# CITY OF WINDSOR MINUTES 05/30/2022

City Council Meeting

Date: Monday, May 30, 2022
Time: 4:00 o'clock p.m.

## Members Present:

**Mayor**
Mayor Dilkens

**Councillors**
Ward 1 - Councillor Francis
Ward 2 - Councillor Costante
Ward 3 - Councillor Bortolin
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 6 - Councillor Gignac
Ward 7 - Councillor Gill
Ward 8 - Councillor Kaschak
Ward 9 - Councillor McKenzie
Ward 10 - Councillor Morrison

**Clerk's Note:** Several members of Administration and members of the public participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

## 1. ORDER OF BUSINESS

## 2. CALL TO ORDER

Following the playing of the Canadian National Anthem and reading of the Land Acknowledgement, the Mayor calls the meeting to order at 4:00 o'clock p.m.

## 3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

## 4. ADOPTION OF THE MINUTES

## 4.1. Adoption of the Windsor City Council meeting minutes held May 9, 2022

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

That the minutes of the meeting of Council held May 9, 2022 **BE ADOPTED** as amended to indicate Councillor Bortolin voting nay on Item 11.1 "2021 Year-End Operating Budget Variance Report – City Wide."
Carried.

Report Number: SCM 147/2022

## 5. NOTICE OF PROCLAMATIONS

**Proclamations**
"VON Week" – Sunday, May 22 to Saturday, May 28, 2022
"Bike Month" – June 2022
"Brain Injury Awareness Month" – June 2022
"Dads Matter Month" – June 2022
"Windsor Seniors' Month" – June 2022

**Flag Raising Ceremony**
"Windsor Seniors' Month" – Wednesday, June 1 to Wednesday, June 8, 2022

**Illumination**
"VON Week" – Sunday, May 22 to Saturday, May 28, 2022
"Windsor Seniors' Month" – Wednesday, June 1 to Wednesday, June 8, 2022

## 6. COMMITTEE OF THE WHOLE

Moved by: Councillor Costante
Seconded by: Councillor Francis

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:
(a) communication items;
(b) consent agenda;
(c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
(d) hearing presentations and delegations;
(e) consideration of business items;
(f) consideration of Committee reports:
(g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and
(h) consideration of by-laws 77-2022 through 85-2022 (inclusive).
Carried.

## 7. COMMUNICATIONS INFORMATION PACKAGE

## 7.1. Correspondence for May 30, 2022

Moved by: Councillor Gignac
Seconded by: Councillor Gill

Decision Number: CR224/2022
That the following Communication Items 7.1.1 through 7.1.6 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted:

| No. | Sender | Subject |
|---|---|---|
| 7.1.1. | Ontario Office of the Solicitor General | Letter regarding the completion of the community safety and well-being (CSWB) plan for the City of Windsor and the County of Essex<br><br>Project Manager, CDHS<br>Commissioner, Human & Health Services<br>Executive Director, Housing & Children's Services<br>Chief of Police<br>Deputy Chief of Operational Support<br>GP2022<br>Note & File |

| No. | Sender | Subject |
|---|---|---|
| 7.1.2. | Ontario Land Tribunal | Ahmed v. Windsor (City) case heard by video hearing. Decision delivered by T.F. Ng and S. Mann on April 20 and 21, 2022, Case No. OLT-21-001184<br><br>Commissioner, Legal & Legislative Services<br>City Planner<br>Chief Building Official<br>Deputy City Solicitor<br>Senior Legal Counsel<br>Development Applications Clerk<br>ZB/13839<br>Note & File |
| 7.1.3. | Landmark Engineers Inc. | Sandpoint Beach Park Master Plan and Environmental Assessment Notice of Intent & Invitation to Comment<br><br>Commissioner, Community Services<br>Commissioner, Infrastructure Services<br>Commissioner, Legal & Legislative Services<br>City Planner<br>Deputy City Solicitor<br>SR/14130<br>Note & File |
| 7.1.4. | Patrick Winters, Development Project Manager, City of Windsor<br><br>AND<br><br>Andrea Winter, Consultant, Dillon Consulting Limited | Notice of Study Area Expansion and Public Consultation regarding the Stormwater Management Lauzon Parkway/CR42 Improvements<br><br>Commissioner, Infrastructure Services<br>Executive Director, Engineering/ Deputy City Engineer<br>Executive Director, Pollution Control/ Deputy City Engineer<br>Development Project Manager<br>EI2022<br>Note & File |
| 7.1.5. | City Planner/ Executive Director | Application for Draft Plan of Subdivision/ Condominium, St Clair Rhodes Development Corp, 233 Watson avenue, Application to approve a Plan of Condominium for a 24-unit residential development consisting of multiple dwellings<br><br>Z/14381<br>Note & File |

| No. | Sender | Subject |
|---|---|---|
| 7.1.6. | Manager of Urban Design | Recent Site Plan Control (SPC) applications:<br>• Southwestern Sales Corporation, 10150 Riverside E., removal and Replacement of Storage Building<br>• 1486187 Ont. Ltd (Rosati), 3030 Deziel, construct new building<br>• Our Daily Bread Ministries, 11325 Firgrove, addition to existing Office Building<br>• Francesco Vella, 1246,1256-1270 Erie E, parking lot & bocce courts<br>• 12843951 CDA Inc (Levon Khajadur), 3461 Walker, auto repair garage addition<br><br>Z2022<br>Note & File |

Carried.

Report Number: CMC 8/2022

## 7.2. Pay As You Go (PAYG) Transfer for Eligible 2021 Computer Equipment Related Expenses - Windsor Police Service (WPS) - City Wide

Moved by: Councillor Gignac
Seconded by: Councillor Gill

Decision Number: CR225/2022
That in compliance with CR139/2015, City Council **RECEIVE** for information this report confirming that an amount of $640,958.63 was transferred from the Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. ID 0192616, Class Code 18084, for eligible 2021 computer, printer, phone system upgrades, server and network related expenses.
Carried.

Report Number: CM 6/2022
Clerk's File: SP2022

## 7.3. Status Report on Implementation of Management Action Plans - 2021 Q4 - City Wide

Moved by: Councillor Gignac
Seconded by: Councillor Gill

Decision Number: CR226/2022
That the report of the Executive Initiatives Coordinator dated May 5, 2022 entitled "Status Report on Implementation of Management Action Plans - 2021 Q4 - City Wide" **BE RECEIVED** for information.
Carried.

