CITY OF WINDSOR MINUTES 01/30/2023

City Council Meeting

Date: Monday, January 30, 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

None disclosed.

4. ADOPTION OF THE MINUTES

4.1. Minutes of the 2022-2026 Windsor City Council Finance Orientation Session held January 16, 2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

That the minutes of the 2022-2026 Windsor City Council Finance Orientation Session held January 16, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 23/2023

4.2. Adoption of the Windsor City Council meeting minutes held January 16, 2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

That the minutes of the meeting of Council held January 16, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 24/2023

5. NOTICE OF PROCLAMATIONS

Proclamations

“Naval Reserve Centennial” – January 31, 2023
“Eating Disorders Awareness Week” – February 1, 2023-February 7, 2023
“World Thinking Day” – February 22, 2023

Flag Raisings

“Naval Reserve Centennial” – January 31, 2023

Illumination

"Eating Disorders Awareness Week" – February 1, 2023-February 7, 2023
"World Thinking Day" – February 22, 2023

6. COMMITTEE OF THE WHOLE

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

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-law 10-2023
Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence Monday, January 30, 2023

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

Decision Number: CR34/2023
That the following Communication Items 7.1.1 to 7.1.3 set forth in the Council Agenda **BE REFERRED** as noted; and that Item 7.1.4 be dealt with as follows:

7.1.4 Copy of presentation and supporting documents to assist in advocating that the Federal Government invest $1 billion in a strengthened Freshwater Action Plan

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

Decision Number: CR35/2023
WHEREAS the City of Windsor, as a member of the Great Lakes and St. Lawrence Cities Initiative, supports: protecting source water, planning for climate change impacts and shoreline resilience, ensuring safe and affordable water services for all our residents, and building up a sustainable blue economy in the Great Lakes and St. Lawrence River Basin; and,

WHEREAS ensuring healthy communities and a strong economy for Canadians depend on securing Canada's source water, which includes addressing water quality issues, contaminants and pollution, supporting biodiversity and reversing wetland and fish and wildlife habitat loss and improving community knowledge to empower citizens to safeguard this essential resource; and,

WHEREAS a Freshwater Action Plan and the Great Lakes Protection Initiative it supported were first announced in the 2017 Canadian federal budget with a $44.84 million investment over five years; and,

WHEREAS the Freshwater Action Plan has combined science and action to address priorities in the Great Lakes such as preventing toxic and nuisance algae, enhancing the resilience of coastal wetlands in the Great Lakes, restoring Great Lakes Areas of Concern and supporting Canada's commitments under the Great Lakes Water Quality Agreement, among other priorities; and,

WHEREAS a commitment was made by the Liberal Party of Canada in the 2021 federal election to strengthen the Freshwater Action Plan with an historic investment of $1 billion over ten years to restore and protect large lakes and river systems starting with the Great Lakes and St. Lawrence River Basin; and,

WHEREAS the federal government only committed $19.6 million in funding in the 2022 Budget for the Freshwater Action Plan, falling short of the aforementioned commitment; and,

WHEREAS the United States has invested $1.8 billion in the Great Lakes Restoration Initiative (GLRI) since 2017 and will see accelerated funding with the *Infrastructure Investment and Jobs Act;* and,

WHEREAS a 2018 University of Michigan study shows that for every dollar of federal spending on GLRI projects between 2010 and 2016, yielded $3.35 in additional economic activity; and,

WHEREAS nearly half of Canada's population lives in the Great Lakes and St. Lawrence River Basin, a region that will continue to see accelerated growth, resulting in greater land and resource use pressures that will further contribute to water availability and quality issues; and,

WHEREAS the Stockholm Resilience Centre recently identified the importance of wetlands as carbon sinks and fresh water's role in climate mitigation; and,

WHEREAS the Great Lakes-St. Lawrence Collaborative outlined 30 recommendations to Environment and Climate Change Canada as part of a ten-year, $2.2 billion *Action Plan 2020-2030 to protect the Great Lakes and St. Lawrence* (Action Plan 2020-2030), addressing shoreline erosion, outdated infrastructure, invasive species, exposure to toxins and beach contamination, following an 18-month consultation with First Nations, NGOs, academics and other experts; and,

