to the Delegation of Authority By-law 208-2008 the authority for the Chief Administrative Officer to approve administrative requests associated with establishing new bank accounts where the signing authorities will be the Mayor and the City Treasurer; and

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That City Council **AUTHORIZE** the City Solicitor to amend the Delegation of Authority By-law 208-2008 to reflect these additional items.

Carried.

Report Number: S 11/2017

Clerk's File: AS/7748

8.5 Management Action Plan for PwC Investigation into a Complaint regarding 1812 Commemorations - Ward 2

Moved by: Councillor Sleiman

Seconded by: Councillor Borrelli

Decision Number: CR89/2017 EC 291

That the report of the Executive Initiatives Coordinator **BE RECEIVED** for information and further;

That City Council **AUTHORIZE** Administration to implement the Management Action Plan in response to the findings from PwC Internal Audit's investigation of a complaint; namely to review the Public Art Policy and ensure that future public art projects adhere to established practices regarding documentation, and further;

That City Council **DIRECT** Administration to bring back amendments to the Public Art Policy that acknowledge Artists' Rights and that this report coincide with Pricewaterhouse Coopers LLP's third quarter 2017 report to Council and further;

That City Council **ACCEPT** the donations of the *Wampum Belt* and *All We Are Is All We Were* 1812 murals from the WindsorEssex Community Foundation as temporary works of art under Section 5.5 of the Public Art Policy, and further;

That the Executive Director of Recreation and Culture **BE AUTHORIZED** to deaccession the 1812 murals according to the Public Art Policy at the end of their respective life cycles and further;

That City Council **AUTHORIZE** the Executive Director, Recreation and Culture to take such actions as may be required to bring effect to these resolutions.

Carried.

Report Number: C 11/2017

Clerk's File: AF/11247

8.6 Realtor Park – splash pad & washroom renovation – 2016 Placeholder - Ward 6

Moved by: Councillor Sleiman

Seconded by: Councillor Borrelli

Decision Number: CR90/2017 ETPS 466

That City Council **APPROVE** the use of funding allocated as a placeholder in the amount of \$500,000 for a new splash pad and washroom renovation at Realtor Park (0 Homedale blvd.) as per B68-2015; and further,

That Administration **BE AUTHORIZED** to prepare and issue a RFP consistent with the City of Windsor purchasing bylaw to retain appropriate designers, suppliers and installers of splash pad equipment to facilitate the above noted project; and, subject to the RFP responses falling within approved budget amounts; and further,

That Administration **BE AUTHORIZED** to secure the necessary contractors through a RFQ to complete the necessary work to facilitate the above noted project; and, subject to the RFQ responses falling within approved budget amounts; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement with the successful bidders, satisfactory in legal form to the City Solicitor, in technical content with the City Engineer, and in financial content to the City Treasurer; and further,

That Council **DIRECT** Administration to bring forward a recommendation during the 2018 operational budget development which identifies the costs or service level reductions required to sustain the on-going maintenance and operations of splash pads throughout the City.

Carried.

Report Number: C 214/2016
Clerk's File: SR/12732

8.7 McNorton Trail - Placeholder Release - Ward 7

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR91/2017 ETPS 463

That Council **APPROVE THE RELEASE** of the \$63,000 placeholder for an asphalt path along the north side of McNorton Street from Radcliff Avenue to the eastern City Limit with the Town of Tecumseh as per the 2012 enhanced Capital Budget; and,

That the funds be **TRANSFERRED** to Park's Capital Project #7161026 – (2016 – Trails Repairs); and further,

That Parks **BE DIRECTED** to undertake the work as per the City's Purchasing Bylaw.
Carried.

Report Number: C 218/2016
Clerk's File: SR2017

8.8 Hawkins Drain – Extension of deadline to file Drainage Report with the City’s Clerks Department

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR92/2017 ETPS 462

That Council **APPROVE** an extension of time in the amount of 12 months from the date of this Council Meeting for the completion of the Hawkins Drain Drainage Report to be filed with the Clerks Department pursuant to Section 39(1) of the *Drainage Act*.