Report Number: C 84/2022
Clerk's File: AF/14041

## 7.4. Disconnecting from Work - City Wide

Moved by: Councillor Gignac
Seconded by: Councillor Gill

Decision Number: CR227/2022
That the report of the Executive Director of Human Resources dated May 12, 2022 entitled "Disconnecting from Work - City Wide" **BE RECEIVED** for information.
Carried.

Report Number: C 89/2022
Clerk's File: AS2022

## 7.5. CQ 7-2022 - Response to CQ-7-2022 - Expansion of Dog Parks within the City - City Wide

Moved by: Councillor Gill
Seconded by: Councillor Francis

Decision Number: CR228/2022
That the report of the Executive Initiatives Coordinator dated May 4, 2022 entitled "CQ 7-2022 - Response to CQ 7-2022 - Expansion of Dog Parks within the City - City Wide" **BE RECEIVED** for information; and,

That Administration **BE DIRECTED** to begin the process of adding two additional dog parks at Oakwood Park and Elizabeth Kishkon Park after the community has **BEEN CONSULTED** as outlined in the Dog Park Policy; and,

That these additional dog parks **BE FUNDED** as follows: reallocation of $750,000 in 2022 PAYG funds and the reallocation and pre-commitment of $130,000 in 2023 PAYG funds from capital project PFO-009-12 – Parks Bridges/Shelters/Buildings/Capital Rehabilitation Program to capital project PFO-010-17 – Dog Park Development, to be replaced with the transfer of $880,000 from Fund 151 – Parkland Acquisition Reserve back to capital project PFO-009-12; and further,

That Administration **REPORT BACK** to Council with potential edits to the Dog Park Policy to allow smaller, urban parks to be used as dog parks as well.
Carried.

Report Number: C 82/2022
Clerk's File: SR2022

## 8. CONSENT AGENDA

### 8.1. Animal Control Contract - City Wide

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR229/2022
That City Council **APPROVE** the proposal to provide contractual animal control services from the Windsor-Essex Humane Society (WECHS) in the annual amount of $1,081,601 (exclusive of any applicable tax) with an annual inflation adjustment of 2% for a five year period commencing July 1, 2022 as detailed in the Financial Assessment section of this report; and,

That the contract **INCLUDE** a termination clause upon the provision of six (6) months written notice; and,

That the City Solicitor **BE AUTHORIZED** to prepare a contract for those services; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the contract, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Acting Licence Commissioner.
Carried.

Report Number: C 94/2022
Clerk's File: MHS/9496

### 8.2. Cancellation of June 27, 2022 City Council Meeting due to 2022 Ford Fireworks

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR230/2022
That the regular meeting of Council scheduled for Monday, June 27, 2022 **BE CANCELLED** as the 2022 Ford Fireworks are scheduled for that date.
Carried.

Report Number: C 78/2022
Clerk's File: ACO2022

### 8.3. Your Quick Gateway (Windsor) Inc. - Annual General Meeting of Shareholder - City Wide

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR231/2022

I. That Council, acting as the shareholder for Your Quick Gateway (Windsor) Inc. ("YQG"), **APPROVE** the resolutions presented by YQG; and further,

II. That the Chief Administrative Officer (CAO) and the City Clerk and Senior Manager of Council Services **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by YQG for the year 2021.

Carried.

Report Number: C 93/2022
Clerk's File: AL/14399

## 8.4. Award of Tender: 6-22 - Banwell Road, Phase 2 from Palmetto Street to Mulberry Drive / Wildwood Drive Roundabout - Ward 7

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR232/2022

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

**TENDERER:** **SheaRock Construction Group Inc.**
**TENDER NO:** **6-22**
**TOTAL TENDER PRICE:** **$5,455,346.00 (excluding HST)**
**ACCOUNT CHARGED:** **007-5410-7P17-02942-7171077**

and,

That the CAO and City Clerk **EXECUTE** an agreement with the low bidder, SheaRock Construction Group Inc., in the amount of $5,455,346.00 plus tax, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services, and in financial content to the Commissioner of Corporate Services CFO/City Treasurer.

II. That $375,000 in 2025 F169 - Pay As You Go funding, $125,000 in 2025 F221 Service Sustainability funding, $70,640 in 2026 F169 - Pay As You Go funding and $131,192 in 2026 F221 Service Sustainability funding, previously approved in principle as part of the 2022 Capital Budget in the Tecumseh Rd E. Infrastructure Improvements project (ECP-005-07) **BE TRANSFERRED** to the Banwell Rd. Infrastructure Improvements project (ECP-002-10) and **BE APPROVED** as a pre-commitment in project 7171077 – Banwell Road Improvement and available for immediate use.

III. That $445,640 in 2028 F169 - Pay As You Go funding and $256,192 in 2028 F221 Service Sustainability funding, approved in principle as part of the 2022 Capital Budget in the Banwell Rd. Infrastructure Improvements project (ECP-002-10) **BE TRANSFERRED** to the Tecumseh Rd E. Infrastructure Improvements (ECP-005-07) to replenish the project.

Carried.

Report Number: C 87/2022
Clerk's File: SW/14396

## 8.5. Request for Proposal (RFP) 55-22 - Cabana/Division Corridor Improvements Phase 5 Consulting Services - Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR233/2022

I. That the firm of Dillon Consulting Limited **BE RETAINED** for the engineering consulting services for Cabana / Division Corridor Improvements Phase 5 – East of Provincial Road to West of Walker Road, at a maximum fee of $991,000.00 (plus HST), in accordance with their proposal for consulting services, dated April 13, 2022 as a charge to Project ID 7152001.

II. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement with Dillon Consulting Limited, satisfactory in form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services CFO/City Treasurer, and in technical content to the Commissioner of Infrastructure Services.

Carried.

Report Number: C 81/2022
Clerk's File: SW/14397

## 8.6. Tender 59-22 – 2022 Construction of Concrete Sidewalks, Curb and Gutter ---City Wide

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR234/2022

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

**TENDERER:** **Piera Con Enterprises Inc.**
**TENDER NO:** **59-22**
**TOTAL TENDER PRICE:** **$1,998,695.25 (excluding HST)**
**ACCOUNTS CHARGED:** **Project 7221011 – 2022 Sidewalk Rehab**
**Project 7204003 – ICIP Citywide Sidewalks**

and,

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

II. That City Council **APPROVE** a pre-commitment of $305,000 in Service Sustainability funding from the 2023 Sidewalk Rehabilitation Project (OPS-004-07) for immediate use to complete the construction of Sidewalk, Curb and Gutter project identified in this report.

Carried.

