



CITY OF WINDSOR MINUTES 02/27/2023

City Council Meeting

Date: Monday, February 27, 2023

Time: 4:00 o'clock p.m.

Members Present:

Mayor

Mayor Drew Dilkens

Councillors

Ward 1 - Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 - Councillor Renaldo Agostino

Ward 4 - Councillor Mark McKenzie

Ward 5 - Councillor Ed Sleiman

Ward 6 - Councillor Jo-Anne Gignac

Ward 7 – Councillor Angelo Marignani

Ward 8 - Councillor Gary Kaschak

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

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

Councillor Jim Morrison discloses an interest on Item 11.4 being “Proposed Closure of the Windsor Star production plant by Postmedia,” as a family member is employed by the Windsor Star.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held February 13, 2023

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Gary Kaschak

That the minutes of the meeting of Council held February 13, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 62/2023

5. NOTICE OF PROCLAMATIONS

Proclamations

“Heritage Week” – February 20, 2023 – February 26, 2023
“Stand with Ukraine Day” – February 24, 2023
“Nutrition Month” – March 2023
“International Women’s Day” – March 8, 2023
“Transit Operator and Worker Appreciation Day” – March 18, 2023

Illumination

“Stand with Ukraine Day” – February 24, 2023 to February 26, 2023

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6. COMMITTEE OF THE WHOLE

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

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 16-2023 through 17-2023 (inclusive)

Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence Monday, February 27, 2023

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR79/2023

That the following Communication Items 7.1.1 through 7.1.2, and 7.1.5 set forth in the Council Agenda **BE REFERRED** as noted; and that Item 7.1.4, AND 7.1.3 be dealt with as follows:

7.1.4 Resolution regarding the location of SafePoint Consumption Services (Urgent Public Health Needs and Consumption and Treatment Services Site) passed on February 3, 2023 including an additional letter of support from Legal Assistance of Windsor (LAW); and the administrative report outlining the financial implications, obligations and risks associated with the opening of a Consumption Treatment Centre without Federal or Provincial funding

Moved by: Councillor Joanne Gignac

Seconded by: Councillor Mark McKenzie

That Council APPROVE the resolution provided by the Windsor-Essex County Health Unit Board of Health, dated February 3, 2023, regarding SafePoint Consumption Services at 101 Wyandotte St. East attached as appendix A; save and except the City's financial obligation to fund the SafePoint Consumption Services at 101 Wyandotte St. East should the Provincial/Federal funding be delayed.

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

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

Aye votes: Councillors Jo-Anne Gignac, Ed Sleiman, Mark McKenzie, and Mayor Drew Dilkens.

Nay votes: Councillors Angelo Marignani, Renaldo Agostino, Jim Morrison, Fabio Costante, Kieran McKenzie, Fred Francis, and Gary Kaschak.

Abstain: None.

Moved by: Councillor Fabio Costante

Seconded by: Councillor Gary Kaschak

Decision Number: CR80/2023

That City Council **REAFFIRM** their support and endorsement of the resolution by the Windsor-Essex County Board of Health, dated February 3, 2023, regarding the SafePoint Consumption Services at 101 Wyandotte St. East attached as appendix A.

Carried.

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

Aye votes: Councillors Angelo Marignani, Renaldo Agostino, Jim Morrison, Fabio Costante, Kieran McKenzie, Fred Francis, and Gary Kaschak

Nay votes: Councillors Jo-Anne Gignac, Ed Sleiman, Mark McKenzie, and Mayor Drew Dilkens.

Abstain: None.

7.1.3 Motion by the Ontario's Big City Mayor's (OBCM) outlining five recommendations to make an immediate impact on the mental health and addictions crisis seen throughout Ontario communities

Moved by: Councillor Gary Kaschak

Seconded by: Councillor Joanne Gignac

Decision Number: CR81/2023

That the correspondence from the Ontario Big City Mayor's (OBCM) regarding "Recommendation on the Health and Homelessness Crisis" attached in Appendix A **BE RECIEVED**; and further,

That the City of Windsor **ENDORSE** these recommendatdations.

Carried.

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No.	Sender	Subject
7.1.1	Member of Parliament, Windsor West	Letter regarding the need to assist municipalities to sustain commitments agreed to on behalf of the Federal Government under the Disaster Mitigation and Adaptation Fund (DMAF) City Treasurer Commissioner, Infrastructure Services EI2023 Note & File
7.1.2	Minister of Municipal Affairs and Housing	Letter addressing the City of Windsor's assigned Municipal Housing Target and Municipal Housing Pledge of constructing 13,000 new homes in the community under the More Homes Built Faster Plan City Planner Deputy City Solicitor Commissioner, Economic Development & Innovation Commissioner, Legal & Legislative Services Chief Building Official Commissioner, Human & Health Services GP2023 Note & File
7.1.3	Ontario's Big City Mayors (OBCM)	Motion by the Ontario's Big City Mayor's (OBCM) outlining five recommendations to make an immediate impact on the mental health and addictions crisis seen throughout Ontario communities Commissioner, Human & Health Services GH2023 COUNCIL DIRECTION REQUESTED, otherwise Note & File

