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Windsor, Ontario May 22, 2012

A meeting of the **Windsor Licensing Commission** is held this day commencing at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Councillor Ron Jones, Chair
Councillor Ed Sleiman
Jack Fathers

Regrets received from:

Councillor Drew Dilkens (on City business)

Guest in attendance:

Councillor Percy Hatfield

Also present are the following resource personnel:

Michael Chantler, Deputy Licence Commissioner & Supervisor of Licensing
Gary Cian, Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner
Valerie Critchley, City Clerk/Licence Commissioner
Ann Kalinowski, Manager By-law Enforcement
Helga Reidel, CAO
Bill Tetler, By-law Enforcement Officer
Shannon Tilson, Licence Issuer
Karen Kadour, (A) Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 9:31 o'clock a.m. and the Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. MINUTES

Moved by J. Fathers, seconded by Councillor Sleiman,
That the minutes of the Windsor Licensing Commission at its meeting held April 18, 2012 **BE ADOPTED** as presented.
Carried.

3. **DECLARATIONS OF CONFLICT**

None disclosed.

4. **REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

Moved by J. Fathers, seconded by Councillor Sleiman,
WLC15/12 That the In Camera Item 9 (a) Personal matter about an identifiable individual **BE DEFERRED** to the Windsor Licensing Commission meeting to be held on June 20, 2012.

Carried.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

Transfer of Plate #195

Mr. Peter Chui and Mr. Henry Lesperance (spouse of Lynn Lesperance) are present and available to answer questions.

Moved by Councillor Sleiman, seconded by J. Fathers,
WLC16/12 That the transfer of Taxicab Plate #195 from Mrs. Lynn Lesperance, to Mr. Peter Chui **BE APPROVED** with the following conditions:

- the transferee, Mr. Peter Chui be given thirty (30) days from the date of this decision in which to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007.
- submit a Plate Holder Application and pay the applicable fee.
- that the transferee, cannot lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

Carried.

7. **APPLICATIONS/HEARINGS**

7(a) **La Subs and More – Hospitality Food Service Licence**

Mr. Brian La, owner of La Subs and More is present and available to answer questions.

Moved by J. Fathers, seconded by Councillor Sleiman,
WLC17/12 That La Subs and More, 1725 Wyandotte Street West, application for a licence # 12-105350 to operate as a Hospitality Food Service establishment **BE APPROVED WITH CONDITIONS:**

- Take-out restaurant only.

Carried.

7(b) Kathy Lenahan – Owner of Prohibited Dog “Diva”

No one is present to speak to the matter.

A. Kalinowski advises Kathy Lenahan, owner of “Diva” contends the dog is a boxer and not a pit bull but has not provided verification of the breed.

Moved by Councillor Sleiman, seconded by J. Fathers,
WLC18/12 That the dog owned and harboured by Kathy Lenahan **BE DEEMED PROHIBITED.**

Carried.

7(c) 002322382 Ontario Inc. o/a Crystal Auto Sales & Services – Salvage Yard

Mr. Hussain Al Ameri, owner Crystal Auto Sales, Mr. Bassin Al-Hamidawy, Manager and Mr. Peter Morgan and Mrs. Sandra Morgan, neighbours are present regarding this matter. Also present is Mr. David Cree, President and CEO, Windsor Port Authority.

Mr. and Mrs. Morgan advise they do not support this salvage yard as their adjacent property will be devalued and are concerned with the presence of combustible materials.

Mr. David Cree cites several reasons for opposing the granting of a business licence for a salvage yard at 3496 Sandwich Street. He indicates the Port Authority has a vested interest in this application and he states a salvage yard in this location is not an appropriate use for this site. He states there are problems with the existing fence, and break-ins and the setting of fires may occur.

Mr. Al-Ameri states the yard will be cleared of tires.

In response to a question asked by Councillor Hatfield regarding the number of complaints received since the business operation commenced in 2001, M. Chantler responds only 3 complaints have been received.

Moved by Councillor Sleiman, seconded by J. Fathers,
WLC19/12 That the application for a Salvage Yard Licence submitted by Mr. Hussain Al Ameri o/a Crystal Auto Sales & Service, 2496 Sandwich Street, Windsor **BE APPROVED WITH CONDITIONS** subject to the following:

1. That piles of material shall not exceed 6 feet in height;
2. That the owner develops a rodent control protocol and submit it to the Licence Commissioner;
3. That the owner, within seven (7) days of this decision, ensure all salvage material is at least 10 feet away from the boundary;
4. That By-law Enforcement inspect the premises quarterly;
5. That the applicant provide a letter from the City of Windsor Fire Department proving that the premises are clear of any combustible materials or other hazards;
6. That the owner has a proper program in place for the disposal of combustible materials.

And further, that the neighbours **ARE NOTIFIED** to contact 311 to advise of any by-law infractions such as noise concerns or piles of material being stacked too high.

Carried.

Councillor Jones, Chair voting nay.

7(d) 2303681 Ontario Inc. o/a Nebras Transportation

No one is present to speak to the matter.

Moved by J. Fathers, seconded by Councillor Sleiman,
WLC20/12 That the application submitted by Mr. Mahmoud Kawas, 1285 Erie Street East, Windsor, Ontario on March 21, 2012 for a Tow Truck Owner/Vehicle licence **BE APPROVED WITH CONDITIONS**:

- Vehicles must be stored inside existing storage building at 1350 Crawford Avenue at the end of each business day.

Carried.

8. REPORTS AND ADMINISTRATIVE MATTERS

8(a) Expired Business Licence

Moved by Councillor Sleiman, seconded by J. Fathers,
That the report of the Deputy Licence Commissioner and Supervisor of Licensing dated May 1, 2012 entitled “Expired Application(s) for Business Licence” **BE RECEIVED** for information.

Carried.

8(b) Taxi Vehicle Colour Scheme

Moved by Councillor Sleiman, seconded by J. Fathers,
That Public Vehicle Licensing By-law 137-2007 **BE AMENDED** by adding the following wording to Schedule 5, Section 23.5:

“(c) The colour of the vehicle’s bumpers, trim, mirrors, roof racks and tires shall be acceptable if they are as originally supplied as black, grey or chrome, by the manufacturer of the vehicle or painted in one of the two body colours of the broker’s colour scheme; and

That Council adopt By-law _____ ***attached*** hereto as Appendix “A”.

9. IN CAMERA AGENDA

9(a) This item is deferred to the June 20, 2012 meeting of the Windsor Licensing Commission.

10. NEW BUSINESS

In response to a question asked by Councillor Hatfield regarding if City Council is able to reverse a decision of the Windsor Licensing Commission, V. Critchley responds Council gave the authority to the WLC as a quasi-judicial body. She notes if one wishes to appeal a decision, it would be heard in the Ontario Court.

11. DATE OF NEXT MEETING

The next meeting will be held on June 20, 2012 at 9:30 o’clock a.m. in the Council Chambers, 3rd floor, City Hall.

12. ADJOURNMENT

There being no further business, the meeting is adjourned at 10:20 o’clock a.m.

CHAIR

SECRETARY