Report Number: C 90/2022
Clerk's File: SW/14398

## 8.7. City of Windsor Heritage Recognition 2022

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR235/2022 DHSC 390

I. That Council **BE INFORMED** of the joint partnership between the City of Windsor Heritage Recognition 2022 with Doors Open Windsor 2022 and that Administration **ASSIST** in cross promotional efforts.

II. That the property owners and project team for the recent heritage conservation work at:

- 1008 Drouillard Road
- Hiram Walker Bridge (Peche Island) Restoration
- 1785 Walker Road- Teron Building
- 225 Giles Boulevard W.- William T. Wesgate House
- 3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project

**BE RECOGNIZED** with the 2022 Built Heritage Awards.

III. That the property owners of Neils C. Ortved House, 766 Devonshire Road, and 436 Askin Avenue **BE RECOGNIZED** with a heritage designation plaque.

Carried.

Report Number: SCM 126/2022 & S 43/2022
Clerk's File: MBA/2274

## 8.8. Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593]- Wonsch Construction Company Limited - Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR236/2022 DHSC 386

I. That the application of Wonsch Construction Company Limited for Draft Plan of Subdivision approval of Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366, City of Windsor; **BE APPROVED** on the following basis:

A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/21-1, which will facilitate the creation of 4 residential lots.

B. That the Draft Plan Approval shall lapse on May 30, 2025.

C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).

2. The Owners create, the following rights-of-way, in accordance with the approved Plan of Subdivision:

   a) 20m right of way for the for the extension of Oakridge Avenue and Farrow Avenue to the northerly limit of the subject lands;

3. The Owners convey 0.3m reserve blocks along the north limit of Oakridge Avenue and Farrow Avenue to the City of Windsor, to the satisfaction of the City Planner.

4. The Owners agrees to complete a geotechnical report to determine the capacity of the soil below the road base and building envelopes to the satisfaction of the City Engineer;

5. The Owner agrees to provide a Noise Study for review prior to registration of the Final Plan of Subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner;

6. The Owners agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.

7. The Owners will comply with all the following requirements relating to sidewalks:

   Sidewalks will be constructed:
   On the East Side of Oakridge Avenue and Farrow Avenue, to the satisfaction of the City Engineer and the City Planner;

8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.

    1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
    2. The study shall be finalized to the satisfaction of the City Engineer.

9. The Owners(s) will:

    a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
    b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
    c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.

11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

    > “Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

NOTES TO DRAFT APPROVAL (File: SDN-002/21)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.

2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.

3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.

4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.

5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

II. That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,

III. That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

IV. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: SCM 127/2022 & S 45/2022
Clerk's File: Z/14266

## 8.9. Draft Plan of Subdivision Application 0 Liberty Street n/s Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-003/21 [SDN/6630]-2342046 Ontario Inc. - Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR237/2022 DHSC 387

I. That the application of 2342046 Ontario Inc. for Draft Plan of Subdivision approval of Part of Lots 42 & 43, Plan 713, and Part of Lot 80, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390; **BE APPROVED** on the following basis:

A. That this approval applies to the draft plan of subdivision, as shown on the enclosed Drawing SDN-003/21-1, which will facilitate the creation of 4 residential lots.

B. That the Draft Plan Approval shall lapse on May 30, 2025.

C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).

2. The Owners create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

   a) 20m right of way for Street A;

3. The Owner agrees, prior to the issuance of a building permit, to remove the existing barrier on Liberty Avenue and erect a new barrier on the Liberty Avenue Right of way at the west Limit of the Plan of Subdivision to the satisfaction of the City Engineer.

4. The Owners convey 0.3m reserve block along the west limit of Street A to the City of Windsor, to the satisfaction of the City Planner.

5. The Owner agrees to complete a geotechnical report to determine the capacity of the soil below the road base to the satisfaction of the City Engineer;

6. The Owner agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense.

7. The Owners will comply with all the following requirements relating to sidewalks:

   Sidewalks will be constructed:
   On the East Side of Street A, to the satisfaction of the City Engineer and the City Planner;

8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.

    1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
    2. The study shall be finalized to the satisfaction of the City Engineer.

9. The Owners(s) will:
    a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
    b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
    c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.

11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

    "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."

NOTES TO DRAFT APPROVAL (File: SDN-003/21)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.

2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.

3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.

4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.

5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

II. That the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,

III. That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,

IV That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,

V. That a one-foot wide portion of the Liberty Street right-of-way as shown on Drawing Number. SDN-003/21-1, contained in this report **BE CLOSED AND RETAINED** for municipal purposes subject to the following:
   a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to Enbridge Ltd. and EnWin Utilities Ltd.

VI. That the City Planner **BE REQUESTED** to supply the appropriate legal description for the area to be closed, in accordance with Drawing Number. SDN 003-21-1, contained in this report; and,

VII. That the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice regarding the portion of the Liberty St. right-of-way to be closed; and,

VIII. That the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) to facilitate the right-of-way closure; and,

IX. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and,

X. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and,

XI. That the portion of Liberty Street closed by By-law 5588 **BE OPENED** for vehicular traffic.
Carried.

Report Number: SCM 128/2022 & S 47/2022
Clerk's File: Z/14316

## 8.10. Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22 ZNG/6657 - Ward 7

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR238/2022 DHSC 388

I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, (Roll No: 060-450-13120 & 060-450-13130), situated at the southwest corner of Wyandotte Street East and Elinor Street, and known municipally as 817 Elinor Street and 0 Elinor Street from Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20 (1) as follows:

**442. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND ELINOR STREET**

For the lands comprising of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, a *multiple dwelling* with five or more *dwelling units* shall be subject to the following additional provisions:

a) Lot Area – per *dwelling unit* - minimum 130.0 $m^2$

b) That the required *front yard depth*, required *rear yard depth*, and *required side yard* width shall not apply.

c) Building Setback – minimum

| | |
|---|---|
| from the lot line adjacent to Wyandotte Street East (including the corner cut-off) | 1.20 m |
| from the lot line adjacent to Elinor Street | 2.50 m |
| from an *interior lot line* | 2.50 m |

d) Notwithstanding Section 25.5.20.1.6, the minimum separation of a *parking area* from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.50 m

e) Notwithstanding Section 24.40, a *loading space* is not required.

f) An *access area* or direct vehicular access to Wyandotte Street East is prohibited.

[ZDM 14; ZNG/6588]

II. That the Site Plan Approval Officer **BE DIRECTED** to:
   a) Circulate any application to the Essex Region Conservation Authority for their review and comment;
   b) Consider the comments from municipal departments and external agencies in Appendix D attached to Report S 41/2022.

Carried.