<p>7.1.4</p>	<p>Windsor Essex County Health Unit</p> <p>AND</p> <p>Legal Assistance of Windsor (LAW)</p> <p>AND</p> <p>Commissioner, Human & Health Services</p>	<p>Resolution regarding the location of SafePoint Consumption Services (Urgent Public Health Needs and Consumption and Treatment Services Site) passed on February 2, 2023 including an additional letter of support from Legal Assistance of Windsor (LAW); and the administrative report outlining the financial implications, obligations and risks associated with the opening of a Consumption Treatment Centre without Federal or Provincial funding</p> <p style="text-align: right;">Commissioner, Human & Health Services MH/14274 Note & File</p>
<p>7.1.5</p>	<p>Manager of Urban Design</p>	<p>Recent Site Plan (SPC) applications:</p> <ul style="list-style-type: none"> • Essex Morterm Holdings, 5353 Maplewood, Expansion of Existing Warehouse • Archon Architects Inc., 305-511 Sunset; 2598 & 2750 Wyandotte W; 440-480 Huron Church, Renovation to Existing 10 Storey Building and Basement • John Bortolotti, 2109, 2139 Ottawa – 1375, 1385, 1395 Walker, Strip Mall Addition • Mid South Land Developments Corp, 0 Munich at Twin Oaks Dr., New Industrial Park Development • Mid South Land Developments Corp, 6365 Hawthorne, Addition to Existing Production Facility • Architecturra, 2000 Talbot, New Welcome Centre Addition • D.C. McCloskey Engineering Ltd., 964 Tecumseh W, Construction of a Warehouse Building <p style="text-align: right;">Z2023 Note & File</p>

Carried.

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8. CONSENT AGENDA

8.1. Meadowbrook Development Community Garden - Ward 8

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR82/2023

- I. That Council **APPROVE** the request of Windsor Essex Community Housing Corporation (WECHC) to use the property legally described as Part Lot 125 (McNiff's), Concession 2, designated as Part 8 on Plan 12R-838, subject to LT14791 and, known municipally as 0 Meadowbrook Lane (the "**Licensed Lands**"), in order to facilitate the installation of a community garden operation on the following conditions:
 - 1) Use of .23 acre (.09 hectare) Licensed Land, as depicted in the sketch attached as appendix 'A', for use as a community garden;
 - 2) The term of the license is from March 1, 2023 to Nov 30, 2033;
 - 3) WECHC is obligated to take the Licensed Land in as is condition, and to construct and maintain their improvements on the Licensed Land at their expense;
 - 4) The City makes no representations or warranties as to the soil condition or the Licensed Land's suitability for use as a community garden;
 - 5) Property taxes for the Licensed Lands will be the responsibility of the WECHC;
 - 6) The fee for the Licensed Land is \$1.00, payable in advance;
 - 7) The licensed area is to be kept free of pests and animals;
 - 8) The use of pesticides and herbicides is prohibited;
 - 9) The use of uncomposted manure and fertilizer is prohibited;
 - 10) Liability insurance in the amount of \$2,000,000 with "The Corporation of the City of Windsor" named as an additional insured, in accordance with the Purchasing Bylaw, and satisfactory in form and content to the Manager of Risk and Insurance;
 - 11) The WECHC agrees to indemnify and hold harmless The Corporation of the City of Windsor, its affiliates, officers, employees, councillors, and assigns [collectively the "City"], from and against any and all losses, damages, costs, and expenses, and all claims, demands, actions, causes of action, suits, proceedings and liability, including all claims made by any third party under or relating to this license, for bodily injury or property damage howsoever arising, unless caused by the City's negligence;
 - 12) The City is not responsible in the case of vandalism or theft;
 - 13) WECHC must provide plans and specifications of the facility for review and approval to the satisfaction of the Executive Director of Parks and Facilities;
 - 14) The storage of motor vehicles, tractors, fuel and chemicals is prohibited;
 - 15) WECHC will maintain the Licensed Lands not under cultivation by controlling weeds and grass on a regular basis;
 - 16) The balance of the terms and conditions of this license, except as noted herein, are the standard requirement in other municipal licenses, and;

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- II. That the Cheif Administrative Officer and City Clerk **BE AUTHORIZED** to execute a license agreement, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks and Facilities, and in financial content to the City Treasurer.
Carried.

Report Number: C 14/2023

Clerk's File: APM2023

8.2. Award of Proposal No. 10-23 Bicycle/Scooter Sharing Program - City-wide

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR83/2023

1. That, in accordance with the terms of RFP 10-23, Council **AWARD** the contract to supply and operate an e-bike and e-scooter share program in the City of Windsor to the following successful proponent:

Proponent/Company:	Bird Canada Inc.
Proposal:	Bicycle/Scooter Sharing Program No. 10-23
Upset Limit:	N/A
Account:	N/A

2. That Parks By-law 131-2019 **BE AMENDED** as listed and attached in Appendix A.

3. That the City Solicitor **BE DIRECTED** to prepare the required by-law amendment.

Carried.

Report Number: C 22/2023

Clerk's File: MT/14304

8.3. Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR84/2023 CR42/2023 DHSC 454

That the application to amend the City of Windsor Official Plan by changing the designation of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050-180-09900) from "Industrial" to "Residential" **BE DENIED**; and,

That the application to amend Zoning By-law 8600 by changing the zoning of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050 - 180 - 09900) from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5 **BE DENIED**.

Carried.

8.4. Housing and Homelessness Advisory Committee 2022 Annual Report

Moved by: Councillor Ed Sleiman
Seconded by: Councillor Renaldo Agostino

Decision Number: CR85/2023 CSPS 199
That the Housing and Homelessness Advisory Committee 2022 Annual Report **BE APPROVED**.
Carried.

Report Number: SCM 31/2023 & SCM 332/2022
Clerk's File: MB2023

8.5. Diversity Committee 2022 Annual Report

Moved by: Councillor Ed Sleiman
Seconded by: Councillor Renaldo Agostino

Decision Number: CR86/2023
That the Diversity Committee 2022 Annual Report **BE APPROVED**.
Carried.

