

Regular

Council meets in formal session this day at 6:10 o'clock p.m., in the Council Chambers.

**Members Present:**

Mayor Francis  
Councillor Brister  
Councillor Dilkens  
Councillor Gignac  
Councillor Halberstadt  
Councillor Hatfield  
Councillor Jones  
Councillor Lewenza  
Councillor Marra  
Councillor Valentinis

**Members Absent:**

Councillor Postma

**Call to Order**

Following the playing of the Canadian National Anthem, Bishop Lionel Riley, from Church of God in Christ, Harrison Memorial Church, offers the Opening Prayer.

**Disclosures of Pecuniary Interest and the General Nature Thereof**

None disclosed.

**Minutes**

Moved by Councillor Lewenza, seconded by Councillor Gignac,  
That the Minutes of the regular meeting of Council held April 16, 2007 **BE ADOPTED**  
as corrected, to reflect that Councillor Brister voted in opposition to PAC No. 2.  
Carried.

**Notice of Proclamations**

None.

**Committee of the Whole**

Moved by Councillor Valentinis, seconded by Councillor Gignac,  
That Council do now rise and move into Committee of the Whole with the Mayor presiding for  
the purpose of dealing with:

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals or referrals 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);
  - (ii) **Report of the Striking Committee** of its meeting held April 16, 2007;
  - (g) consideration of by-laws 63-2007 and 64-2007.
- Carried.

### Communications

Moved by Councillor Hatfield, seconded by Councillor Marra,  
**M87-2007** That the following Communication Items 1 to 17 as set forth in the Council Agenda  
**BE REFERRED** as noted:

| Item | From   | Description  |
|------|--|--|
| 1    | Ministry of the Environment  | Certificate of Approval Air in accordance with Section 9 of the <i>Environmental Protection Act</i> , for approval of one (1) standby diesel generator set, having a rating of 125 kilowatts, to provide power for a sewage pumping station during emergency situations located at the Walker Road Rail Underpass Pumping Station, 2691 Walker Road at Grand Marais Road East, north of CPR Crossing<br><b>General Manager of Public Works<br/>Executive Director of Environmental Services<br/>SW2007</b> |
| 2    | Ministry of Community Safety and Correctional Services, Emergency Management Ontario | Congratulating the municipality on its commitment to public safety in Ontario in meeting the requirements of the <i>Emergency Management and Civil Protection Act</i><br><b>Fire Chief<br/>SWE/3069</b>  |
| 3    | Ministry of Labour   | (a) Workplace Safety Strategy Preventing Injuries and Saving Money ( <i>McGuinty Government On Target in Improving Worker Safety</i> )<br>(b) Outstanding Results Produced By Ontario's Workplace Health And Safety Strategy<br><b>Executive Director of Human Resources<br/>GP2007</b>  |
| 4    | President, Via Italia BIA  | Submitting material on promotion which the BIA is pursuing through the <i>Italian Tribune</i> weekly newspaper in Detroit and surrounding communities to keep Council informed on what's happening with Via Italia BIA<br><b>Managing Director, Convention &amp; Visitors Bureau<br/>Acting City Planner<br/>MI2007</b>  |
| 5    | Regional Director Windsor/Chatham, Canadian Forces Liaison Council                   | Recognition and Signing Ceremony, May 4, 2007, at the University of Windsor<br><b>COUNCIL FOR DECISION<br/>APR2007</b>   |

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| 6 | General | Source Protection Committee – Municipal Representation |
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|----|---|---|
|    | Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA) | <b>COUNCIL FOR DECISION<br/>GCE2007</b>   |
| 7  | Owners of “The Junction”  | 1200 University Avenue West (The Junction) Windsor Public Hall/Entertainment Lounge Licence<br><br><b>Chief Building Official<br/>Acting City Planner<br/>City Solicitor<br/>Licence Commissioner<br/>COUNCIL FOR DECISION<br/>ACL2007</b>  |
| 8  | Manager of Development  | Application of South Windsor Properties Inc. for part-lot control exemption for lands located in the Kenilworth Gardens Subdivision<br><br><b>Note and File<br/>ZPLC2007</b>  |
| 9  | Supervisor of Development Application Teams                             | Application of the University of Windsor for site plan approval to permit a parking lot on lands located at 630, 638, 648, 652, 662, 674, 678 and 690 Sunset Avenue<br><br><b>Note and File<br/>ZS/9658</b>   |
| 10 | Supervisor of Development Application Teams                             | Application of Maryvale for site plan approval to permit a residential treatment facility located at 3640 Wells Street<br><br><b>Note and File<br/>ZS/9662</b>  |
| 11 | General Manager of Public Works   | Responding to Council Questions CQ51-2006(C) “Asks for a report on the status of a City of Windsor undertaking, initiated some years ago, pertaining to the removal of downspouts from the storm sewers in certain parts of the City. Also asks for a comment from administration, based on the greater frequency of severe storms and recommendations of the Environmental Master Plan, to extend the policy across the city; and,<br><br>CQ54-2006(C) “Asks for a report to Council on the basement flooding in Ward 3 in the last week of July identifying the possible causes of the sewage overflows and back-ups on Chilver Road, Lincoln Road, Hall Avenue, Memorial Drive, the 1600 block of Windsor Avenue and Iroquois Street, also asks that a cost be assigned to prevent a reoccurrence of basement flooding in this neighbourhood”<br><br><b>Note and File<br/>SW/8523 SW2007</b> |
| 12 | General Manager of Public Works   | Responding to Council Question CQ102-2006(C) Asks that with regard to the Wyandotte and Lauzon intersection, when will it be equipped with advance turn signals as well as pedestrian indicators. Also asks if they will be equipped with audio pedestrian indicators as there are visually impaired individuals in the area”<br><br><b>Note and File<br/>SW/9549</b>   |