Report Number: SCM 129/2022 & S 41/2022
Clerk's File: Z/14296

## 8.12. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3)

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR240/2022 DHSC 391

I. That the request made by Albert and Maria Folino to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 660 University Avenue East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. That the grant funds in the amount of $8,550 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,

III. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $8,550 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,

IV. That should the proposed Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications; and,

V. That the request made by Albert and Maria Folino to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 660 University Avenue East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

VI. That Administration **BE DIRECTED** to prepare an agreement between Albert and Maria Folino, the City, and any persons legally assigned the right to receive grant payments to

implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

VII. That the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,

VIII. That the City Planner **BE AUTHORIZED** to sign an Assignment Agreements, if required, satisfactory in form and content to the City Solicitor, in technical content to the City Planner and in financial content to the City Treasurer; and further,

IX. That the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 131/2022 & S 40/2022
Clerk's File: Z/14362

## 8.13. Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR241/2022 DHSC 392

I. That the request made by Bijoy Foods Inc. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3190 Devon Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,

II. That Administration **BE DIRECTED** to prepare an agreement between the City, Bijoy Foods Inc., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications; and,

III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and further,

IV. That the approval to participate in the Business Retention and Expansion Grant Program

**EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 132/2022 & S 48/2022
Clerk's File: Z/14364

## 8.14. Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc.

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR242/2022 DHSC 393

I. That Council **APPROVE** a Cost Sharing payment to Carthage Developments Incorporated estimated at $313,069, excluding HST (final payment to be based on actual construction costs), as the City's share of infrastructure costs associated with the Northway Avenue Development, to be funded from the New Infrastructure Development Project (Project ID# 7035119).

II. That the CAO and City Clerk **BE AUTHORIZED** to execute a Servicing Agreement with Carthage Developments Inc. for the installation of full municipal services on Northway Avenue from Malden Road to Manitoba Street, satisfactory in form to the Commissioner of Legal & Legislative Services and in content to the Commissioner of Infrastructure Services in accordance with the following terms:

a. The general servicing requirements as detailed by CR233/98.

b. Cost Sharing - The Corporation agrees to pay to the Owner **THREE HUNDRED THIRTEEN THOUSAND SIXTY NINE DOLLARS ($313,069)** excluding HST, based on estimated construction costs, final payment to be based on actual progress certificate payments, representing the Corporation's share of costs associated with the following:

i. The extension of Malden Road from Daytona Avenue east to Northway Avenue [The City is responsible for 70% of the construction costs];
ii. Curb and base asphalt repairs, as well as the installation of surface asphalt on Northway Avenue, north of Malden Road [The City is responsible for 100% of the construction costs]; and,
iii. The installation of storm and sanitary private drain connections, as well as water and hydro connections needed to service two new building lots fronting Daytona Avenue and Northway Avenue.

Carried.

Report Number: SCM 133/2022 & S 27/2022
Clerk's File: SW/14365

## 8.15. Minutes of the International Relations Committee of its meeting held February 2, 2022

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR243/2022 DHSC 394
That the minutes of the International Relations Committee of its meeting held February 2, 2022 **BE RECEIVED**.
Carried.

Report Number: SCM 134/2022 & SCM 82/2022
Clerk's File: MB2022

## 8.16. Minutes of the International Relations Committee of its meeting held March 31, 2022

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR244/2022 DHSC 395
That the minutes of the International Relations Committee of its meeting held March 31, 2022 **BE RECEIVED**.
Carried.

Report Number: SCM 135/2022 & SCM 95/2022
Clerk's File: MB2022

## 11.1. Windsor-Canada Utilities Ltd. – Annual General Meeting – City Wide

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR247/2022
I. That Council, acting as the shareholder for Windsor Canada Utilities Ltd. ("WCUL") **APPROVE** the resolutions presented by WCUL; and further,

II. That the Mayor **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by WCUL for the year 2021.

Carried.

Report Number: C 80/2022
Clerk's File: MU2022

## 11.2. Declaration of a Vacant Parcel of Land Municipally Known as 0 Tuscarora Street Surplus and Authority to Offer for Sale - Ward 4

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR248/2022
I. That the following City of Windsor (the "**City**") vacant parcel of land **BE DECLARED** surplus:

- Municipal address: **0 Tuscarora Street** – vacant land situate on the north side of Tuscarora Street, east of Marion Avenue
- Legal Description: Part of Lot 4 on Registered Plan 231 as in WE38392 save and except WE41042
- Approximate Lot size: 6.8 feet (2 m) x 164 feet (50 m)
- Approximate Lot area: 1,115.2 sq ft (100 $m^2$)
(herein the "**Subject Parcel**"); and,

II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel of land identified in Recommendation I for sale to the abutting property owner at 1106 Tuscarora Street at a price to be determined by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate.

Carried.

Report Number: C 83/2022
Clerk's File: APM2022

## 11.3. Declaration of Vacant Parcel Municipally Known as 0 Provincial Road Surplus and Authority to Offer for Sale - Ward 9

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR249/2022
I. That the following City of Windsor (the "**City**") vacant parcel **BE DECLARED** surplus:

- Municipal address: **0 Provincial Road** – vacant land situate on the south side of Provincial Road, west of Legacy Park Drive
- Legal Description: Part of Lot 14, Concession 6, Sandwich East further described as Parts 4 to 7 on Plan 12R-27714
- Approximate Lot size: 47.2 m (154.8 feet) x 70 m (229.6 feet) x 8.2 m (26.9 feet) x 58.37 m (191.5 feet)
- Approximate Lot area: 17,507.5 sq ft (1,626.5 $m^2$)
(herein the "**Subject Parcel**"); and,

II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel identified in Recommendation I for sale to the abutting property owners for lot consolidation

purposes at a price to be determined by the Manager of Real Estate Service, subject to the previous owner of the Subject Parcel having the option to match the best offer received by the City; and,

III. That the City Solicitor or designate **BE DIRECTED** to prepare a by-law to dedicate Part 1 to 3 on Plan 12R-27714 as part of the public highway known as Provincial Road.

Carried.

Report Number: C 92/2022
Clerk's File: APM2022

## 11.5. Award of Tender: 13-22 - Aubin Road Rehabilitation - Sewer, Pavement, Watermain, and Street Lighting Rehabilitation - Seminole Street to Alice Street - Ward 5

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR251/2022

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

| | |
|---|---|
| **TENDERER:** | **Sterling Ridge Infrastructure Inc.** |
| **TENDER NO:** | **13-22** |
| **TOTAL TENDER PRICE:** | **$3,694,672.00 (excluding HST)** |
| **ACCOUNT CHARGED:** | **007-5410-9998-02942-7201026** |

and,

That the CAO and City Clerk **EXECUTE** an agreement with the low bidder, Sterling Ridge Infrastructure Inc., in the amount of $3,694,672.00 plus tax, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, satisfactory in technical content to the Commissioner of Infrastructure Services, and in financial content to the Commissioner of Corporate Services CFO/City Treasurer.