Carried.

Report Number: S 117/2016
Clerk’s File: SW2017

8.9 Mitchell Park - Placeholder Release - Ward 3

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR93/2017 ETPS 460

That Council **APPROVE THE RELEASE** of the \$10,000 placeholder for security lighting works as per the 2012 enhanced Capital Budget; and,

That the funds be **TRANSFERRED** to Park’s Capital Project #7161025 – (2016 – Neighbourhood Parks); and further,

That Parks **BE DIRECTED** to undertake the work as per the City’s Purchasing Bylaw.
Carried.

Report Number: C 219/2016
Clerk’s File: SE2017

8.10 Diversity Committee 2015 Annual Report

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR94/2017

That the Diversity Committee 2015 Annual Report **BE APPROVED** as presented.
Carried.

Councillor Francis discloses an interest and abstains from voting on this matter.

Report Number: SCM 13/2017
Clerk's File: MB2017

8.11 Report No. 18 of the Seniors Advisory Committee regarding the creation of a New Logo

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR95/2017

That Report No. 18 of the Seniors Advisory Committee regarding approving the new Logo for the Seniors Advisory Committee created by Katie Eberlie, Student, Graphics Design Program, St. Clair College **BE APPROVED**.
Carried.

Report Number: SCM 219/2016
Clerk's File: MB2017

8.12 Report No. 19 of the Seniors Advisory Committee regarding the second 5 year planning cycle of the World Health Organization Network of Age Friendly Cities

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR96/2017 SDHC 450

That Report No. 19 of the Seniors Advisory Committee regarding approving a commitment by the Seniors Advisory Committee to develop a new plan of action (duration of up to 5 years) along with associated indicators to the World Health Organization Network of Age-Friendly Cities for the second implementation period (5 year planning cycle) **BE APPROVED**.
Carried.

Report Number: SCM 10/2017
Clerk's File: MB2017

8.13 Report No. 20 of the Seniors Advisory Committee regarding a letter to the Minister of Health and Long Term Care relating to the New Hospital Facilities in Windsor Essex

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR97/2017 SDHC 451

That Report No. 20 of the Seniors Advisory Committee, regarding approving the draft letter from the Seniors Advisory Committee to the Honourable Eric Hoskins, MPP, Minister of Health and Long Term Care relating to the New Hospital Facilities in Windsor Essex **BE APPROVED**.
Carried.

Report Number: SCM 11/2017
Clerk's File: MB2017

8.14 Report No. 21 of the Seniors Advisory Committee regarding application for the Seniors Community Grant Program

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR98/2017

That Report No. 21 of the Seniors Advisory Committee indicating that City Council be requested to approve the application by the Seniors Advisory Committee to the Ontario Senior Secretariat, Ministry of Citizenship and Immigration for the Seniors Community Grant Program in the amount of \$8,000 that will provide opportunities for seniors to network and become active in their communities and to develop plans that can be shared across communities and allow organizations to sustain seniors' programs over time **BE APPROVED**.

Carried.

Councillor Francis discloses an interest and abstains from voting on this matter.

Report Number: SCM 12/2017
Clerk's File: MB2017

8.15 Windsor Accessibility Advisory Committee 2015 Annual Report

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR99/2017 SDHC 453

That the Windsor Accessibility Advisory Committee 2015 Annual Report **BE APPROVED** as presented.

Carried.

Report Number: SCM 7/2017
Clerk's File: MB2017

8.16 2015 Annual Report of the Community Public Art Advisory Committee

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

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Decision Number: CR100/2017 SDHC 454

That the 2015 Annual Report of the Community Public Art Advisory Committee **BE APPROVED** as presented.

Carried.