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| 13 | General Manager of | Responding to Council Question CQ13-2007(C) |
|----|--------------------|---|

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|    | Public Works  | “Asks that with regard to communications #7, can we please have a report regarding the reasons for the denial of the city’s request for COMRIF funding to eliminate basement flooding”<br><br><b>Note and File<br/>AT/7134</b>  |
| 14 | General Manager of Public Works   | Responding to Council Question CQ25-2007(C) “Asks what would be the impact of a temporary reduction of the speed limit on Riverside Drive from 50km/h to 40km/h as a traffic calming measure aimed at reducing traffic volume on Riverside Drive until after Wyandotte Street is extended as far as Bellagio and traffic volumes can be reassessed within a reasonable period of time”<br><br><b>Note and File<br/>ST2007</b> |
| 15 | General Manager of Corporate Services   | Sidewalk Site Inspections as Modified Duties<br><br><b>Note and File<br/>AS2007 SW2007</b>  |
| 16 | Board of Directors of the Convention and Visitors Bureau of Windsor-Essex County and Pelee Island | Minutes of meeting held March 28, 2007 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> )<br><br><b>FILE<br/>MB2007</b>  |
| 17 | Windsor-Essex County Environment Committee  | Minutes of meeting held April 5, 2007 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> )<br><br><b>FILE<br/>MB2007</b>   |

Carried.

#### Consent Agenda

Moved by Councillor Hatfield, seconded by Councillor Marra,

That the following Consent Agenda and the recommendations contained in the administrative reports **BE APPROVED** as presented:

- Item 1      CQ22-2007 Naming of Felix and Mill Roundabout
- Item 5      Peace Beacon Site Development #35-07

Carried.

#### Deferrals and/or Referrals and Withdrawals

None.

#### Presentations & Delegations:

**DELEGATIONS****Loblaw Properties Ltd., amendment to Official Plan and Zoning By-law, northeast corner of Wyandotte Street West and Crawford Avenue, construct a No Frills grocery store****Brian McPhee, resident**

Brian McPhee, resident, appears before Council to express concern regarding the rezoning application from Loblaw Properties Ltd., to allow for construction of a No Frills grocery store at the northeast corner of Wyandotte Street West and Crawford Avenue, as it would affect the quality of life of the nearby residents, and that residents are concerned about the setback, as administration is proposing that the setback be equal to where the existing homes are now, and the neighbours want the building moved back further from Crawford, and that this commercial development would decrease the number of available parking spaces on the lot.

**Frank Harshaw, resident**

Frank Harshaw, resident, appears before Council to express concern regarding the rezoning application from Loblaw Properties Ltd., to allow for construction of a No Frills grocery store at the northeast corner of Wyandotte Street West and Crawford Avenue, as it would lead to major parking problems, as the commercial development being proposed would decrease the number of available parking spaces for residents.

**Heather Garrett, representing Zelinka Priamo and Steve Thompson representing Loblaw Properties**

Heather Garrett, representing Zelinka Priamo and Steve Thompson representing Loblaw Properties, appears before Council to provide a brief overview of their rezoning application to allow for a No Frills grocery store at the northeast corner of Wyandotte Street West and Crawford Avenue, and addresses residential concerns regarding the proposal, stating that there will not be an access to the entrance to the site from Wyandotte, and suggests that the issue of on-street parking is an issue that the City of Windsor would need to address.

ZB/9513 PAC 2

(For final disposition of this matter, see Clauses **CR164/2007** and **CR165/2007** in Schedule "A" attached hereto.)

**Corporate Volunteer Policy****Celia Southward, Coordinator of Leisure Services for Special Populations; and Christine Dean, Windsor Public Library**

Celia Southward, Coordinator of Leisure Services for Special Populations, and Christine Dean from the Windsor Public Library, appear before Council to provide an overview of the proposed corporate policy for "Volunteers", stating that the policy is intended to support and enhance corporate initiatives which may not be possible without the work of volunteers who contribute to the City of Windsor, for the benefit of the residents of the City of Windsor.

AS2007 2

(For final disposition of this matter, see **CR157/2007** in Schedule "A" attached hereto.)