II. That City Council **APPROVE** a transfer of $125,674.00 in surplus funding from the Francois – Seminole to Alice project (ID 7181006) to Aubin Road – Seminole to Alice project (ID 7201026) as detailed in the financial matters section.

Carried.

Report Number: C 96/2022
Clerk's File: SW/14405

## 11.6. Award of Tender: 04-22 - St. Luke Road Rehabilitation - Alice Street to Seminole Street (Ward 5)

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR252/2022

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

**TENDERER:** **D'Amore Construction (2000) Ltd.**
**TENDER NO:** **04-22**
**TOTAL TENDER PRICE:** **$4,500,000.00 (excluding HST)**
**ACCOUNT CHARGED:** **007-5410-9998-02942-7201028**

and,

That the CAO and City Clerk **EXECUTE** an agreement with the low bidder, D'Amore Construction (2000) Ltd., in the amount of $4,500,000.00 plus tax, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, satisfactory in technical content to the Commissioner of Infrastructure Services, and in financial content to the Commissioner of Corporate Services CFO/City Treasurer.

II. That City Council **PRE-COMMIT** for immediate use funding from City Wide Sewer Rehabilitation Program (ECP-035-07) in the amount of $780,000 from Fund 028 (Sewer Surcharge) in 2026 that was part of the 2022 Capital Budget approved in principle to allow for 2022 construction of Project 7201028 – St. Luke Rd – Seminole to Alice to proceed as planned.

Carried.

Report Number: C 97/2022
Clerk's File: SW/14406

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

None requested.

## 10. PRESENTATIONS AND DELEGATIONS

## 10.1. Auditor General Annual Internal Audit Plan

## AND

## 10.2. Internal Audit Summary Report - December 1, 2021 to April 30, 2022

**Christopher O'Connor, Auditor General**

Christopher O'Connor, Auditor General, appears before Council to make a presentation entitled "Auditor General Annual Internal Audit Plan" and "Internal Audit Summary Report – December 1, 2021 to April 30, 2022" and provides a brief summary of the current activities being undertaken by the Auditor General including the following: Summary of use of unallocated effort; Complaints and investigations; Road Infrastructure Maintenance Processes VFM Internal Audit Report—

performance audit value for money, modified performance measures were provided and management to set own performance measures which would streamline the process; Smart City Cyber Risk Mitigation Internal Audit Report, focusing on privacy and cyber risks and uses the established framework; Management Action Plan Validation Report including details related to the pandemic; Annual Performance Report; An amendment to the current plan, modified under the Auditor General Charter cancelling the Ransomware review and how the City determines priorities and projects; Stress of the pandemic and work that has been undertaken to mitigate risks; and a Compliance review of the procurement process including training and ensuring people are receiving the training.

Mayor Dilkens leaves the meeting at 4:54 o'clock p.m. and Councillor Francis assumes the Chair.

Moved by: Councillor McKenzie
Seconded by: Councillor Bortolin

Decision Number: CR245/2022
That the Auditor General Annual Internal Audit Plan 2022-2023 (*attached*) **BE RECEIVED** for information and **BE APPROVED**.
Carried.

Report Number: SCM 144/2022
Clerk's File: AF/14041

Moved by: Councillor McKenzie
Seconded by: Councillor Bortolin

Decision Number: CR246/2022
That the attached Internal Audit Summary report provided by PricewaterhouseCoopers LLP (PwC) for the period December 1, 2021 to April 30, 2022 comprised of the following:

a) Summary of use of unallocated effort
b) Complaints and Investigations
c) Road Infrastructure Maintenance Processes VFM Internal Audit Report
d) Smart City Cyber Risk Mitigation Internal Audit Report
e) Management Action Plan Validation Report
f) Annual Performance Report

**BE RECEIVED** for information; and,

That City Council **AUTHORIZE** administration to proceed to implement the Management Action Plans as prescribed in the internal audit reports; and further,

That City Council **DIRECT** administration to report on the progress of the implementation of the Management Action Plans and that such reports should coincide with the Auditor General's internal audit updates to City Council.
Carried.

Report Number: SCM 145/2022
Clerk's File: AF/14041

Mayor Dilkens returns to the meeting at 4:58 o'clock p.m. and Councillor Francis returns to his seat at the Council table.

## 11.4. Peace Fountain Replacement – Ward 6

**Pooya Baktash and Nathan Bishop, Partisans**

Pooya Baktash and Nathan Bishop, Partisans, appear before Council regarding the report "Peace Fountain Replacement – Ward 6" and are available for questions.

**George Brooks (Son of Charlie Brooks) and David Brooks (Grandson of Charlie Brooks)**

George Brooks (son of Charlie Brooks) and David Brooks (grandson of Charlie Brooks) appear before Council in support of the Administrative recommendations in the report "Peace Fountain Replacement – Ward 6" and indicate that they were both involved with the consultants related to the three options that were presented in the report and conclude by suggesting that the Peace Fountain should be renamed to the Charlie Brooks International Peace Fountain and encourages administration to seek funding from the Federal and Provincial Governments; and suggest an annual celebration gathering in peace at the fountain.

**Rick Labonte, Unifor Local 444 Community Environment Representative**

Rick Labonte, Unifor Local 444 Community Environment Representative, appears before Council regarding the report "Peace Fountain Replacement – Ward 6" and provides a brief history of Charlie Brooks as well as his legacy and encouraging peace; and concludes by suggesting a more modern and sustainable long term solution is required which should include renewable energy which is environmentally friendly; encourages modern technology to be considered when deciding; and encourages more accessible parking be installed closer to the peace fountain which would be more beneficial to the community.

**Kristina Bradt**

Kristina Bradt appears before Council regarding the report "Peace Fountain Replacement – Ward 6" and provides a brief history of her arts, culture and heritage work and how this fountain can be an opportunity to move forward with Public Art in this region; after consultations with the consultant suggests arts being commissioned; festivals; different types of arts and culture to provide artists a

platform; encouraging tourism bringing people to the fountain; and concludes by suggesting that Council consider her suggestions as integrating the work of local artists with this project would be beneficial to the community.