Report Number: SCM 32/2023 & SCM 2/2023
Clerk's File: MB2023

8.6. Windsor International Diaspora African Festival - WIDAFEST 2023 - Ward 3

Moved by: Councillor Ed Sleiman
Seconded by: Councillor Renaldo Agostino

Decision Number: CR87/2023 CSPS 202
That the request from Zalent Creative Inc. to host the inaugural Windsor International Diaspora African Festival, also known as WIDAFEST, scheduled for Friday, July 28 to Sunday, July 30, 2023, at the Riverfront Festival Plaza and Riverfront Civic Terrace **BE APPROVED**, subject to the terms and conditions of the Special Event Permit; and further,

That the request for Council to designate the event as a Significant Event status for the purpose of Zalent Creative Inc. applying for Alcohol and Gaming Commission of Ontario (AGCO) special occasions permits as required by the AGCO, **BE APPROVED**; and further,

That the Riverfront Festival Plaza site be extended to include the Riverfront Trail seawall between Don Sadler Way and the Civic Terrace beginning Friday, July 28, 2023 4:00 p.m. to Saturday, July 29, 2023 1:00 a.m.; beginning Saturday, July 29, 2023 from 2:00 p.m. to Sunday, July 30, 2023

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1:00 a.m.; beginning Sunday, July 30, 2023 from 12:00 noon to 10:00 p.m., **BE APPROVED**; and further,

That the request to temporarily close Riverside Drive East between Devonshire Road and McDougall Street on Saturday, July 29, 2023 from 2:00 p.m. – 4:00 p.m. to host the official WIDAFEST Parade, **BE APPROVED**.

Carried.

Report Number: SCM 33/2023 & S 10/2023

Clerk's File: SR/14497

8.7. Windsor Accessibility Advisory Committee 2022 Annual Report

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR88/2023 CSPS 200

That the Windsor Accessibility Advisory Committee 2022 Annual Report **BE APPROVED**.

Carried.

Report Number: SMC 34/2023 & SCM 1/2023

Clerk's File: MB2023

8.9. Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22 ZNG/6926 - Ward 2

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR90/2023 DHSC 464

I. That Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

459. **SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET**

For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Area – minimum 432.0 m²
- b) Lot Width – minimum 12.0 m

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6926]

Carried.

Report Number: SCM 41/2023 & S 7/2023

Clerk's File: Z/14506

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8.10. Rezoning – Hussain Alameri – 3857 Wyandotte Street East - Z-033/22 ZNG/6868 - Ward 5

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR91/2023 DHSC 465

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

461. SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Carried.

Report Number: SCM 42/2023 & S 1/2023

Clerk's File: Z/14514

8.12. Request for Demolition of Greenhouses at Lanspeary Park - 1250 Langlois Avenue (Ward 4)

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR93/2023 DHSC 468

- I. That Council **BE INFORMED** of the proposed demolition of the Lanspeary Park Greenhouse Complex, at 1149 Giles Blvd East and 1219 Pierre Avenue;
- II. That the fieldstone structure (former comfort station part of the greenhouse complex) at Lanspeary Park **REMAIN** on the Windsor Municipal Heritage Register and **BE PROTECTED** from demolition activities of the rest of the Lanspeary greenhouse complex;

III. That Administration **INCORPORATE** commemoration of the demolished greenhouse complex.
Carried.

Report Number: SCM 44/2023 & S 14/2023
Clerk's File: SB2023

8.13. Heritage Videos (2) presented by Heritage Planner

Moved by: Councillor Ed Sleiman
Seconded by: Renaldo Agostino

Decision Number: CR94/2023

That the two (2) videos presented by the Heritage Planner dated February 6, 2023 featuring the story of the restoration of the Strathcona Building and the discovery and display of the Walker Power Building Turntable **BE RECEIVED** for information.
Carried.

Report Number: SCM 45/2023
Clerk's File: MBA2023

8.14. Request for Heritage Alteration Permit for Willistead Manor, 1899 Niagara Street (Ward 4)

Moved by: Councillor Ed Sleiman
Seconded by: Councillor Renaldo Agostino

Decision Number: CR95/2023 DHSC 469

I. That a Heritage Permit at Willistead Manor, 1899 Niagara Street, **BE GRANTED**, for removal and alterations to the playground as per Appendix B; and,

II. That the City Planner or his designate **BE DELEGATED** the authority to approve further changes associated with the proposed scope of work.
Carried.

Report Number: SCM 46/2023 & S 11/2023
Clerk's File: SR/12667

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8.15. 749 and 753 Walker Road, Semi-Detached Houses - Heritage Permit Request (Ward 4)

Moved by: Councillor Ed Sleiman

Seconded by: Renaldo Agostino

Decision Number: CR96/2023 DHSC 470

- I. That the Heritage Permit at 749 Walker Road, Semi-Detached House, **BE GRANTED** for the erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- II. That the Heritage Permit at 753 Walker Road, Semi-Detached Houses, **BE GRANTED** for the removal of an accessory structure and erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- III. That the Heritage Permit approvals **BE SUBJECT** to the following approval conditions prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Provision of satisfactory architectural drawings by qualified designers;
 - c. Determination that the work is satisfactory to meet Building code compliance; and,
- IV. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of the rear detached garages with second floor additional dwelling units.

Carried.