**Burger King Restaurant, rezoning, land on the southwest corner of University Avenue East and Goyeau Street, permit a drive-through restaurant****Michael Williams, Real Estate Manager, Burger King Restaurants of Canada**

Michael Williams, Real Estate Manager, Burger King Restaurants of Canada, appears before Council and is available for questions with regards to the rezoning request by Burger King Restaurant, to permit a drive-through restaurant at the southwest corner of University Avenue East and Goyeau Street.

ZB/9623 PAC 1

(For final disposition of this matter, see **LOST MOTION** in Schedule "A" attached hereto.)

**Annexed Lands Official Plan Amendment****Jim Abbs, Policy Planner, Planning Department and Maureen Zunti, Consultant**

Jim Abbs, Policy Planner, Planning Department and Maureen Zunti, Consultant, appear before Council to provide an overview of the annexed lands, which are those lands located between the Airport and Highway 401, and the requirement to provide an Official Plan Amendment which would serve as a pathway for future development in the annexed area, and then provide a summary of the schedules that are being proposed to be amended, and highlight the key changes/proposed additions: Agricultural Transition area, which applies to the majority of the annexed lands; Baseline Road Residential Hamlet, between the 7th and 8th Concession; and the Ray/Joy Road Residential Area, which will retain the existing subdivision and integrate it appropriately with future development, and conclude by providing a brief overview of development constraints, such as woodlots.

Mayor Francis leaves the meeting at 7:33 o'clock p.m., and Councillor Lewenza assumes the Chair.

**Karl Tanner, Dillon Consulting representing Azar Group of Companies and Dunbar**

Karl Tanner, Dillon Consulting representing Azar Group of Companies and Dunbar, appears before Council to speak in support of the recommendation that the Township of Sandwich South Official Plan be repealed and that the lands formerly within the Sandwich South Official Plan be incorporated into the Official Plan for the City of Windsor by amending the City's Official Plan, and concludes by suggesting that if there is any appeal filed against this amendment, it might be prudent for Council to guarantee that certain phases are dealt with separately, to allow for certain developments to proceed on schedule.

Mayor Francis returns to the meeting at 7:40 o'clock p.m., and Councillor Lewenza returns to his seat at the Council table.

**Antun Peakovic, resident**

Antun Peakovic, resident, appears before Council to express concern with regards to proposed amendments to the Official Plan for those lands located between the Airport and Highway 401, suggesting that an increase in taxes does not necessarily increase in the level of service being provided, and states that residents in the affected area want to maintain the existing residential character of that area, and that as a starting point, more consultation with the affected residents needs to occur, and further states that residents would like a buffer area between one of the transition areas and the existing residential area, as well as consideration for a possible conservation and trail area.

**Chris Woodall, representing Tamarac Developments**

Chris Woodall, representing Tamarac Developments, appears before Council to suggest that Council approve proposed amendments to the Official Plan for those lands located between the Airport and Highway 401, suggesting that perhaps Council guarantee that certain phases are dealt with separately, to allow for certain developments such as Phase 1 to proceed on schedule.

**Matthew Child, Coordinator of Habitat and Aquatic Resources, Essex Region Conservation Authority**

Matthew Child, Coordinator of Habitat and Aquatic Resources, Essex Region Conservation Authority, appears before Council and is available for questions with regards to the proposed amendments to the Official Plan for those lands located between the Airport and Highway 401.

ZO/7330 PAC 4

(For final disposition of this matter, see Clause **CR167/2007** in Schedule "A" attached hereto.)

**Official Plan Amendments - Bill 51****Camille Pelchat, resident**

Mayor Francis leaves the meeting at 8:04 o'clock p.m., and Councillor Lewenza assumes the Chair.

Camille Pelchat, resident, appears before Council to state that proposed recommendations by the City of Windsor in reference to Official Plan Amendments resulting from Bill 51 are incomplete as there is not enough reference to green space, and concludes by suggesting that applicants/developers be required to prove that the proposed development will not have a negative impact on the environment or the public, instead of requiring the public to prove that a development will be harmful to the environment.

**Bruno Sfalcin, resident**

Bruno Sfalcin, resident, appears before Council to state that proposed recommendations by the City of Windsor in reference to Official Plan Amendments resulting from Bill 51 fail to address the notion that planning decisions should be based on the concern for human health, to protect farmland and the overall environment, and that there be less "reviewing" and more proactive action.

ZO/9625 PAC 3

(For final disposition of this matter, see Clause **CR166/2007** in Schedule "A" attached hereto.)

Mayor Francis returns to the meeting at 8:25 o'clock p.m., and Councillor Lewenza returns to his seat at the Council table.

**Windsor Airport Property Taxes****Fred Netherton, resident**

Fred Netherton, resident, appears before Council to provide Council with a brief overview of the aviation industry, stating that the industry requires an infusion of investment in order to thrive, and that the situation at Windsor Airport is such, that it requires reasonable costs and some stability in order for it to become an important economic engine for the region

**Bill Fellows, Windsor Airport Tenant**

Bill Fellows, Windsor Airport Tenant, appears before Council to provide Council with an overview of the timelines with regards to the Assessment method and tax situation at Windsor Airport from 2001 to the present, and asks that approval be given to rectify the situation for tenants, suggesting that they be taxed for the current year and the last two years and that they be exempt from paying taxes for 2001, 2002 and 2003.