WHEREAS the recommendations outlined in Action Plan 2020-2030 should serve as the basis of programming for strengthened federal action in the Great Lakes and St. Lawrence River Basin through its strengthened Freshwater Action Plan; and,

WHEREAS the newly established Canada Water Agency should play a role in accelerating the rollout of funding made available through a strengthened Freshwater Action Plan; and,

WHEREAS Freshwater Action Plan funding should largely be directed to community groups, local governments and First Nations to ensure that investments made will have the biggest local impact and empower action at the local level, rather than being held back for federal administration and operations; and,

WHEREAS it is critical to implement a strengthened Freshwater Action Plan, including accelerating a $1 billion over five years, and to creating a Canada Water Agency to consolidate and coordinate federal water efforts and support provinces and territories in addressing systemic issues impacting the viability of the Great Lakes and St. Lawrence River Basin and the communities dependent upon the region's source water; and,

NOW THEREFORE BE IT RESOLVED that the City of Windsor calls on the federal government to commit $1 billion in funding over five years for a strengthened Freshwater Action Plan in Budget 2023; and,

BE IT FURTHER RESEOLVED that the City of Windsor calls on the federal government to guide its Freshwater Action Plan funding to implement recommendations in the Action Plan 2020-2030; and,

BE IT FURTHER RESEOLVED that the City of Windsor calls on the federal government to direct priority funding under the strengthened Freshwater Action Plan to projects in the Great Lakes and St. Lawrence River Basin; and,

BE IT FURTHER RESEOLVED that the City of Windsor calls on the federal government to make municipalities eligible for future funding in programs announced under the strengthened Freshwater Action Plan; and,

BE IT FINALLY RESOLVED that the City of Windsor directs its staff to submit this resolution to the federal Deputy Prime-Minister and Minister of Finance; the Minister of Environment and Climate Change; the Parliamentary Secretary to the Minister of Environment and Climate Change (responsible for the Canada Water Agency), and local Members of Parliament.
Carried.

No.	Sender	Subject
7.1.1	Ministry of Municipal Affairs and Housing	Letter informing that the provincial government has extended the Streamline Development Approval Fund (SDAF) project completion deadline from February 28, 2023 to November 1, 2023 City Planner/Executive Director of Planning & Building Commissioner, Corporate Services CFO/City Treasurer Commissioner, Infrastructure Services Commissioner, Community Services Commissioner, Economic Development & Innovation Chief Building Official GP2023 Note & File
7.1.2	Ukrainian Canadian Congress Ontario Provincial Council AND Consulate General of Ukraine in Toronto	Letter of gratitude for the City of Windsor's continued support of Ukraine and the Ukrainian people since the Russian invasion which occurred on February 24, 2022 APR2023 Note & File
7.1.3	Essex Region Conservation Authority	Notice of study completion for the Upper Little River Watershed Drainage and Stormwater Management Master Plan in accordance with Phases 1 and 2 of the Municipal Class Environmental Assessment Process Commissioner, Infrastructure Services Executive Director, Engineering/ Deputy City Engineer Executive Director, Pollution Control/ Deputy City Engineer Development Project Manager SW2023 Note & File
7.1.4	Great Lakes and St. Lawrence Cities Initiative	Copy of presentation and supporting documents to assist in advocating that the Federal Government invest $1 billion in a strengthened Freshwater Action Plan

		Manager Environmental and Pollution Control Supervisor Environmental Sustainability & Climate Change Commissioner, Infrastructure Services Commissioner, Human & Health Services EI2023 COUNCIL DIRECTION REQUESTED otherwise, Note & File

Carried.

Report Number: CMC 1/2023

7.2. Response to CQ 11-2022 Regarding the Feasibility of Establishing a By-law that Prohibits Panhandling - City Wide

Moved by: Councillor Fred Francis
Seconded by: Councillor Jo-Anne Gignac

Decision Number: CR36/2023
That the report of the City Solicitor/Commissioner, Legal and Legislative Services dated January 13, 2023, entitled "Response to CQ 11-2022 Regarding the Feasibility of Establishing a By-law that Prohibits Panhandling - City Wide" **BE RECEIVED**; and further,

That administration **BE DIRECTED** to bring forward a by-law for Council's consideration to reduce aggressive, intimidating, and dangerous panhandling practices.
Carried.