Report Number: SCM 47/2023 & S 12/2023

Clerk's File: MBA/3430

8.16. Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR97/2023 DHSC 471

- I. That CR57/2020, CR37/2021, CR151/2021, CR310/2021, CR285/2020 **BE AMENDED** to extend the project completion deadline to one (1) year from Council approval of Report S6/2023;
- II. That Item VIII of CR310/2021 **BE AMENDED** to extend the deadline for the applicant to sign the grant agreement to one year from Council approval of Report S6/2023;
- III. That Items I and II of CR37/2021 **BE DELETED** and the following **BE SUBSTITUTED** therefor:
 - I. That the request made by 5021089 Ontario Inc (Owner) for the proposed

development at 477 Pelissier Street to participate in the New Residential Development Grant Program **BE APPROVED** for \$32,500 towards eligible cost of creating thirteen (13) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;

- II. That the request made by 5021089 Ontario Inc (Owner) for the proposed development at 477 Pelissier Street to participate in the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of thirteen (13) new residential units and one (1) office unit in an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;

- IV. Grant funds in the amount of \$15,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed at 477 Pelissier Street.

Carried.

Report Number: SCM 48/2023 & S 6/2023
Clerk's File: SPL2023

8.17. Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884

Moved by: Councillor Ed Sleiman
Seconded by: Councillor Renaldo Agostino

Decision Number: CR98/2023 DHSC 472

- I. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 1801-1833 Wyandotte Street East (legally described as Part of Lots 1 & 2, Plan 479) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing underground infrastructure;
 - iii. EnWin Utilities Ltd. to accommodate the pole, anchors and existing overhead plant;
 - iv. MNSi for existing aerial infrastructure;

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- v. Rosati Development Corp. for access to repair and maintain the north face of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vi. Rosati Development Corp. for pedestrian access from the north exit door off of the northerly main floor commercial unit in the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vii. Rosati Development Corp. for use of the 5.49 metre section of the alley at its easterly terminus by the occupants of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479) for the storage of refuse containers; and
 - viii. The Corporation of the City of Windsor for access to repair and maintain the existing circa 1920 300 millimetre vitrified clay combined sewer with manhole.
- b. Driveway Permit be obtained to keep and maintain the driveway approach **OR** to remove the redundant approach off of Chilver Road to City Standards.
- III. That Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned CD2.2: \$20.00 per square foot without easements and \$10.00 per square foot with easements.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1821, *attached* hereto as Appendix "A".
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. 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.
- VII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: SCM 49/2023 & S 143/2022
Clerk's File: SAA2023

8.18. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by The Walker Power Building Inc. for 325 Devonshire Road (Ward 4)

Moved by: Councillor Ed Sleiman
Seconded by: Councillor Renaldo Agostino

Decision Number: CR99/2023 DHSC 473

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- I. That the request made by The Walker Power Building Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for remediation and redevelopment at 325 Devonshire Road for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. That, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 325 Devonshire Road in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
- III. That the request made by The Walker Power Building Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the remediation and redevelopment at 325 Devonshire Road 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,
- IV. That the submission of the following material, satisfactory to the City Planner, **BE CONDITIONS** of approval:
 - a. Written acknowledgement from the Ministry of Environment, Conservation and Parks that a Record of Site Condition has been filed in the Environmental Site Registry; and
 - b. All final copies of Archaeological Assessments and letter from the Ministry of Citizenship and Multiculturalism that the Stage 4 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
- V. That, Administration **BE DIRECTED** to prepare an agreement between The Walker Power Building Inc. and/or persons or companies that have legally been assigned the right to receive grant payments and the City to implement the Brownfield Tax Assistance and Brownfield 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,
- VI. That the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,
- VII. That the approval to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs **EXPIRE** if the grant agreements are not signed by applicant within one year following Council approval. The City Planner may extend the deadline for one year upon request from the applicant.

Carried.

Report Number: SCM 50/2023 & S 88/2019
Clerk's File: SPL2023

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8.19. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Lakefront Heights Inc. for part of 10835 Riverside Drive East (Ward 7)

Moved by: Ed Sleiman

Seconded by: Renaldo Agostino

Decision Number: CR100/2023 DHSC 474

- I. That the request made by Lakefront Heights Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible study, if required (e.g. delineation of contaminants or remedial work plan) for property located on the southern part of 10835 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment and up to an additional maximum of \$10,000 (total of \$25,000) based upon the completion a second eligible study (e.g. delineation of contaminants or Remedial Work Plan) completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **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;
- IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible study 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.

Carried.

Report Number: SCM 51/2023 & S 149/2022

Clerk's File: SPL2023

8.20. Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

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Decision Number: CR101/2023 DHSC 475

- I. That the requests made by 2798315 Ontario Inc. and 1068414 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible studies, if required (e.g. delineation of contaminants) for three separate projects located at the following properties, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan:
- a. 1969 Wyandotte Street East;
 - b. 626 Argyle Road; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road.
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$61,525 based upon the completion and submission of a Phase II Environmental Site Assessment and other eligible studies, if required as follows, completed in a form acceptable to the City Planner and City Solicitor:
- a. 1969 Wyandotte Street East – maximum of \$18,425;
 - b. 626 Argyle Road—maximum of \$18,100; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road—maximum of \$25,000.
- III. That the grant funds in the amount of \$61,525 under the Environmental Site Assessment Grant Program **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,
- IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible studies 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.
- Carried.

Report Number: SCM 52/2023 & S 3/2023
Clerk's File: SPL2023

8.21. Amendment to Sign By-law 250-04 for 5515 Maplewood Drive, File No. SGN-005/22 - Ward #1

Moved by: Ed Sleiman
Seconded by: Renaldo Agostino

Decision Number: CR102/2023 DHSC 476

- That the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a Ground Sign on the municipal right-of way in front of 5515 Maplewood Drive, **BE DENIED**.
- Carried.