**Perry Burford, Windsor Flying Club**

Perry Burford, Windsor Flying Club, appears before Council to speak to the issue of outstanding property taxes at Windsor Airport, requesting that a new tax sub-classification be added to reflect the unique nature of combined property ownership at the Windsor Airport whereby assessments of individual tenants' properties, engaged in aviation-related activities, shall be reduced by 20%, beginning in the 2007 tax year

**Vicky Kyriaco, Air America**

Vicky Kyriaco, Air America, appears before Council to request that Council approve the recommendations brought forward by the tenants group at Windsor Airport, regarding the outstanding property taxes, and concludes by inviting members of Council for a meeting so that they can see the big picture at Windsor Airport in terms of logistics and how Windsor can take advantage of new and emerging trends, to strengthen the situation at the Airport.

APM/8638 3

(For final disposition of this matter, see Clause **CR158/2007** in Schedule "A" attached hereto.)

**2007 Tax Policies**

Mayor Francis leaves the meeting at 9:00 o'clock p.m., and Councillor Lewenza assumes the Chair.

**Tim Fuerth, Treasurer, Windsor & District Chamber of Commerce**

Tim Fuerth, Treasurer, Windsor & District Chamber of Commerce, appears before Council to provide comments regarding the proposed 2007 tax policies, suggesting that Windsor's industrial and commercial property classes pay among the highest tax rates in the Province, and also highlights the existing inequity in the multi-residential class, and that multi-residential owners are facing tough times given the current high vacancy rates and an property portfolio, necessitating major capital refurbishment projects, and concludes by recommending that Council commit to a three-year plan to reduce the tax ratios on the non-residential classes to the Provincial Threshold ratios, and that Council provide for a vacancy rebate of 35% for commercial properties in addition to industrial properties.

**Vince Calandra, resident/owner of multi-residential properties in Windsor, and John Parent**

Vince Calandra, resident/owner of multi-residential properties in Windsor, and John Parent, appear before Council to state and illustrate that tax rates for multi-residential properties are inequitable and the highest in the Province, and that this inequitable tax rate becomes a hidden tax downloaded onto renters, who are the most vulnerable, and conclude by asking Council to reduce the multi-residential tax ratio to the provincial average of 2.08%.

**Anthony Brichkow, owners of multi-residential properties in Windsor**

Anthony Brichkow, owners of multi-residential properties in Windsor, appears before Council to state that tax rates for multi-residential properties are inequitable and the highest in the Province, and that the rate should be reduced substantially.

**Peter Nardone, owner of multi-residential properties in Windsor**

Peter Nardone, owner of multi-residential properties in Windsor, appears before Council to state that tax rates for multi-residential properties are inequitable and the highest in the province, thus placing a heavy burden on multi-residential property owners.

**Mario Giovanatto, owner of multi-residential properties in Windsor**

Mario Giovanatto, owner of multi-residential properties in Windsor, appears before Council to state that tax rates for multi-residential properties are inequitable and the highest in the province.

**Mary McArthur, resident**

Mary McArthur, resident, appears before Council to state that tax rates for multi-residential properties are inequitable and the highest in the Province, and concludes by requesting that the multi-residential tax rate be reduced, and suggests that if this does not happen, owners will be financially challenged and may not be able to maintain their buildings, thus creating safety issues.

AF2007 4

(For final disposition of this matter, see Clause **CR159/2007** in Schedule "A" attached hereto.)

**Regular Business Items (for final disposition of these matters see Schedule "A" attached)**

- Item 6 Year-end Operating Budget Variance Report (tabling – May 2, 2007)
- Item 7 2007 Business Improvement Area Budgets (tabling – May 2, 2007)
- Item 8 2007 Operating & Capital Budgets (tabling - May 2, 2007)

**Consideration of Committee Reports**

**M88-2007** Moved by Councillor Dilkens, seconded by Councillor Valentinis,  
presented. That the Report of the special In-camera meeting held April 23, 2007 **BE ADOPTED** as  
Carried.

ACO2007

**M89-2007** Moved by Councillor Dilkens, seconded by Councillor Valentinis,  
as presented. That the **Report of the Striking Committee** of its meeting held April 16, 2007 **BE ADOPTED**

Carried.

MB2007

### By-laws

Moved by Councillor Halberstadt, seconded by Councillor Jones,  
That the following By-laws No. 63-2007 and 64-2007 be introduced and read a first and second time:

By-law 63-2007 “A By-law to further amend By-law Number 389-2004 being a by-law to delegate to Administration the authority to process, make decisions on, and to execute agreements for certain matters”

By-law 64-2007 “A By-law to confirm the proceedings of the Council of the Corporation of the City of Windsor at its meeting held on the twenty-third day of April, 2007”

Carried.