Report Number: SCM 3/2017
Clerk's File: MB2017

8.17 2016 Annual Report of the Community Public Art Advisory Committee

Moved by: Councillor Sleiman

Seconded by: Councillor Borrelli

Decision Number: CR101/2017 SDHC 455

That the 2016 Annual Report of the Community Public Art Advisory Committee **BE APPROVED** as presented.

Carried.

Report Number: SCM 4/2017
Clerk's File: MB2017

8.18 "Love For All, Hatred For None" Sculpture to be located near the Alymer Rest Station Park – Ward 4

Moved by: Councillor Sleiman

Seconded by: Councillor Borrelli

Decision Number: CR102/2017 SDHC 457

THAT the report from the Manager of Cultural Affairs on the selection of the location of the *Love For All, Hatred For None* Sculpture **BE RECEIVED** and further;

THAT AUTHORIZATION be given to the City Solicitor or designate to develop an Agreement between the Corporation of the City of Windsor and the Ahmadiyya Muslim Community – Windsor Chapter to include: installation of the sculpture in the park at the Alymer Rest Station, each partner's obligations and responsibilities, the transference of ownership of the sculpture and other rights to the City of Windsor, and the development of a maintenance Trust Fund to be utilized for future maintenance and repairs, and further;

THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Agreement, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Executive Director of Recreation and Culture.

Carried.

Report Number: C 241/2016
Clerk's File: SR/12736

8.20 Nursing and Incontinence Supplies for Huron Lodge - RFP #150/2016

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

Decision Number: CR104/2017 SDHC 460

That Council **APPROVE** the selection of Cardinal Health Canada as the successful proponent for the provision of nursing and incontinence supplies, in accordance with their submission in response to RFP#150-16 for a two(2) year term with an option to extend the contract for an additional two (2) year term based on mutual agreement of both parties; and further,

That the Purchasing Manager **BE AUTHORIZED** to issue a Contract Purchase Order to Cardinal Health Canada for the provision of nursing and incontinence supplies, satisfactory in financial content to City Treasurer, and in technical content to the Executive Director of Long Term Care/Administration.

Carried.

Report Number: S 9/2017
Clerk's File: AH/11580

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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

10.1 Riverfront Festival Plaza Finalization Project Ward 3

Dan Krutsch, Consultant, Landmark Engineering; and Stefan Fediuk, Landscape Architect

Dan Krutsch, Consultant, Landmark Engineering; and Stefan Fediuk, Landscape Architect, appear before Council to provide an overview of the Riverfront Festival Plaza Finalization Project, specifically regarding the preliminary conceptual design, highlighting the process that was undertaken, the actual conceptual design and the proposed site layout and re-routing plan (Area 1: flexible open space; Area 2: transitional space; and Area 3: concert space).

David Grimaldi and Maggie Durocher, representing Windsor Parade Corporation

David Grimaldi and Maggie Durocher, representing Windsor Parade Corporation, appear before Council to provide comment regarding the Riverfront Festival Plaza Finalization Project, stressing the importance of keeping the Summer Fest event at the Festival Plaza and in Downtown Windsor, and want assurances that administration will meet with them to ensure that

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the design of the proposed concept can be fine-tuned to meet the needs and requirements of Summer Fest.

Jennifer Escott, Bike Windsor Essex

Jennifer Escott, Bike Windsor Essex, appears before Council to speak in support of the Riverfront Festival Plaza Finalization Project, categorizing it as a visionary proposal and concludes by expressing gratitude for allowing the cycling community to be consulted on this.