Report Number: SCM 53/2023 & C 220/2022
Clerk's File: SBS2023

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8.22. Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR103/2023 DHSC 477

- I. That City Council **DIRECT** the Planning Division to undertake a comprehensive review and update of the Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property; and,
- II. That City Council **APPROVE** a one-year moratorium on permits for the installation of New Billboards and retrofitting of existing Paper Copy Billboards to Electronic Change Copy Billboards to allow for the Planning Division to complete its review; and,
- III. That the Planning Division **PROVIDE** Council with recommendations for Amendments to the Sign By-law related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs, for a decision by Council prior to the expiry date of the moratorium; and,
- IV. That Administration **PROVIDE** a status update of the review being undertaken at the August 23rd, 2023 meeting of the Development & Heritage Standing Committee meeting.

Carried.

Report Number: SCM 54/2023 & C 225/2022

Clerk's File: SBS2023

8.23. North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7

Moved by: Ed Sleiman

Seconded by: Renaldo Agostino

Decision Number: CR104/2023 DHSC 478

- I. That Council **APPROVE** a cost sharing payment to 1027458 Ontario Ltd. estimated at \$147,800.00, excluding HST (final payment to be based on actual construction costs), for sanitary sewer oversizing costs for Lublin Ave and the sewer extension and additional restoration required to provide future service for privately owned lands on Wyandotte Street East (Benefiting Properties) shown on Appendix 'A' (C-3705) as part of the North Neighbourhood Development, Phase 7, to be funded from Project ID #7035119 – New Infrastructure Development; and,
- II. That Administration **BE DIRECTED** to recover the costs noted in I. above from the Benefiting Properties prior to the issuance of building permits for those lands, plus an annual interest rate applied from the date the services constructed are accepted onto maintenance by the Corporation based on the Infrastructure Ontario Construction Loan rate at the time that

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payment is made and the project is deemed substantially performed and accepted onto maintenance (currently 4.75%), plus 1%; and,

- III. That the application of section 78 of Bylaw 93-2012 (the Purchasing Bylaw) **BE WAIVED** with respect to the cost sharing related to sanitary sewer oversizing for the North Neighbourhood Development, Phase 7, to allow a cost sharing agreement value greater than \$100,000.00 without the issuance of an RFT.

Carried.

Report Number: SCM 55/2023 & C 5/2023

Clerk's File: SW2023

8.24. Minutes of the International Relations Committee of its meeting held November 23, 2022

Moved by: Ed Sleiman

Seconded by: Renaldo Agostino

Decision Number: CR105/2023 DHSC 479

That the minutes of the International Relations Committee (IRC) of its meeting held November 23, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 58/2023 & SCM 331/2022

11.5. Exemption to Demolition Control By-law 9198-Howard-Erie Neighbourhood Improvement Program Area

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR110/2023

- I. That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to Homes By Artisan (C/O Mamun Chowdury) on behalf of the owner Erie Centre Inc. (C/O Adewale Aderinto) to demolish the mixed-use building (clinic/pharmacy, residential) located 101 Erie Street East (see Appendix 'A') to construct a one (1) storey commercial building for a pharmacy and clinic (See Appendix 'B') and public parking area (19 spaces) as identified on the approved Site Plan Control Agreement drawings; and,
- II. That any minor changes **BE SUBJECT TO** the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. That the Chief Building Official **BE AUTHORIZED** to require, as a condition of the demolition permit, that the redevelopment be substantially complete within two years of demolition permit issuance.

Carried.

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Report Number: S 23/2023

Clerk's File: SB2023

11.6. High Intensity Needs Funding Program Attestation Requirement-City Wide

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR111/2023

That the report from the Executive Director/Administrator of Huron Lodge Long-Term Care regarding the High Intensity Needs Fund (HINF) program **BE RECEIVED** for information; and further,

That City Council **AUTHORIZE** the Executive Director/Administrator of Huron Lodge or designate to sign all attestations, documents and reports required to be submitted to the Ministry of Long-Term Care in connection with the HINF program, subject to being satisfactory in form to the City Solicitor and in financial content to the City Treasurer as applicable.

Carried.

Report Number: C 16/2023

Clerk's File: AH2023

11.7. By-Law for Repair and Improvement of the 5th Concession Drain - Ward 7

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

Decision Number: CR112/2023

That City Council **ADOPT** the Drainage Engineer Report completed by J. S. Laird dated 22 June 1925 (attached), for the Repair and Improvement to the 5th Concession Drain and **PASS** By-law 16-2023 to establish the 5th Concession Drain.

Carried.

Report Number: C 20/2023

Clerk's File: SW2023

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None presented.

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10. PRESENTATIONS AND DELEGATIONS

8.8. Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10

Dora Ferro, Area Resident

Dora Ferro, Area Resident, appears before Council and expresses concern regarding the recommendation in the administrative report entitled “Rezoning- HD Development Group- 1850 North Service Road- Z-021/2022 ZNG/6784- Ward 10” and provides details related to how the proposed development will negatively affect her and her neighbourhood including the size and height of the development; one entrance/exit; cost of the units; traffic issues; parking concerns; shadow concerns; and concludes by inquiring about the appeal body.

Jackie Lassaline, Principal Planner, Lassaline Planning Consultants

Jackie Lassaline, Principal Planner, Lassaline Planning Consultants, appears before Council regarding the administrative report entitled “Rezoning- HD Development Group- 1850 North Service Road- Z-021/2022 ZNG/6784- Ward 10” and is available for questions.