Moved by Councillor Dilkens, seconded by Councillor Brister,  
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 (see Schedule “A”)**
- 5) **Committee Reports (as presented)**
- 6) **By-laws given first and second readings (as presented)**

Carried.

### Notices of Motion

None presented.

### Third Reading of By-laws

Moved by Councillor Brister, seconded by Councillor Halberstadt,  
That the following By-laws No. 63-2007 and 64-2007, 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.

### Petitions

None presented.

Council Questions

Moved by Councillor Jones, seconded by Councillor Marra,  
**M90-2007** That the Council Questions arising from the previous meeting of Council and listed by the Clerk **BE NOW CONSIDERED** for purposes of discussion, and further, that the Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Questions consistent with Council's instructions.

Carried.

ACOQ2007

Mayor Francis returns to the meeting at 10:22 o'clock p.m., and Councillor Lewenza returns to his seat at the Council table.

PROPOSED IN-CAMERA AGENDA FOR APRIL 30, 2007

Moved by Councillor Gignac, seconded by Councillor Lewenza,  
**M91-2007** That the following proposed In Camera Agenda for April 30, 2007 **BE APPROVED**:

- 1) Legal Matter - settlement
- 2) Financial Matter - bequest
- 3) Property matter – industrial lands
- 4) Property matter – sale of lands
- 5) Property matter - policy

and further, that in accordance with By-law 46-2003, the Chief Administrative Officer, in consultation with the Mayor **BE AUTHORIZED** to add matters deemed to be of an urgent or time sensitive nature.

Carried.

PROPOSED IN-CAMERA AGENDA FOR MAY 2, 2007

Moved by Councillor Gignac, seconded by Councillor Lewenza,  
**M92-2007** That the following proposed In Camera Agenda for May 2, 2007 **BE APPROVED**:

- 1) Personnel Matter - policy
- 2) Personnel Matter – update
- 3) Personnel Matter – update
- 4) Financial Matter – policy

and further, that in accordance with By-law 46-2003, the Chief Administrative Officer, in consultation with the Mayor **BE AUTHORIZED** to add matters deemed to be of an urgent or time sensitive nature.

Carried.

Moved by Councillor Halberstadt, seconded by Councillor Marra,  
**M93-2007** That Council **NOMINATE** Councillor Hatfield to sit on the A.M.O. (Association of Municipalities of Ontario) Board of Directors for 2007-2008, and that the nomination form **BE FORWARDED** by the City Clerk to A.M.O. by no later than Thursday, June 21, 2007.

Carried.

**Adjournment**

Moved by Councillor Dilkens, seconded by Councillor Valentinis,  
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 10:28 o'clock p.m.

MAYOR

CITY CLERK

**THIS IS A DRAFT COPY**

**MANAGER OF COUNCIL/COMMITTEE SERVICES/DEPUTY CLERK**

Hatfield  
Marra

CR156/2007

That the report of the General Manager of Public Works entitled "CQ22-2007 – Naming of Felix and Mill Roundabout" dated March 6, 2007 **BE RECEIVED**, and further that Administration contact the four (4) Elementary Schools to include them in the competition for naming the new Roundabout at Felix and Mill.

Carried.

Report Number **12689 Z/8581 C1**

Lewenza  
Marra

CR157/2007

That the report of the General Manager, Community & Protective Services dated April 11, 2007 entitled "Corporate Volunteer Policy" **BE APPROVED**.

Carried.

Report Number **12744 AS2007 2**

Brister  
Dilkens

CR158/2007

That the report of the General Manager of Corporate Services dated March 2, 2006 entitled "Windsor Airport Property Taxes" **BE WITHDRAWN**;

That **APPROVAL BE GIVEN** to effect apportionment of property taxes at Windsor Airport based upon the Assessment Method from 2001 forward; and

That **APPROVAL BE GIVEN** to the following recommendations to effectively adjust taxes for 2001 through 2006 to levels that would have been achieved had noted assessment allocations and applications for tax relief/reductions been able to be employed in those years under assessment-based methodology:

1. That the City Treasurer **BE AUTHORIZED** to apply funds from the budget stabilization reserves to taxes for the 2002 taxation years in the amount of \$40,503;
2. That the application for relief of property taxes **BE APPROVED** for the years 2003 through 2006 in the amount of \$217,523 (Municipal share - \$119,660); and
3. THAT the City Treasurer **BE AUTHORIZED** to apply funds from the budget stabilization reserves to taxes for the 2001 through 2006 taxation years in the amount of \$291,289 related to farmland reductions that could apply against the residential tax class; and

That the Airport Manager **BE DIRECTED** to issue invoices to airport tenants for additional rent pertaining to apportionment of property taxes for 2001 through 2006, and to administer payment plans and collections thereof in accordance with their responsibilities as Airport Manager.

Carried, Councillor Halberstadt voting nay.