Moved by: Councillor Gignac
Seconded by: Councillor Francis

Decision Number: CR250/2022

I. That the report of the Project Administrator, Corporate Projects, dated May 18, 2022 entitled "Peace Fountain Replacement – Ward 6" and its appendices (*attached*) **BE RECEIVED** for information; and,

II. That Council **DIRECT** Administration to **MOVE FORWARD** with Option 1: Floating Fountain design concept, and that Administration **PERFORM** public consultation and **BRING FORWARD** final design, costing and funding options for presentation to Council for the 2023 Capital Budget; and,

III. That City Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary related to the approved option, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in legal content to the Commissioner of Legal & Legislative Services, in financial content to the Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,

IV. That Administration **BE AUTHORIZED** to take any other steps as may be required to bring effect to these resolutions, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any required documentation/agreement(s) for that purpose, subject to legal approval by the Commissioner of Legal & Legislative Services, financial approval by the Chief Financial Officer/City Treasurer, and technical approval by the Commissioner of Infrastructure Services; and,

V. That a committee **BE STRUCK** to begin fundraising to assist in covering costs associated with the Charles Brooks Peace Fountain replacement; and further,

Carried.
Councillors Costante and Sleiman were absent from the meeting when the vote was taken on this matter.

Report Number: C 95/2022
Clerk's File: SR/14084

## 8.11. Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670]

**Jeffrey Nanson, Solicitor representing the Applicant**

Jeffrey Nanson, Solicitor representing the applicant, appears before Council regarding the report "Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670]" and provides a brief history of the patio which has been met with positive feedback during the pandemic; and concludes by suggesting that they are in support of the License Commission's option and encourages Council to approve the recommendation of the Standing Committee.

**Lynne Pearlman, Area Resident**

Lynne Pearlman, area resident, appears before Council and expresses concern regarding the recommendation in the administrative report "Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670]" and encourages Council to support the administrative recommendation to deny the request; provides details related to the residential creep and setting a negative precedent in the area; brief history of the office building; restaurant, the temporary patio during COVID restrictions and now this request to make it permanent; and concludes by providing specific concerns related to parking; noise, alley traffic; more rodents including rats, rodents and skunks in the area and requests that a parking study be undertaken to determine the impacts to the area.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: CR239/2022 DHSC 389
That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 3, Plan 502 (642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), located on the east side of Windermere Road, south of Wyandotte Street East, by adding a site specific provision to Section 20(1) as follows:

**447. EAST SIDE OF WINDERMERE ROAD, SOUTH OF WYANDOTTE STREET EAST**

For the lands comprising of Lot 3, Registered Plan 502 (Roll No. 020-070-06600; PIN 01136-0246), a permanent patio (deck) exclusive to the *Restaurant* located on the property to the north, known municipally as 1731-1737 Wyandotte Street East and described as Lot 1, Registered Plan 502 (Roll No. 020-070-06900; PIN 01136-0386), shall be an additional permitted use and the following additional provisions shall apply:

a) Fence with a height of 1.0 m shall be installed along the east *lot line* and the segment of the north *lot line* which bounds the *rear yard*, save
and except a 1.5 m wide opening to provide pedestrian access to the permanent patio.

b) *Landscaped open space yard* with a minimum depth of 1.2 m shall be installed along the east *lot line* and the segment of the north *lot line* which bounds the *rear yard*, save and except a 1.5 m wide opening to provide pedestrian access to the permanent patio.
c) Screening fence with a minimum height of 1.8 m shall be maintained along the segment of the south *lot line* which bounds the *rear yard*.
d) Notwithstanding Table 24.20.5.1 and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no *parking spaces* shall be required for the existing legal non-conforming *Business Office* use.

[ZDM 6; ZNG/6670]

That City Council **DIRECT** the Licence Commissioner to recommend conditions as part of the review and approval of the license as follows:

That the License Commission **GIVE CONSIDERATION** to the following conditions regarding the Hospitality Food Service/Liquor Service Ancillary business license for Vito's Pizzeria restaurant items as related to:

- The patio shall comply with City of Windsor Lighting Intensity Standards Study (Council Resolution 228-2005) (See Appendix A1);
- The hours of operation for the patio shall be limited to between 7:00 am -11:00 pm daily; and
- Notwithstanding Section 2 of Table 3-1 to Emission of Sounds By-law No. 6716, the sound from or created by any radio, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind shall be prohibited on the patio; and further,

That the Commissioner, upon making a recommendation to the Commission, **BE DIRECTED** to give the applicant (Vito's Pizzeria) notice of the hearing at least seven days prior to its scheduled date (Part 3, Section 3.30 of Business Licensing By-law No. 395-2004). Vito's Pizzeria and municipal or provincial departments or agencies identified herein may make submissions to the Commission in respect to the said recommendation. The Commission shall give due consideration to the submissions made to it when rendering a decision on the recommendation. The decision rendered by the Commission is final and cannot be appealed by any parties.
Carried.

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

Aye votes: Councillors Francis, Costante, Bortolin, Holt, Sleiman, Gill, Kaschak, McKenzie, Morrison, and Mayor Dilkens.
Nay votes: Councillor Gignac.
Abstain: None.
Absent: None.

Report Number: SCM 130/2022, S 49/2022, AI 8/2022
Clerk's File: Z/14315

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

None presented.

## 12. CONSIDERATION OF COMMITTEE REPORTS

### 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR253/2022
That the report of the In Camera meeting of Council held May 30, 2022 **BE ADOPTED** as presented.
Carried.

Clerk's File: ACO2022

### 12.2. Minutes of the Windsor Licensing Commission of its meeting held April 27, 2022

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR254/2022
That the minutes of the Windsor Licensing Commission of its meeting held April 27, 2022 **BE RECEIVED**.
Carried.

Report Number: SCM 141/2022
Clerk's File: MB2022

### 12.3. Minutes of the Special Meeting of the Council Compensation Review Committee of its meeting held April 12, 2022

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR255/2022
That the minutes of the Council Compensation Review Committee of its Special Meeting held April 12, 2022 **BE RECEIVED**.
Carried.

Report Number: SCM 124/2022
Clerk's File: MB2022

## 12.4. Special Meeting of Council - In-Camera, May 18, 2022

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR256/2022
That the report of the Special In Camera meeting of Council held May 18, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 146/2022
Clerk's File: ACO2022

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

Moved by: Councillor Costante
Seconded by: Councillor Francis

That the following By-laws No. 77-2022 through 85-2022 (inclusive) be introduced and read a first and second time:

**77-2022** A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS HOWARD AVENUE, IN THE CITY OF WINDSOR authorized by CR76/2011 dated February 28, 2011.