Haider Habib, HD Development Group

Haider Habib, HD Development Group, appears before Council regarding the administrative report entitled “Rezoning- HD Development Group- 1850 North Service Road- Z-021/2022 ZNG/6784- Ward 10” and is available for questions.

Kerry Shaw, Area Resident

Kerry Shaw, Area Resident, appears before Council and expresses concern regarding the recommendation in the administrative report entitled “Rezoning- HD Development Group- 1850 North Service Road- Z-021/2022 ZNG/6784- Ward 10” and requests a deferral of the application to provide complete study information prior to any approvals; cites concerns with the size of the proposed development; incomplete shadow studies; parking; traffic; one entrance; cost of the units; and the open house process; and urges Council not to approve the proposed application.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Ed Sleiman

Decision Number: CR89/2023 DHSC 463

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 95, Sandwich East Concession 2 (McNiff’s Survey), designated as Parts 1 & 2, Plan 12R28716 (known municipally as 1850 North Service Road; Roll No. 070-200-02020), situated on the north side of North Service Road, west of Byng Road from Green District 1.2 (GD1.2) to Residential District 3.3 (RD3.3).

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2. That the Site Plan Approval Officer **BE DIRECTED**:

- a) To incorporate the following into site plan approval of the required site plan control agreement:
 - 1) Mitigation measures identified in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd and dated January 17, 2022 subject to the approval of the City Planner;
 - 2) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix D to Report S 105/2022, subject to the approval of the City Engineer.
- b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 105/2022.

Carried.

Report Number: SCM 40/2023 & S 105/2022 & AI 1/2023

Clerk's File: Z/14429

11.4. Proposed Closure of the Windsor Star production plant by Postmedia

Colin Brian, Unifor Local 517G President

Colin Brian, Unifor Local 517G President, appears before Council regarding the correspondence entitled "Proposed Closure of the Windsor Star production plant by Postmedia", and provides a brief overview of the proposed closure and logistics moving forward; and concludes by requesting that Council support their group and forward a letter to Postmedia in opposition of the proposed closure; request retention of the Windsor Star archives; and in support of the Goodfellows sponsorship.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fabio Costante

Decision Number: CR109/202

That Administration **BE REQUESTED** to forward a letter to Postmedia requesting reconsideration of the proposed closure of the Windsor Star print facility; and,

That this correspondence **BE FORWARDED** to the regional Members of Parliament (MP), Members of Provincial Parliament (MPP), Association of Municipalities of Ontario (AMO), Federation of Canadian Municipalities (FCM) and the local School Boards; and,

That Administration **BE REQUESTED** to forward this letter and accompanying correspondence to the Windsor Public Library and the University of Windsor indicating The City of Windsor's willingness to support efforts to preserve the archival materials currently located at the Postmedia Windsor Star print facility.

Carried.

Report Number: SCM 59/2023

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8.11. Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7

Kim Anber, on behalf of Banwell Community Church

Kim Anber, on behalf of Banwell Community Church, appears before Council in support of the recommendation in the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and is available for questions.

Aaron D. Blata, Associate/Professional Traffic Operations Engineer, RC Spencer Associates Inc.

Aaron D. Blata, Associate/Professional Traffic Operations Engineer, RC Spencer Associates Inc., appears before Council regarding the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and is available for questions.

Jerry Kavanaugh, Architect, ADA Inc.

Jerry Kavanaugh, Architect, ADA Inc., appears before Council regarding the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and is available for questions.

Peter Valente, Developer

Peter Valente, Developer, appears before Council regarding the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and is available for questions.

Tony Chau, Senior Project Manager, ADA Inc.

Tony Chau, Senior Project Manager, ADA Inc., appears before Council regarding the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and is available for questions.

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Tracey Pillon-Abbs, Principal Planner, Pillon-Abbs Inc.

Tracey Pillon-Abbs, Principal Planner, Pillon-Abbs Inc. appears before Council regarding the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and is available for questions.

Gwen Pawloski, Area Resident

Gwen Pawloski, Area Resident, appears before Council and expresses concern regarding the recommendation in the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7”, and prefers that the zoning remain residential only, due to some empty storefronts within close proximity; and concludes by citing traffic concerns in the area.

Russell Pearson, Area Resident

Russell Pearson, Area Resident, appears before Council and expresses concern with the administrative recommendation in the report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and concludes by citing his concern with the size of the building; the mixed use zoning; and the increased traffic this proposed development would bring to the area.

Thamer Roufai, Area Resident

Thamer Roufai, Area Resident, appears before Council and expresses concern with the administrative recommendation in the report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and cites concern with the height of the building; increased traffic; the road type classification; and concludes by suggesting another site be selected for this proposed development.

Safaa Boulis, Area Resident

Safaa Boulis, Area Resident, appears before Council and expresses concern with the administrative recommendation in the report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and concludes by citing concerns with visibility; shadows; infrastructure; traffic issues; the proximity of the development to their property; and the height of the proposed development.

Karin Sereres, Area Resident

Karin Sereres, Area Resident, appears before Council regarding the administrative report entitled “Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7” and expresses concern with the proposed 8 storey building casting shadows; increased noise levels; decreased privacy; potential increased crime; increased lighting; traffic flow impacts; current infrastructure capacity; and concludes by suggesting that the City ensures that changes are made to the intersection of McHugh, McNorton and Banwell to accommodate the increased traffic from the development and the new battery plant.