Report Number 12730 APM/8638 3

Valentinis  
Marra

CR159/2007

THAT City Council **ADOPT** the following options with regards to 2007 tax policies, as amended, to require that Administration **ENDEAVOUR** to lower the multiple residential rate over 5 years to bring it in line with the Provincial average (i.e. 2.74 to 2.17);

1. THAT the Municipality continue with the use of optional tax classes of office building, shopping center, parking lot and vacant lands and large industrial.
2. 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/
3. THAT the Municipality adopt the default reductions rates on vacant commercial and industrial tax classes of 30% and 35% respectively.
4. THAT the 2007 capping program reflect the parameters comprising the following optional tools:
  - Establishing a maximum increase threshold at the greater of: 10% of the previous year's annualized capped tax and 5% of the previous year's annualized CVA tax for eligible property and
  - Imposing a threshold adjustment for capped properties where the required billing adjustment (credits only) is within \$250 of the properties' CVA tax.
5. THAT the Municipality reaffirms to fund the cost of capping through the claw-back mechanism within the class.
6. THAT the Municipality increase the threshold on the tax level for eligible new construction for 2007 to 90%.
7. THAT the 2007 start ratios be adopted for each tax class.
8. THAT the Municipality utilize the flow-through option for the restricted industrial class and pass on 50% of any levy change to that class.

THAT the City Solicitor **BE DIRECTED** to prepare the necessary by-laws for approval.

Carried, Councillors Brister, Gignac and Dilkens voting nay.

Report Number 12767 AF2007 4

Hatfield  
Marra

CR160/2007

That the following low tender for Peace Beacon Site Development, **BE ACCEPTED**, with work consisting of demolition and removal of the Cleary Guest House, construction of new concrete stairs, sidewalks, curb& gutter, asphalt, lighting and pathways regarding the Dieppe Park parking lot in accordance with the drawings and specifications.

**TENDERER:** Smith Contracting

**TENDER NO:** # 35-07

**TOTAL TENDER PRICE:** \$ 317,900.00 (including Contingency & excluding GST)

**TOTAL TENDER PRICE**

**INCLUDING CONTINGENCY AND GST:** \$ 336,974.00

**CONTINGENCY:** \$30,000.00

**ACCOUNT CHARGED:** 007 5410 1790 03375 7005547

And further, that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks and Facility Operations and in financial content to the City Treasurer and Chief Financial Officer.

Carried.

Report Number **12761 APM/4691 C5**

Gignac  
Hatfield

CR161/2007

That the report of the General Manager of Corporate Services dated March 2, 2007 entitled "Year-End Operating Budget Variance Report" **BE TABLED** for consideration at the May 2, 2007 meeting of Council respecting the 2007 budget.

Carried.

Report Number **12753 AFB/8623 6**

Gignac  
Hatfield

CR162/2007

That the report of the General Manager of Corporate Services dated April 18, 2007 entitled "2007 Business Improvement Area Budgets" **BE TABLED** for consideration at the May 2, 2007 meeting of Council respecting the 2007 Budget.

Carried.

Report Number **12747 MI/9667 7**

Gignac  
Hatfield

CR163/2007

That the report of the General Manager of Corporate Services dated April 17, 2007 "2007 Operating & Capital Budgets" **BE TABLED** for consideration at the May 2, 2007 meeting of Council.

Carried.

Report Number 12776 AFB/9384 8

Jones  
Lewenza

CR164/2007

- I That the application of Loblaw Properties Limited for an amendment to the City of Windsor Official Plan changing the designation of Part of Lot 34, Lots 35 to 39, Part of Lot 42, Part of the north/south Alley, Registered Plan 71, Part of Block "Z", Registered Plan 469, and part of the Canadian Pacific Rail railway corridor, situated at the northeast corner of Crawford Avenue and Wyandotte Street West from Residential to Mixed Use **BE APPROVED**.
- II That an amendment to Zoning By-law 8600 changing the zoning of Part of Lot 34, Lots 35 to 39, Part of Lot 42, Part of the north/south Alley, Registered Plan 71, Part of Block "Z", Registered Plan 469, and part of the Canadian Pacific Rail railway corridor, situated at the northeast corner of Crawford Avenue and Wyandotte Street West (Roll No. 040-140-00100 to 040-140-01300 inclusive and part of Roll No. 080-850-03000) from RD2.2 and MD1.6 to CD2.2 **BE APPROVED**.
- III That a further amendment to Zoning By-law 8600 amending the zoning of Part of Lot 34, Lots 35 to 39, Part of Lot 42, Part of the north/south Alley, Registered Plan 71, Part of Block "Z", Registered Plan 469, and part of the Canadian Pacific Rail railway corridor, situated at the northeast corner of Crawford Avenue and Wyandotte Street West (Roll No. 040-140-00100 to 040-140-01300 inclusive and part of Roll No. 080-850-03000) **BE APPROVED** adding the following site specific provisions:
- (i) That a garden centre shall be an additional permitted use.
  - (ii) The minimum setback for a building from the Crawford Avenue right-of-way shall be 6 metres.
  - (iii) That the number of required parking spaces for a retail store shall be provided at a ratio of one parking space for each 23.5 m<sup>2</sup> GFA.
  - (iv) That direct vehicular access to or from Wyandotte Street West is prohibited.
- IV That the following **BE INCLUDED** in any site plan agreement:
- (i) *Remediation of lands identified in the Phase II Environmental Assessment Report prepared by Toronto Inspection Ltd (dated September 18, 2006) and upon completion of the remediation, the submission of Phase III and Phase IV Environmental Assessment reports to the satisfaction of the Chief Building Official.*
  - (ii) Gratuitous land conveyance of 0.9 metres along Crawford Avenue for right-of-way purposes and a 9.14 metre by 9.14 metre corner cut-off at the intersection of Wyandotte Street West and Crawford Avenue.
- V That the Site Plan Approval Officer and the Site Plan Review Committee **BE DIRECTED** to consider the following during the site plan review process:
- (i) *Design guidelines for a Mixed Use development (Section 6.9.2.5 in the City of Windsor Official Plan);*