Councillor Kieran McKenzie voting nay.

Report Number: C 10/2023
Clerk's File: ACL2023

7.3. Provincial Statute Amendments and "Strong Mayor Powers" - City Wide

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Jo-Anne Gignac

Decision Number: CR37/2023
That the report of the Commissioner, Legal & Legislative Services dated January 16, 2023, entitled "Provincial Statute Amendments and "Strong Mayor Powers" - City Wide" **BE RECEIVED**; and further,

That Administration **BE DIRECTED** to request that the Association of Municipalities of Ontario (AMO) provide an analysis of the strong mayor powers, what their priorities will be, and their view and interpretation of how these power would affect governance of municipalities moving forward.
Carried.

Report Number: C 11/2023
Clerk's File: GM2023

7.4. Response to CQ 20-2022: Process for Acquiring Former Abars Property - Ward 6

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Fred Francis

Decision Number: CR38/2023
That report of the Coordinator of Real Estate Services dated January 16, 2023, entitled "Response to CQ 20-2022: Process for Acquiring Former Abars Property - Ward 6" **BE RECEIVED;** and further,

The administration **BE DIRECTED** to send a letter to Member of Parliament, Windsor West –Brian Masse requesting information related to his inquiry to the Ministry about the Abars property potential acquisition; and further,

That City Council **ENDORSE** a letter being sent to the Federal Government requesting a review related to the potential acquisition of the Abars property located at Riverside Drive East and Lauzon Road.
Carried.

Report Number: C 12/2023
Clerk's File: APM2023

8. CONSENT AGENDA

8.1. Payment Card Industry Compliance Update - City Wide

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

Decision Number: CR39/2023
That the information contained in this report dated January 11, 2023 titled "Payment Card Industry Compliance Update" **BE RECEIVED** for information; and,

That the CAO and City Clerk **BE AUTHORIZED** to sign all applicable Payment Card Industry Data Security Standard (PCI DSS) Self Assessment Questionnaires and any other related documents, as required as a condition of initial and ongoing PCI DSS Compliance, satisfactory in technical content to the CIO/Executive Director of Information Technology, in financial content to the Commissioner of Corporate Services, CFO/City Treasurer, and in form to the Commissioner of Legal & Legislative Services.

Carried.

Report Number: C 9/2023
Clerk's File: AF/14307

8.2. Appointment of a Drainage Engineer - Delegation of Authority - City Wide

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

Decision Number: CR40/2023

I. That City Council **DELEGATE** to the Chief Administrative Officer, in accordance with S.23.2(4) of the *Municipal Act,* the authority to approve the appointment of a Drainage Engineer pursuant to Section 8 of the *Drainage Act,* subject to the services proposal being below $100,000 in value and satisfactory in technical content to the Commissioner of Infrastructure Services, and that the Delegation of Authority By-law 208-2008 **BE AMENDED** accordingly.

Carried.

Report Number: C 6/2023
Clerk's File: SW2023

8.3. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4.

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

Decision Number: CR41/2023 DHSC 453 DHSC 431CR457

I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a "*Multiple Dwelling* with five or more *dwelling units*" as an additional permitted use, subject to the provisions noted in Recommendation II below;

II. That special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

"310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:
Multiple Dwelling with five or more *dwelling units* (New use)
Business Office
Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

.3 Lot Coverage - Total - maximum - 30.0%
.4 Building Height – maximum - 14.0 m
.8 Landscape Open Space Yard – minimum - 15% of *lot* area
.20 Building Setback – minimum:
a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
d) From the *rear lot line* – 50.0 m;
.50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
.55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
.90 A *parking space* is prohibited in any required *front* yard.
.95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING* WITH FIVE OR MORE *DWELLING UNITS*: (New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:
.2 Lot Area – minimum - 93.0 m^2 per unit
.3 Lot Coverage – maximum - 45%
.4 Main Building Height – maximum - 18.0 m
.8 Landscape Open Space Yard – minimum - 35% of *lot* area