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Renaldo Agostino

Decision Number: CR92/2023 DHSC 466

- I. That the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from ***Business Park to Banwell Road Mixed Use Corridor***;

- II. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:
 - 1.X EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR
 - 1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

 - 1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.

 - 1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;

- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

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“H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
- b) The following additional provisions shall apply:
 - .3 Lot Coverage – maximum - 35%
 - .4 Building Height – maximum - 20.0 m
 - .5 Front Yard Depth – minimum - 6.0 m
 - .6 Building Setback – minimum
From the *rear lot line* to the nearest part of the building
 - (a) 10m or less in height - 7.5 m
 - (b) Above 10m in height - 22.5 m
 - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
 - .13 Dwelling Unit Density – dwelling units per hectare – maximum
- 110 units per ha
 - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
 - .95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor, save and except a new access resulting from the relocation of the existing midblock right in /right out vehicular access on the east side of Banwell south of McNorton
- c) Non-residential use shall have a minimum gross floor area of 350 m² and shall be located at street level along the west wall of the building fronting onto Banwell Road;
- d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.

[ZDM 15; ZNG/6701]

IV. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;

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-
2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
- V. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- a) Sanitary Sampling Manhole;
 - b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
 - c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJA), including warning clauses for rail and road traffic impacts;
 - d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
 - e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
 - f) Enbridge Gas minimum separation requirements;
 - g) Adequate clearance from existing ENWIN's pole lines and power lines;
 - h) Canada Post multi-unit policy;
 - i) SAR mitigation measures as in the attached Appendix F to this report; and
 - j) Sight-triangle for Banwell Road and VIA at-grade crossing.
- VI. That the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from **Business Park** to **Banwell Road Mixed Use Corridor**.
- VII. That the City Solicitor **BE DIRECTED** to amend Traffic By-law 9148 to prohibit Northbound U-turns at the Banwell/McNorton intersection.

Carried.

Report Number: SCM 43/2023 & S 13/2023
Clerk's File: Z/14510

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.1. Impacts of Bill 108 and Bill 109, *More Homes for Everyone Act, 2022* – Subsequent Changes to the Development Application Process, City Wide

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Fabio Costante

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Decision Number: CR106/2023

That the report of the Executive Initiatives Coordinator, Office of the CAO and the Manager of Urban Design, Deputy City Planner, dated February 9, 2023, entitled “Impacts of Bill 108 and 109, *More Homes for Everyone Act, 2022*—Subsequent Challenges to the Development Application Process—City Wide” **BE RECEIVED FOR INFORMATION**; and further,

That City Council **SUPPORT** the changes to the development process for *Planning Act* Applications and Building Code Applications as outlined in this report in response to Bill 108 and Bill 109; and further,

That City Council **DIRECT** the Executive Director of Planning and the Commissioner of Economic Development and Innovation to pursue restructuring the Planning department to meet legislated obligations and growing development demands, improve cross-departmental collaboration, attract and retain qualified staff, and offer exceptional services that are flexible and responsive to business needs; and further,

That City Council **DIRECT** the Chief Administrative Officer, as authorized through CAO By-law 218-2022, to hire any new positions in the Planning Department and approve any further actions required to operationalize the details of the restructuring as outlined in report C 18/2023; and further,

That City Council **DIRECT** Administration to monitor operations subsequent to the changes implemented as a result of Bill 109, and provide reports on any cross-departmental impacts with recommendations to address those impacts; and further,

That City Council **DIRECT** Administration to provide ongoing feedback to the Province through their respective associations in the best interests of the City of Windsor as the impacts of Bill 109 arise; and further,

That Administration **BE DIRECTED** to track all variances and local costs that are required to put the legislation into effect, and that the information **BE FORWARDED** to a future meeting of Council.

Carried.

Report Number: C 18/2023

Clerk’s File: SB2023

11.2. Impacts of Bill 23, *More Homes Built Faster Act, 2022* – Informational Report

Moved by: Councillor Jo-Anne Gignac

Seconded by: Councillor Angelo Marignani

Decision Number: CR107/2023

That report C 19/2023 regarding the *More Homes Built Faster Act* – Bill 23 **BE RECEIVED** for information; and further,

That City Council **DIRECT** Administration to provide ongoing feedback to the Province through their respective associations to convey the interests of the City of Windsor as the impacts of Bill 23 are realized; and further,

That Administration **BE DIRECTED** to track all variances and local costs that are required to put the legislation into effect, and that the information **BE FORWARDED** to a future meeting of Council.
Carried.

Report Number: C 19/2023
Clerk's File: SB2023

11.3. Municipal Housing Targets and 13,000 Homes Pledge - City Wide

Moved by: Councillor Jim Morrison
Seconded by: Councillor Gary Kaschak

Decision Number: CR108/2023

That the report from the Manager Urban Design/Deputy City Planner regarding the Province of Ontario's Municipal Housing Targets and Building 13,000 Homes Pledge **BE RECEIVED** for information; and further,

That City Council **ENDORSE** the draft City of Windsor Municipal Housing Pledge attached as Appendix B; and further,

That City Council **DIRECT** that the Municipal Housing Pledge be submitted to the Minister of Municipal Affairs and Housing by the March 22, 2023 deadline.

Councillors Kieran McKenzie and Angelo Marignani voting nay.
Carried.

Report Number: C 21/2023
Clerk's File: SB2023

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. Report of the Special In-Camera meeting held February 27, 2023

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Gary Kaschak

Decision Number: CR113/2023

That the report of the Special In Camera meeting held February 27, 2023 **BE ADOPTED** as presented.
Carried.