Moved by: Councillor Marra

Seconded by: Councillor Gignac

Decision Number: CR106/2017

- I. That Council **ACCEPT** the findings of this report in response to Council Questions CQ41-2015 and CQ14-2016, and
- II. That Council **APPROVE IN PRINCIPLE** the preliminary conceptual design prepared by Landmark Engineers Incorporated as the formal direction for the improvements to the Riverfront Festival Plaza and as the response to Council Questions CQ41-2015 and CQ14-2016 as well as Council Directive M167-2013 (Festival Plaza Heat Island Effect) and CR202-2014 (CRIP Lighting), and
- III. That Council **APPROVE** the extension of the Services Agreement for Finalized Detailed Design for Festival Plaza to Landmark Engineers Inc. as a sole source contract at an upset cost of \$149,000.00 (excluding HST) and further;
- IV. That the CAO and City Clerk **BE AUTHORIZED** to execute the extension agreement with Landmark Engineers Inc. for the provision of the Services Agreement for Finalized Detailed Design for Festival Plaza, to an upset limit of \$149,000 (excluding HST), satisfactory in form to the City Solicitor, in financial content to City Treasurer, and in technical content to the City Engineer.
- V. That administration **COMMUNICATE BACK TO COUNCIL** with the findings following a broader public consultation process of the consultant's conceptual design, along with a consultation process with current Festival Plaza users, and also to **REPORT BACK** to Council on any risks of potentially displacing current Festival Plaza events.

Carried.

Report Number: C 220/2016

Clerk's File: APM/4691

8.21 Zoning By-law Amendment Application by 2480871 Ontario Inc. for the lands located on the east side of Howard Avenue, south of North Talbot Road and municipally known as 4350 Howard Avenue; File No. Z-017/16, ZNG/4985; Ward 1

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

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Decision Number: CR105/2017 PHED 422

- I. That an amendment to the Zoning By-law 8600 to change the zoning of Pt lot 308, NTR, PT Lot 5, Concession 4, located on the east side of Howard Avenue, south of North Talbot Road and municipally known as 4350 Howard Avenue, from RD1.4 to CD1.2 **BE APPROVED** subject to the following additional conditions:
 - a) Minimum building setback from the front lot line is equal to 15.24m or the setback from the front lot line of the dwelling on the abutting lot next south, whichever is less;
 - b) Minimum building setback from the rear lot line is equal to 20.4m;
 - c) Maximum lot coverage is 30% of the lot area;
 - d) Minimum lot width is 18m;
 - e) Minimum side yard width is 1.8m on one side and 2.5m on the other side
 - f) Parking space, loading space, visitor parking space or accessible parking space is prohibited within 6m of the front lot line;
- II. That the City Planner **BE DIRECTED** to undertake a review of the Neighbourhood Commercial Policies of the Official Plan Volume 1 to identify existing gaps and bring forward recommendations to address “commercial creep” into residential neighbourhoods.
- III. That local surrounding residents **BE NOTIFIED** by the Planning Department when a site plan control application is made.
- IV. That the following design guideline **BE INCLUDED** at the time of site plan approval review.
 1. The Applicant be encouraged to provide a design with residential appearance and/or characteristics of the area.

Carried.

Report Number: S 224/2016
Clerk's File: ZB/12676

10.2 Ouellette Avenue Enhanced Streetscape Improvements Phase 6 - Wyandotte Street to Elliot Street

Mark Hernandez and Eha Naylor representing Dillon Consulting Limited

Mark Hernandez and Eha Naylor representing Dillon Consulting Limited, appear before Council to provide an overview of the “Ouellette Avenue Enhanced Streetscape Improvements – Phase 6 – Wyandotte Street to Elliot Street”, including the consultation process; overview of key features; on-street parking; and improved transit hub.

Debi Croucher, Executive Director, Downtown Windsor Business Improvement Association

Debi Croucher, Executive Director, Downtown Windsor Business Improvement Association appears before Council to speak in support of the “Ouellette Avenue Enhanced Streetscape Improvements – Phase 6 – Wyandotte Street to Elliot Street”, as this is a long overdue and progressive initiative that will benefit the area immensely.