- (ii) Urban Design guidelines in Chapter 8 of the Official Plan with specific attention to the protection of abutting residential properties, the integration of the commercial development with the residential uses on Crawford Avenue (parking access, larger parking area setbacks along Crawford Avenue and Wyandotte Street West, upgraded landscaping along Crawford Avenue, the location of loading spaces and refuse bins including compactors) and direct sidewalk pedestrian access from at least one street.
- (iii) Submission of a Noise Study with regards to refuse compactors.
- (iv) 70 foot building setback from Crawford Avenue.

VI That the Site Plan Approval Officer **BE DIRECTED** to forward a site plan to area residents and property owners for their review and comment prior to approval by the Site Plan Review Committee.

Carried.

**Report Number 12732 ZB/9513 PAC 2**

Jones  
Lewenza

DELETED   **SV**

CR165/2007

That ~~with regards to the Loblaw Properties Ltd. development, that~~ Administration **BE REQUESTED** to examine, in consultation with the Ward Councillors, the possibility of future improvements to the north/south alley between Crawford Street and Oak Street from Wyandotte Street northerly in order to facilitate rear yard access for the residents fronting on Crawford Street.

Carried.

**Report Number 12732 ZB/9513 PAC 2**

Brister  
Hatfield

CR166/2007

I. That the following provisions and procedures introduced through Bill 51, the *Planning and Conservation Land Statute Act, 2006* **BE ADOPTED** as an amendment to the City of Windsor Official Plan:

- i. Revised policies regarding pre-consultation and complete application requirements for zoning, site plan and subdivision applications and additional information the City may require to support development approval applications;
- ii. Revised policies respecting Community Improvement Plans consistent with the expanded definition of community improvement and improvements that are eligible for grants or loans; and,
- iii. Revised policies respecting site plan control, consistent with the expanded legislative authority to include requirements related to external building design details addressing specified matters of sustainable design, character and appearance.

II That the following matters pertaining to Bill 51 **BE REFERRED** to the 5 Year Official Plan Review work program to address required and/or voluntary amendments to the Official Plan and implementing by-laws:

- i. Establishment of a Local Appeal Body (LAB);
- ii. Conditional Zoning;
- iii. Development Permit System (DPS);
- iv. Open Houses Requirements;
- v. Requirements for Updating the Official Plan and Zoning By-laws;
- vi. Secondary Residential Units;
- vii. Areas of Employment;
- viii. Subdivision/Condominium Approval Criteria (i.e. promoting sustainability);
- ix. Parkland Dedication (i.e. reduction of payments in lieu of conveying land); and,
- x. Consistency of the Official Plan with the Provincial Policy Statement (PPS).

III That an explanation **BE INCLUDED** in a decision of the Planning Advisory Committee and City Council involving denial of a request to amend the Official Plan and/or an application to amend the Zoning By-law.

IV That a by-law **BE ADOPTED** requiring applicants to consult with municipal staff prior to submitting an application for an official plan amendment, zoning amendment, site plan or plan of subdivision.

Carried.

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

Councillor Postma was absent from the meeting.

**Report Number 12734 ZO/9625 PAC 3**

Marra  
Lewenza

CR167/2007

I THAT the Township of Sandwich South Official Plan **BE REPEALED**; and

II THAT the lands formerly within the Sandwich South Official Plan **BE INCORPORATED** into the Official Plan for the City of Windsor by **AMENDING** the City's Official Plan as described in OPA #60.

Carried, Councillors Halberstadt and Jones voting nay.