12.2. Report of the Striking Committee of its meeting held February 13, 2023

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Gary Kaschak

Decision Number: CR114/2023

That the report of the Striking Committee of its meeting held February 13, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 63/2023
Clerk's File: ACO2023

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Kieran McKenzie

That the following By-laws No. 16-2023 and 17-2023 be introduced and read a first and second time:

By-law 16-2023 A BY-LAW TO PROVIDE FOR THE REPAIR AND IMPROVEMENT OF THE 5TH CONCESSION DRAIN (**See Item No. 11.7, Report C 20/2023**)

By-law 17-2023 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 27TH DAY OF FEBRUARY, 2023

Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

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.

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15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Ed Sleiman

Seconded by: Councillor Renaldo Agostino

That the By-laws No. 16-2023 and 17-2023 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. CQ 9-2023

Moved by: Councillor Jo-Anne Gignac

Seconded by: Councillor Gary Kaschak

Decision Number: CR115/2023

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

CQ 9-2023:

Assigned to Commissioner, Infrastructure Services:

Asks that Administration report back on feasibility of a crosswalk at Sunrise Assisted Living to Coventry/Reaume Park.

Carried.

Clerk's File: SR2023

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18.2. CQ 10-2023

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Gary Kaschak

Decision Number: CR116/2023

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

CQ 10-2023:

Assigned to Commissioner, Community Services:

That Administration report back to City Council on a collaboration with Detroit City Council in creating a new International Freedom Festival. This world class civic event will promote international investment while improving the quality of life in our city. It will showcase our rich heritage and shared identity of our two cities. The focal point of this new annual festival will be the new Gordie Howe International Bridge, opening in 2024. There is more than a bridge that connects us and it is in our advantage to strengthen these connections.

Carried.

Clerk's File: SR2023

21. ADJOURNMENT

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Jo-Anne Gignac

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 7:19 o'clock p.m.

Mayor

City Clerk

SPECIAL MEETING OF COUNCIL – IN CAMERA
February 27, 2023

Meeting called to order at: 2:30 p.m.

Members in Attendance:

Mayor Drew Dilkens
Councillor Renaldo Agostino
Councillor Fabio Costante
Councillor Fred Francis
Councillor Jo-Anne Gignac
Councillor Gary Kaschak
Councillor Angelo Marignani
Councillor Kieran McKenzie
Councillor Mark McKenzie
Councillor Jim Morrison
Councillor Ed Sleiman

Also in attendance:

Onorio Colucci, Acting Chief Administrative Officer
Andrew Daher, Commissioner, Human and Health Services
Chris Nepsy, Commissioner, Infrastructure Services
Janice Guthrie, Acting Commissioner, Corporate Services CFO/City
Treasurer
Shelby Askin-Hager, Commissioner, Legal and Legislative Services
Ray Mensour, Commissioner, Community Services
Jelena Payne, Commissioner Economic Development and Innovation
Steve Vlachodimos, City Clerk
Andrew Teliszewsky, Mayor's Chief of Staff
Michelle Staadegaard, Manager of Culture & Events (Item 4)
Aaron Farough, Senior Legal Counsel (Items 1 to 6)

Verbal Motion is presented by Councillor Angelo Marignani, seconded by Councillor Mark McKenzie,
to move in Camera for discussion of the following item(s):

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<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Legal matter – expropriation settlement	239(2)(e)(f)
2.	Legal matter – expropriation settlement	239(2)(e)(f)
3.	Personal matter – about an identifiable individual	239(2)(b)
4.	Property matter – pending acquisition of land/negotiations	239(2)(c)(k)
5.	Property matter –lease of land	239(2)(c)(k)
6.	Property/legal matter – disposition of land (report to be distributed prior to meeting)	239(2)(c)(f)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1, 2, 3, 4, 5 and 6)

Verbal Motion is presented by Councillor Fabio Costante, seconded by Councillor Jo-Anne Gignac,
to move back into public session.

Motion Carried.

Moved by Councillor Fred Francis, seconded by Councillor Ed Sleiman,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held February 27, 2023 directly to Council for consideration at the next Regular Meeting.

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1. That the recommendation contained in the in-camera report from Senior Legal Counsel, Commissioner, Legal and Legislative Services and Commissioner, Corporate Services CFO/City Treasurer respecting a legal matter – expropriation settlement **BE APPROVED**.
2. That the recommendation contained in the in-camera report from Legal Counsel, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a legal matter – expropriation settlement **BE APPROVED**.
3. That the recommendation contained in the in-camera report from the Supervisor of Community Programming – Cultural Affairs, Manager of Culture and Events, Executive Director of Recreation and Culture, Commissioner, Community Services and Commissioner, Corporate Services CFO/City Treasurer respecting a personal matter – about an identifiable individual **BE APPROVED**.
4. That the recommendation contained in the in-camera report from the Manager of Culture and Events, Executive Director of Recreation and Culture, Commissioner, Community Services, Commissioner, Legal and Legislative Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – pending acquisition of land/negotiations **BE APPROVED**.
5. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Commissioner, Economic Development and Innovation, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease of land **BE APPROVED**.
6. That the recommendation contained in the in-camera report from Legal Counsel, Commissioner, Legal and Legislative Services, Deputy Treasurer Taxation and Commissioner, Corporate Services CFO/City Treasurer respecting a property/legal matter – disposition of land **BE APPROVED**.

Motion Carried.

Moved by Councillor Angelo Marignani, seconded by Councillor

Gary Kaschak,

That the special meeting of council held February 27, 2023 BE ADJOURNED.

(Time: 3:06 p.m.)

Motion Carried.