Lori Newtown, Executive Director, Bike Windsor Essex

Lori Newtown, Executive Director, Bike Windsor Essex appears before Council to comment regarding the “Ouellette Avenue Enhanced Streetscape Improvements – Phase 6 – Wyandotte Street to Elliot Street”, asking why there is no cycling infrastructure incorporated in this plan, and suggests that the proposal should not exclude bicycle users, who should have been consulted and concludes by asking that bike plans be incorporated in this otherwise beautiful plan.

Moved by: Councillor Gignac
Seconded by: Councillor Borelli

That the report of the City Engineer dated February 1, 2017 entitled “Ouellette Avenue Enhanced Streetscape Improvements – Phase 6 – Wyandotte Street to Elliot Street” BE DEFERRED for one month to allow for consultation with the cycling groups and for administration to recommend opportunities to incorporate bike paths in this proposal.

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

Aye votes: Councillors Gignac and Borrelli.
Nay votes: Councillors Elliott, Sleiman, Francis, Payne, Holt, Kusmierczyk, Marra and Bortolin.

Moved by: Councillor Bortolin
Seconded by: Councillor Francis

Decision Number: CR107/2017

- I. That the Downtown Windsor Streetscape Modifications – Phase 6 Traffic Assessment (Appendix 1) completed by Dillon Consulting, dated January 31, 2017 and the Enhanced Concept Design as shown in Appendix 2 - Schedule ‘A’ **BE ADOPTED** by the City Council.
- II. That approval **BE GIVEN** to undertake the construction of Downtown Windsor Utilities & Enhanced Streetscape Improvements – Phase 6 in the time frame of 2017/2018 at a net City cost of \$5,600,000; and
- III. That City Council **AUTHORIZE** Administration to proceed with tendering the road and streetscape work on Ouellette Avenue (Wyandotte to Elliot) in 2017, funded accordingly:
 - \$3,600,000 in existing funds already allocated in Project ID 7143003

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- \$150,000 in Sewer Surcharge from surplus in Erie Wellington / Crawford Project ID 7141004
 - Balance of \$1,850,000 be approved as a first charge to the 2018 5 year Capital Budget and
- IV. That Administration **REPORT** in the 2018 Capital budget report the impact to any previously approved in principle projects from the 2017 5 year capital budget as a result of having to fund the \$1,850,000 and
- V. That Administration **REPORT** in the 2018 Operational budget any resulting impact to maintenance costs associated with the project and;
- VI. That all contracts for the works be **PRE-APPROVED**, subject to being within the allocated budget; and
- VII. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement with low bidder, in form satisfactory to the City Solicitor, financial content satisfactory to the City Treasurer and technical content to the City Engineer; and
- VIII. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an amending agreement for the design and project administration services of the Utilities & Streetscape Improvement in Downtown Windsor with Dillon Consulting Limited, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer/City Treasurer, and in technical content to the City Engineer to include additional engineering services at a cost not to exceed \$417,170 plus HST as detailed in the attached Appendix 3 - Schedule 'B' Dillon Consulting Revised Fee Estimate for Downtown Windsor Utilities and Streetscape Improvements, Phase 6.

Carried.

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

Aye votes: Councillors Elliott, Sleiman, Francis, Payne, Holt, Kusmierczyk, Marra, Borrelli, Bortolin and Mayor Dilkens.

Nay votes: Councillor Gignac.

Absent: None.

Abstain: None.

Report Number: C 20/2017
Clerk's File: SW/12757

8.19 Request for Waiver of Fees for Diving Plongeon Canada - City Wide

Nancy Hanes and Jason Potma, Windsor Aquatic Club; and Cynthia Lane, LW Special Olympics

Nancy Hanes and Jason Potma, Windsor Aquatic Club; and Cynthia Lane, LW Special Olympics, appear before Council to speak in opposition to the request of the Diving Plongeon

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Canada (DPC) to have their facility access fees waived, up to an upset limit of \$25,000 per year, for a three year period at the Windsor International Aquatic and Training Centre (WIATC) for the Windsor Dive Club, as granting this waiver would be unfair to the other existing clubs that use the facility, and conclude by reiterating that decision making by Council should be fair and equitable to all, and in a consistent manner.