.20 Building setback from rear lot line - minimum - 7.50 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
   a. The *"Exceptions To Maximum Building Height Provisions"* shall not apply to a scenery loft on the subject land; and
   b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]"

III. That the applicant's request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED,** for reasons noted in this report;

IV. That the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the *Planning Act,* provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:

a. Reduction in the required minimum building setbacks; and,

IV. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

1) 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
2) Storm Detention
3) Sanitary Sampling Manhole
4) Oil & Grit Separator
5) Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
6) Parkland dedication;
7) A Record of Site Condition registered on file with the Ministry; and
8) Canada Post requirements and guidelines for the proposed multi-unit development.

Carried.

Report Number: SCM 12/2022 & S 116/2022
Clerk's File: Z/14294

8.6. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 731 Goyeau Ltd. and 785 Goyeau Ltd. for property located at 0 and 785 Goyeau Street (Ward 3)

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

Decision Number: CR44/2023 DHSC 456

I. That the request made by 731 Goyeau Ltd. and 785 Goyeau Ltd. 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 0 & 785 Goyeau Street 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,

II. That, Administration **BE DIRECTED** to prepare an agreement between 731 Goyeau Ltd., 785 Goyeau Ltd., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program 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,

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

IV. That the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the 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 14/2023 & S 141/2022
Clerk's File: SPL2023

8.7. Economic Revitalization Community Improvement Plan (CIP) application submitted by DS C&K Inc. for a Manufacturing Facility located at 3475 Wheelton Drive (Ward 9)

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

Decision Number: CR45/2023 DHSC 457

I. That the request made by DS C&K Inc. to participate in the Business Development Grant Program **BE APPROVED** for the property located at 3475 Wheelton Drive (shown in Appendix 1) for a period that ends the earlier of 10 years or when 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 and DS C&K Inc. to implement the Business Development Grant Program in accordance with applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan, and applicable lease terms for the subject property 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 Development Grant Agreement.

Carried.

Report Number: SCM 15/2023 & S 144/2022
Clerk's File: SPL2022

8.8. Main Street CIP/Ford City CIP Application for 1367 Drouillard Rd. Owner: HEIMAT LTD (C/O Ryan Stiller) – Ward 5

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

Decision Number: CR46/2023 DHSC 458

I. That subject to completion and review satisfactory to the City Planner, the request made by HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road **BE APPROVED** for grants totalling a maximum of $30,000 in principle under the *Main Streets Community Improvement Plan(CIP)*;

II. That subject to completion and review satisfactory to the City Planner, the request for incentives under the *Ford City Community Improvement Plan (CIP)* Financial Incentive Programs made by HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road **BE APPROVED**, for the *Municipal Development Fees Grant Program* in the amount of +/-$1,182.85;

III. That funds in the amount of $30,000 under the *Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund to the *Main Streets CIP* Fund (Project #7219018) upon completion of the work;

IV. That funds in the amount of +/-$1,182.85 for the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund to the *Ford City CIP* Fund (Project #7181046) upon completion of the work;

V. That grants **BE PAID** to HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), upon completion of improvements to the Facade(s) of the property located at 1367 Drouillard Road from the *Main Streets CIP* Fund (Project #7219018) and *Ford City CIP* Fund (Project #7181046) to the satisfaction of the City Planner and Chief Building Official; and

VI. That grants approved **SHALL LAPSE** and be **UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

8.9. Closure of N/S Alley b/w Melbourne Road & Closed E/W Alley and Part of N/S Alley b/w Melbourne Road & 3605 Matchett Road, Ward 2, SAA-5925

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

Decision Number: CR47/2023 DHSC 459

I. That the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344, and shown as Part 1 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

II. That the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344, and shown as Part 1 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 3557 Melbourne Road (legally described as Lots 2071 to 2099, 2105 to 2108 & Part of Lot 2109, Plan 1344; Lots 1264 to 1266 & Part of Alley, Plan 1059; and Lots 183 to 190, Plan 673) and as necessary, in a manner deemed appropriate by the City Planner;