**Report Number 12731 ZO/7330 PAC 4**

**THE FOLLOWING MOTION WAS VOTED ON BY COUNCIL AND DECLARED LOST:**

Hatfield  
Lewenza

- I That the application of Burger King Restaurant for an amendment to Zoning By-law 8600 for Part of Block 'A' and Lots 50 to 54 inclusive, Registered Plan 91, and Part of Block 'O', Registered Plan 85, located on the southwest corner of University Avenue East and Goyeau Street by adding a supplementary regulation permitting a drive-through restaurant **BE APPROVED**. Further:
- (i) Section 25.6 (a) (i) – Parking Area Separation from a Street shall not apply;
  - (ii) Access from an alley to a parking area or egress from a parking area to an alley shall be permitted (Section 25.3 (c)).
- II That the Site Plan Approval Officer and the Site Plan Review Committee **BE DIRECTED** to consider the following during the site plan review process:
- (i) Design guidelines for a Mixed Use development in the City Centre Planning District (Section 6.11.4.3 in the City of Windsor Official Plan) with particular reference to sub-paragraph (c) at least one building wall is located on an exterior lot line.
  - (ii) Access driveways to the site should be located as far away as possible from the intersection of the two streets.
  - (iii) Stacking spaces required by the Zoning By-law should be located in a single stacking space lane, uninterrupted by another parking space, aisleway or walkway.
  - (iv) Raised curbs, landscape elements or a combination of the two, should delineate stacking space lanes.
  - (v) Pedestrian access areas to the building should be physically separated from parking and stacking spaces/lanes and designed to be barrier free and clearly visible from the street and parking areas.
  - (vi) That during the site plan application process, Administration be directed to review the amount of pavement width on University Avenue to ensure there is sufficient space to permit through-traffic vehicles to pass around a vehicle that is waiting to make a left hand turn into the alley to access the subject site.

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

Aye Votes: Mayor Francis, Councillors Brister, Lewenza, Hatfield and Dilkens.

Nay Votes: Councillors Halberstadt, Valentinis, Marra, Gignac and Jones.

ADOPTED by Council at its meeting held April 23, 2007 [M88-2007]  
BA/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA**  
**April 23, 2007**

**Meeting called to order at: 4:58 p.m.**

**Members in Attendance:**

Mayor E. Francis  
Councillor D. Brister  
Councillor D. Dilkens  
Councillor R. Jones  
Councillor A.  
Halberstadt  
Councillor F. Valentinis  
Councillor K. Lewenza  
Councillor B. Marra  
Councillor P. Hatfield  
Councillor J. Gignac

**Members Absent:**

Councillor C. Postma

**Also in attendance:**

D. Tyagi, General Manager Public Works and Acting Chief Administrative Officer  
M. Duben, General Manager of Community and Protective Services  
R. Warsh, General Manager Social and Health Services  
H. Reidel, General Manager of Corporate Services  
G. Wilkki, City Solicitor (Item 1)  
B. Andreatta, City Clerk  
N. Coleman, Mayor's Chief of Staff

**Declarations of Pecuniary Interest:**

None declared.

**Verbal Motion is presented by Councillor Brister, seconded by Councillor Valentinis,**

**to move in Camera for discussion of the following item(s):**

1. Property Matter – Offer to Sell
2. Border Issue – no report
3. Personnel/Legal Matter – verbal update

**Motion Carried.**

**Discussion on the items of business.**

**Verbal Motion is presented by Councillor Marra, seconded by Councillor Brister, to move back into public session.**

**Motion Carried.**

**Moved by Councillor Brister, seconded by Councillor Marra, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held April 23, 2007 directly to Council for consideration at the next Regular Meeting.**

1. That the confidential report of the City Solicitor and General Manager of Corporate Services respecting an offer to sell property **BE RECEIVED** and Administration **BE AUTHORIZED** to proceed in accordance with the verbal instructions of Council.
2. No report.
3. That the verbal report of Mayor Francis respecting a personnel matter **BE RECEIVED** and the Mayor **BE AUTHORIZED** to proceed in accordance with the verbal instructions of Council.

**Motion Carried.**

**Moved by Councillor Dilkens, seconded by Councillor Jones, That the special meeting of council held April 23, 2007 BE ADJOURNED.  
(Time: 5:27 p.m.)**

**Motion Carried.**

ADOPTED by Council at its meeting held April 23, 2007 [M89-2007]

BA/bt

Windsor, Ontario, April 23, 2007

**REPORT OF THE STRIKING COMMITTEE  
of its meeting held  
April 16, 2007**

**Present:** Mayor E. Francis  
Councillor D. Brister  
Councillor A. Halberstadt  
Councillor K. Lewenza  
Councillor J. Gignac  
Councillor P. Hatfield  
Councillor F. Valentinis  
Councillor R. Jones

**Absent:** Councillor D. Dilkens  
Councillor C. Postma  
Councillor B. Marra

Your committee submits the following recommendations:

- (1) That the following persons **BE APPOINTED** to the Business Improvement Area Boards of Management indicated below for the term expiring November 30, 2010:

| Name           | BIA Representative   |
|----------------|----------------------|
|                |                      |
| Arnold Blaine  | Ottawa Street BIA    |
| Judith Veresuk | Downtown Windsor BIA |
| Joan Charette  | Walkerville BIA      |

- (2) That Kathy Iacavone and Mary Kirk **BE APPOINTED** to the Windsor Accessibility Advisory Committee for the term expiring November 30, 2008.

CHAIR

CITY CLERK