Moved by: Councillor Marra

Seconded by: Councillor Bortolin

That the report of the Social Development, Health and Culture Standing Committee of its meeting held February 1, 2017 regarding "Request for Waiver of Fees for Diving Plongeon Canada", BE REFERRED to administration to allow for consideration as to how other groups that use the subject pool can be granted a waiver of fees during the subject time frame, and in a fair and equitable manner.

The motion is **put** and is **lost** due to an equality of votes.

Aye votes: Councillors Marra, Bortolin, Holt, Kusmierczyk and Elliott

Nay votes: Councillors Francis, Sleiman, Payne, Gignac and Borrelli

Moved by: Councillor Sleiman

Seconded by: Councillor Francis

Decision Number: CR103/2017

That the request of Diving Plongeon Canada (DPC), to have their facility access fees be waived, up to an upset limit of \$25,000 per year, for a three year period at the Windsor International Aquatic and Training Centre (WIATC) for the Windsor Dive Club **BE APPROVED**; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute and sign the agreement, satisfactory in technical content to the Executive Director of Recreation and Culture, in financial content to the Chief Financial Officer and City Treasurer, and in form to the City Solicitor.

Terms and Conditions:

- a) Term – three year period from September 01, 2016 to June 30, 2019.
- b) Fees – all expenses are to be paid by Diving Plongeon Canada (DPC) with the exception of pool rental fees of \$25,000 per term (2016 – 2017; 2017 – 2018; 2018 – 2019).
- c) Scheduling – allocation and pool scheduling will be done on an annual basis by session and is subject to change from year to year.
- d) Insurance – Windsor Dive Club will provide liability insurance (at its own cost) in the minimum amount of \$2 million with other specific items satisfactory to the manager of Purchasing and Risk Management and the City Solicitor.
- e) Equipment – the City will provide and will maintain in good working condition the 1-metre and 3-metre (2) springboards as well as the 1-metre, 3-metre, 5-metre, 7.5-metre and 10-metre platforms. The City will provide and will maintain in good working condition the

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surface tension spray mechanism and the bubbler (sparger) system. The Windsor Dive Club is responsible for installing, providing and maintaining all other required equipment including but not limited to trampolines, harnessing, somersault mats, plyometric boxes, stretching mats, and tumbling runs. Storage of the aforementioned equipment must be approved and pre-arranged with the Manager – WIATC, Adventure Bay Family Water Park and Aquatic Services and use is subject to dry land training pool deck space availability which will be assessed and allocated on an annual basis.

- f) Competition – requests to host special events or competitions are outside of this agreement and are subject to current User Fees.
- g) Office Space – Windsor Dive Club will arrange for the lease of office space if required outside of this agreement, subject to availability.
- h) Parking – Windsor Dive Club will arrange for its own parking outside of this agreement.

Carried.

At the request of Mayor Dilkens, a recorded vote is taken.

Aye votes: Councillors Sleiman, Francis, Elliott, Gignac, Borrelli and Mayor Dilkens.

Nay votes: Councillors Marra, Payne, Kusmierczyk, Bortolin and Holt.

Absent: None.

Abstain: None.

Report Number: S 205/2016

Clerk's File: SR/11026

11.1 Exemption from Sandwich Demolition Control By-law 20-2007 - 862 Mill Street, Ward 2

Hunter Kersey, Director of Safety and Security, Canadian Transit Company

Hunter Kersey, Director of Safety and Security, Canadian Transit Company, appears before Council to request that Council approve an exemption from the Demolition Control By-law 20-2007 by Ken Carter, on behalf of the Canadian Transit Corporation (CTC), owner of the residential building located at 862 Mill Street, suggesting that the property does pose a threat to public safety and disputes the Building Inspector's report.