**78-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR174/2022 dated April 25, 2022.

**79-2022** 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 approved by CAO 72/2022 dated March 30, 2022.

**80-2022** A BY-LAW TO FIX THE TAX RATES AND TO PROVIDE FOR THE LEVY AND COLLECTION OF PROPERTY TAXES FOR THIS YEAR authorized by CR202/2022 dated May 9, 2022.

**81-2022** A BY-LAW TO PROVIDE FOR THE IMPOSITION OF SPECIAL CHARGES UPON PRESCRIBED BUSINESS PROPERTY CLASSES OF RATEABLE PROPERTY WITHIN IMPROVEMENT AREAS FOR THE YEAR 2022 authorized by CR201/2022 dated May 9, 2022.

**82-2022** A BY-LAW TO RESCIND THE APPOINTMENT OF JASON WARD REYNAR AS THE CHIEF ADMINISTRATIVE OFFICER FOR THE CORPORATION OF THE CITY OF WINDSOR, AND TO APPOINT ONORIO COLUCCI AS THE ACTING CHIEF ADMINISTRATIVE OFFICER OF THE CORPORATION OF THE CITY OF WINDSOR authorized by CR157/2022 dated April 11, 2022.

**83-2022** A BY-LAW TO RESCIND THE APPOINTMENT OF GARY CIAN AS LICENCE COMMISSIONER FOR THE CORPORATION OF THE CITY OF WINDSOR, AND TO APPOINT STEVEN VLACHODIMOS AS LICENCE COMMISSIONER FOR THE CORPORATION OF THE CITY OF WINDSOR authorized by By-law 420-2001 dated November 19, 2001.

**84-2022** A BY-LAW TO RESCIND THE APPOINTMENT OF JASON WARD REYNAR AND GARY CIAN AS DEPUTY CLERKS FOR THE CORPORATION OF THE CITY OF WINDSOR authorized by By-law 420-2001 dated November 19, 2001.

**85-2022** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 30th DAY OF MAY, 2022.
Carried.

## 14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Gignac
Seconded by: Councillor Gill

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:
1) Communication Items (as amended)
2) Consent Agenda (as amended)
3) Items Deferred
   Items Referred
4) Consideration of the Balance of Business Items (as amended)
5) Committee Reports as presented
6) By-laws given first and second readings as presented

Carried.

## 15. NOTICES OF MOTION

## 15.1. Councillor Bortolin's Notice of Motion with Conditional Delegations

**Eric Nadalin, Director of Public Health Programs, and Nicole Dupuis, CEO, Windsor Essex County Health Unit**

Eric Nadalin, Director of Public Health Programs, and Nicole Dupuis, CEO, Windsor Essex County Health Unit, appear before Council regarding Councillor Bortolin’s motion regarding the Windsor-Essex County Health Unit’s application for a Consumption and Treatment Site (CTS) at 101 Wyandotte St. E. and are available for questions.

Moved by: Councillor Bortolin
Seconded by: Councillor Morrison

Decision Number: CR257/2022
**Whereas,** opioid-related morbidity and mortality have been increasing steadily in Windsor-Essex County over the past several years and are currently at the highest levels ever recorded in the region, and

**Whereas,** the onset of the COVID-19 pandemic in Ontario in March 2020 have contributed to substantial increases in opioid-related ED visits, opioid and drug overdose-related Emergency Medical Services (EMS) calls, hospitalizations, and deaths, and

**Whereas,** the majority of opioid and drug overdose cases that present in the emergency department resided in downtown Windsor, and

**Whereas,** Consumption and Treatment Services (CTS) sites have been established across the province to address opioid overdose and opioid related mortality, and

**Whereas,** the Windsor-Essex County Health Unit has completed a feasibility study indicating community support for a CTS, and

**Whereas,** the Windsor-Essex County Health Unit has established a Stakeholder Advisory Committee for the creation of a CTS in the downtown core of the City of Windsor, and

**Whereas**, the WECHU, in collaboration with partners involved in the WECOSS and the CTS Stakeholder Advisory Committee, has completed a series of comprehensive community consultations (2018-2021) that supported the local feasibility, need, and site-selection for establishing a local CTS site at 101 Wyandotte St E in the City of Windsor, and

**Whereas**, the WECHU has obtained a local Board of Health resolution in support of proceeding with the federal and provincial application processes for establishing a CTS site at the location of 101 Wyandotte St E, and

**Whereas,** the application for a CTS to the provincial government requires the WECHU obtain and submit local municipal council support (i.e. council resolution) endorsing the CTS site at 101 Wyandotte St E in the City of Windsor, and

**Now Therefore be it resolved** that the City of Windsor Council **SUPPORT** the WECHU's applications to the Ontario Ministry of Health and Health Canada to operate a Consumption and Treatment Services site at the location of 101 Wyandotte St E in the City of Windsor through a council resolution, and

**Be it further resolved** that the City of Windsor Council **SUPPORT** the WECHU in establishing a CTS site at 101 Wyandotte St E in the City of Windsor post-approval from the provincial and federal governments.
Carried.

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

Aye votes: Councillors Costante, Bortolin, Holt, Kaschak, McKenzie, and Morrison.
Nay votes: Councillors Francis, Sleiman, Gignac, Gill, and Mayor Dilkens.
Abstain: None.
Absent: None.

Clerks File: MH/14274

Councillor Gill gives notice that he intends to introduce a motion for consideration at the June 13, 2022 meeting of Council related to train whistles.

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

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

That the By-laws No. 77-2022 through 85-2022 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

Moved by: Councillor McKenzie
Seconded by: Councillor Morrison

Decision Number: CR258/2022
That the petition presented by Councillor Morrison on behalf of the residents of the 2200 block of Roxborough Boulevard opposing the installation of sidewalks on the west side of Roxborough Boulveard **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the Commissioner, Infrastructure Services for the purpose of an examination of the requested works or undertakings.
Carried.

Clerk’s File: SW2022

## 18. QUESTION PERIOD

None registered.

## 21. ADJOURNMENT

Moved by: Councillor Costante
Seconded by: Councillor Francis

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 5:56 o'clock p.m.