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR109/2017

That an exemption from the Demolition Control By-law 20-2007, by Ken Carter, on behalf of the Canadian Transit Corporation (CTC), owner of the residential building located at 862 Mill Street **BE DENIED**, pending the outcome of outstanding litigation concerning this and other properties owned by the CTC.

Carried.

Councillor Kusmierczyk was absent from the meeting when the vote was taken on this matter.

Report Number: C 17/2017
Clerk's File: Z/8581

10.3 CQ49-2016 Karen Street One-Way - Ward 9

Barry Ashby, resident of Ward 9

Barry Ashby, resident of Ward 9 appears before Council to provide comment regarding the recommendation to designate Karen Street a one-way, north-bound street, requesting Council to keep Karen Street safe, and to alleviate speeding motorists using their street.

Shirley Watson, resident of Ward 9

Shirley Watson, resident of Ward 9 appears before Council to provide comment regarding the recommendation to designate Karen Street a one-way, north-bound street, requesting Council to keep Karen Street safe, and to alleviate speeding motorists using their street, and to instead use proper traffic calming measures, and that keeping Karen Street open would be the worst choice because it is at a pedestrian/school crossing with a 4-legged intersection and no safety measures in place.

Barry Horrobin, Director of Planning & Physical Resources, Windsor Police Services; and John Lee, Chief Fire Prevention Officer, representing Windsor Fire and Rescue Services

Barry Horrobin, Director of Planning & Physical Resources, Windsor Police Services; and John Lee, Chief Fire Prevention Officer, representing Windsor Fire and Rescue Services appear before Council and are available for questions regarding the proposed recommendation to designate Karen Street a one-way, north-bound street.

Moved by: Councillor Payne
Seconded by: Councillor Marra

That Karen Street BE DESIGNATED a one-way street north-bound.

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

Aye votes: Councillors Payne, Marra and Borrelli.
Nay votes: Councillors Francis, Sleiman, Elliott, Holt, Kusmierczyk, Gignac and Bortolin.

Moved by: Councillor Francis
Seconded by: Councillor Gignac

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Decision Number: CR108/2017

That the report of the Environment, Transportation and Public Safety Standing Committee of its meeting held January 25, 2017 entitled "CQ49-2016 Karen Street One-Way – Ward 9" **BE RECEIVED** for information; and further, that Administration **BE DIRECTED** to undertake a traffic count once Cabana Road has been completed

Carried.

Report Number: S 219/2016

Clerk's File: SR2017

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.2 Sandwich Street Roundabout ---Ward 2

Moved by: Councillor Elliott

Seconded by: Councillor Sleiman

Decision Number: CR110/2017

That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice regarding the report of the City Engineer dated February 17, 2017 entitled "Sandwich Street Roundabout – Ward 2".

Carried.

Moved by: Councillor Elliott

Seconded by: Councillor Sleiman

Decision Number: CR76/2017

- I. That Council **APPROVE** the Sandwich Street – Roundabout project to **BE FUNDED** from the previously approved 2017 enhanced capital budget placeholder of \$850,000 allocated for this project; and,
- II. That staff **BE AUTHORIZED** to tender the works and proceed; and that all contracts for the works be **PRE-APPROVED**, subject to being within the allocated budget, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreements, in form satisfactory to the City Solicitor, financial content satisfactory to the City Treasurer and technical content to the City Engineer; and,
- III. That Administration **REPORT BACK** to City Council the results of all tenders that were awarded and approved.

Carried.

Councillors Bortolin and Holt voting nay.

Report Number: C 36/2017

Clerk's File: SW2017

12. CONSIDERATION OF COMMITTEE REPORTS

None.

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Holt

Seconded by: Councillor Kusmierczyk

That the following By-laws No. 33-2017 through 36-2017 (inclusive) be introduced and read a first and second time:

33-2017 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" (see item 8.21, S 224/2016)

34-2017 A BY-LAW TO FURTHER AMEND BY-LAW 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES, authorized by CAO3810, approved January 31, 2017

35-2017 A BY-LAW TO AMEND PROVISIONAL BY-LAW 151-2016, BEING A BY-LAW TO PROVIDE FOR THE REPAIRS AND IMPROVEMENTS OF THE LENNON DRAIN IN THE CITY OF WINDSOR, authorized by CR612/2016, adopted October 3, 2016

36-2017 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE TWENTY-FIRST DAY OF FEBRUARY, 2017

Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Marra

Seconded by: Councillor Payne

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

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

Carried.

15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

That the following By-laws No. 33-2017 through 36-2017 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.
Carried.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1 CQ8-2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR78/2017

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

CQ8-2017:

Assigned to City Planner

Asks Administration to bring back a report to close an alley located East-West in the 200 block of McKay and Curry Avenue off of University. I have received multiple complaints from the resident at 263 McKay of the continued problems going on in this alleyway.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

18.2 CQ9-2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR79/2017

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

CQ9-2017:

Assigned to City Engineer

Asks to review the use of the surplus noise barriers from Herb Gray Parkway (plus costs) to possibly be utilized on the North Service Road, east of Elsmere Avenue.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Clerk's File: ST/8821

18.3 CQ10-2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR80/2017

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

CQ10-2017:

Assigned to Executive Director of Recreation and Culture

Asks Administration to report back on adequacy of kayak storage at Lakeview Marina.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Clerk's File: SR2017

18.4 CQ11-2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR81/2017

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

CQ11-2017:

Assigned to Executive Director of Transit

Asks administration to prepare a report to Council outlining what steps would be needed to offer Transit passes to City employees as a taxable benefit, similar to the parking passes that are currently available.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Clerk's File: AS2017

18.5 CQ12-2017

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR82/2017

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

CQ12-2017:

Assigned to City Planner

Asks that administration report back to the Environment, Transportation and Public Safety Standing Committee on implementing a "Complete Streets" policy for the City of Windsor, highlighting how such a policy would satisfy Council's 20 Year strategic Plan as well as any other relevant plans and studies.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Clerk's File: APR/10711

21. ADJOURNMENT

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Accordingly, the meeting is adjourned at 10:34 o'clock p.m.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Mayor

City Clerk

See Appendix attached under separate cover

CR107/2017- Appendix 2 - Item No. 10.2



SCHEDULE A
Downtown Windsor Utilities and Streetscape Improvements Phase 6 - Enhanced Concept Design

scale 1:2500
date 2017.02.06



SCHEDULE B
DILLON CONSULTING REVISED FEE ESTIMATE FOR
DOWNTOWN WINDSOR UTILITIES AND STREETScape IMPROVEMENTS, PHASE 6

	Breakdown of Fees	SUB-TOTAL	ROUTINE EXPENSES (6%)	TOTAL
PHASE 6 - OUELLETTE - WYANDOTTE TO ELLIOTT				
Enhanced Concept Development and Design (2015-2017)				
• Work Completed to Date including Stakeholder Consultation and Design Iterations	\$113,207.55			
• Development of Enhanced Concept, Detailed Design and Tender	\$181,132.07	\$294,339.62	\$17,660.38	\$312,000.00
Contract Administration and On-Site Services (Based on 170 Working Days in 2017/2018)				
• On-Site Services	\$238,679.25			
• Contract Administration Including As-Built Drawing Preparation	\$122,641.50	\$361,320.75	\$21,679.25	\$383,000.00
TOTAL - PHASE 6 - OUELLETTE - WYANDOTTE TO ELLIOTT (2015-2018)				\$695,000.00
Current Approved Budget (Estimated in 2009)				\$277,829.54
FEES FOR ADDITIONAL ENGINEERING SERVICES				\$417,170.46

NOTE: The total consulting fee includes \$45,000.00 for WUC watermain design and on-site inspection services.