_____ _____

Mayor City Clerk

Adopted by Council at its meeting held May 30, 2022 (CR253/2022)
SV/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA**
**May 30, 2022**

**Members have the option of participating in person or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011, as amended.**

**Meeting called to order at: 2:00 p.m.**

**Members in Attendance (in person):**

Councillor F. Francis (Acting Mayor)
Councillor R. Bortolin
Councillor G. Kaschak
Councillor J. Gignac
Councillor K. McKenzie
Councillor J. Morrison
Councillor E. Sleiman
Councillor J. Gill
Councillor F. Costante
Councillor C. Holt

**Members Absent:**

Mayor D. Dilkens

**Also in attendance:**

S. Askin Hager, Acting Chief Administrative Officer
D. Cercone, Acting Commissioner, Human and Health Services
C. Nepsy, Commissioner, Infrastructure Services
J. Mancina, Commissioner, Corporate Services CFO/City Treasurer
D. Paladino, Acting Commissioner, Legal and Legislative Services
R. Mensour, Commissioner, Community Services
J. Payne, Commissioner Economic Development and Innovation
S. Vlachodimos, City Clerk
A. Teliszewsky, Mayor's Chief of Staff
J. Guthrie, Deputy Treasurer
P. Brode, Senior Legal Counsel (Items 1 and 2)
F. Scarfone, Manager of Real Estate Services (Items 3, 4, 5, 6, 7, 8, 9, 10)
M. Vujanovic, Senior Economic Development Officer (Item 13)

V. Mihalo, Executive Director of Human Resources (Item 16)
N. Wolf, Manager of Employee Relations (Item 16)
M. Nazarewich, Senior Legal Counsel (Item 11)
J. Knights, Executive Director of Recreation and Culture (Item 9)
K. Whittal, Executive Director of Housing and Children Services (Item 8)

**Verbal Motion is presented by Councillor Bortolin, seconded by Councillor Gill, to move in Camera for discussion of the following item(s), withdrawing Item 15 at the request of Administration:**

| **Item No.** | **Subject** | **Section – Pursuant to Municipal Act, 2001, as amended** |
|---|---|---|
| **1.** | **Legal/property – expropriation settlement** | **2392(e)(f)** |
| **2.** | **Legal/property – expropriation settlement** | **239(2)(e)(f)** |
| **3.** | **Property matter – sale of land** | **239(2)(c)** |
| **4.** | **Property matter – acquisition of land/expropriation** | **239(2)(c)** |
| **5.** | **Property matter – acquisition of land/expropriation – Plan B** | **239(2)(c)** |
| **6.** | **Property matter – acquisition of land/expropriation – Plan C** | **239(2)(c)** |
| **7.** | **Property matter – sale of land** | **239(2)(c)** |
| **8.** | **Property matter – lease** | **239(2)(c)** |
| **9.** | **Property matter – lease for parking** | **239(2)(c)** |
| **10.** | **Property matter - lease** | **239(2)(c)** |
| **11.** | **Legal/property matter – litigation settlement** | **239(2)(e)** |
| **12.** | **Legal matter – advice subject to solicitor-client privilege/plan** | **239(2)(f)(k)** |
| **13.** | **Property matter – economic development opportunity** | **239(2)(c)** |

| | | |
|---|---|---|
| **14.** | **Legal matter – advice subject to solicitor-client privilege – verbal report** | **239(2)(f)** |
| **15.** | **WITHDRAWN** | |
| **16.** | **Personal matter – labour negotiations update – verbal report** | **239(2)(d)** |

**Motion Carried.**

**Declarations of Pecuniary Interest:**

**Councillor Bortolin declares an interest and abstains from voting on Item 8 as it pertains to the employer of a family member.**

**Discussion on the items of business. (Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16)**

**Verbal Motion is presented by Councillor Gill, seconded by Councillor Sleiman, to move back into public session.**
**Motion Carried.**

****SEE NOTE BELOW**
**Moved by Councillor Costante, seconded by Councillor Gignac,**
**THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held May 30, 2022 directly to Council for consideration at the next Regular Meeting.**

1. That the recommendation contained in the in-camera report from Senior Legal Counsel, Commissioner, Legal and Legislative Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a legal/property matter – expropriation settlement **BE APPROVED**.

2. That the recommendation contained in the in-camera report from Senior Legal Counsel, Commissioner, Legal and Legislative Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a legal/property matter – expropriation settlement **BE APPROVED**.

3. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – sale of land **BE APPROVED**.

4. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – acquisition of land/expropriation **BE APPROVED.**

5. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – acquisition of land/expropriation – Plan B **BE APPROVED.**

6. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – acquisition of land/expropriation – Plan C **BE APPROVED.**

7. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services, Commissioner, Community Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – sale of land **BE APPROVED.**

8. That the recommendation contained in the in-camera report from the Lease Administrator, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Executive Director of Parks and Facilities, Commissioner, Community Services, Executive Director of Housing and Children Services, Acting Commissioner, Human and Health Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease **BE APPROVED.**

**Councillor Bortolin discloses an interest and abstains from voting on this item**

9. That the recommendation contained in the in-camera report from the Lease Administrator, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Executive Director of Recreation and Culture, Executive Director of Parks and Facilities, Commissioner, Community Services, Commissioner, Infrastructure Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease for parking **BE APPROVED.**

**Councillor Kaschak voting nay**

10. That the recommendation contained in the in-camera report from the Lease Administrator, Manager of Real Estate Services, Acting Commissioner, Legal and Legislative Services, Executive Director of Parks and Facilities, Commissioner, Community Services, Commissioner, Infrastructure Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease **BE APPROVED.**

11. That the recommendation contained in the in-camera report from Senior Legal Counsel, Commissioner, Legal and Legislative Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a legal/property matter –litigation settlement **BE APPROVED.**

12. That the recommendation contained in the in-camera report from Deputy City Solicitor/Purchasing/Risk Management and Provincial Offences, Commissioner, Legal and Legislative Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a legal matter – advice subject to solicitor-client privilege/plan **BE APPROVED.**

13. That the recommendation contained in the in-camera report from Commissioner of Economic Development and Innovation, Acting Commissioner, Legal and Legislative Services, Commissioner of Infrastructure Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – economic development opportunity **BE APPROVED.**
**Councillors Bortolin and Holt voting nay**

14. That the confidential verbal report from Acting Chief Administrative Officer respecting a legal matter – advice subject to solicitor-client privilege **BE RECEIVED**, and further that Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.

15. THIS ITEM WAS WITHDRAWN AT THE REQUEST OF ADMINISTRATION.

16. That the confidential verbal report from Acting Chief Administrative Officer, Executive Director of Human Resources and Manager of Employee Relations respecting a personal matter – labour negotiations **BE RECEIVED**, and further that Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.

**Motion Carried.**

**Moved by Councillor Holt, seconded by Councillor Costante,**
**That the special meeting of council held May 30, 2022 BE ADJOURNED.**
**(Time: 3:13 p.m.)**
**Motion Carried.**

****CLERK'S NOTE: The transmittal motion and final votes were held in the open session of Council on May 30, 2022**