III. That Conveyance Cost **BE SET** as follows:
   a. For alley conveyed to abutting lands zoned ID1.1, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. That the portion of the 4.88 metre wide north/south alley located between the south lot line of the property known municipally as 3559 Matchett Road (legally described as Lots 2031 & 2032, Plan 1344) and the north lot line of the property known municipally as 3605 Matchett Road (legally described as Lots 2041 & 2042, Part of Closed Alley and Part of Closed Virginia Avenue, Plan 1344; Parts 13, 15 & 17, RP 12R-18697), and shown as Part 2 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

V. That the portion of the 4.88 metre wide north/south alley located between the south lot line of the property known municipally as 3559 Matchett Road (legally described as Lots 2031 & 2032, Plan 1344) and the north lot line of the property known municipally as 3605 Matchett Road (legally described as Lots 2041 & 2042, Part of Closed Alley and Part of Closed Virginia Avenue, Plan 1344; Parts 13, 15 & 17, RP 12R-18697), and shown as Part 2 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners 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 and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
   i. Bell Canada for access to service and maintain existing aerial plant;
   ii. Cogeco for access to service and maintain existing infrastructure;
   iii. EnWin Utilities Ltd to accommodate and for access to service and maintain existing overhead 120/240 volt hydro distribution, poles and down guy wires; and
   iv. MNSi for access to service and maintain existing aerial infrastructure;

VI. That Conveyance Cost **BE SET** as follows:
   a. For alley conveyed to abutting lands zoned RD1.2, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
   b. For alley conveyed to abutting lands zoned ID1.1, $5.00 per square foot without easements and $2.50 per square foot with easements.

VII. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1765, *attached* hereto as Appendix "A".

VIII. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

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.

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

Report Number: SCM 19/2023 & S125/2022
Clerk's File: SAA2023

8.10. Closure of north/south alley between Guy Street & 1980 Meldrum Road; east/west alley between north/south alley & Larkin Road, Ward 5, SAA-6689

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

Decision Number: CR48/2023 DHSC 460

I. That the 4.27 metre wide north/south alley located between Guy Street and the property known municipally as 1980 Meldrum Road (legally described as Lots 250 to 255 & Part of Closed Alley, Plan 1098) and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

II. That the 4.27 metre wide north/south alley located between Guy Street and the property known municipally as 1980 Meldrum Road (legally described as Lots 250 to 255 & Part of

Closed Alley, Plan 1098) and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A"**, BE CLOSED AND CONVEYED** to the abutting property owners 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 and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram attached hereto as Appendix "F", **BE GRANTED** to:
   i. Bell Canada to protect existing aerial facilities;
   ii. EnWin Utilities Ltd to accommodate the pole, anchors and existing overhead plant; and
   iii. MNSi for access to service and maintain existing aerial infrastructure;

III. That the 5.49 metre wide east/west alley located between the aforesaid north/south alley and Larkin Road and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

IV. That the 5.49 metre wide east/west alley located between the aforesaid north/south alley and Larkin Road and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A"**, BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner:

V. Type That Conveyance Cost **BE SET** as follows:
   a. For alley conveyed to abutting lands zoned RD1.2, $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
   b. For alley conveyed to abutting lands zoned ID1.1, $5.00 per square foot without easements and $2.50 per square foot with easements.

VI. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1809, *attached* hereto as Appendix "A".

VII. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VIII. 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.

IX. That administration **BE REQUESTED** to undertake further discussion with the proponent regarding some of the issues brought forward; and,

X. That this information **BE BROUGHT FORWARD** when this report proceeds to Council
Carried.

Report Number: SCM 17/2023 & S 135/2022
Clerk's File: SAA2023

8.11. Amendment to CR305/2021 for closure of part of n/s alley b/w north limit of 1216 Tourangeau Rd & closed part of said n/s alley; e/w alley west of Rossini Blvd & south of Via Rail corridor; and e/w alley b/w Rossini Blvd & said n/s alley, Ward 9, SAA-6317

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

Decision Number: CR49/2023 DHSC 461

I. That CR305/2021, adopted on July 5, 2021, **BE AMENDED** as follows:
By **DELETING** the following wording from Recommendation V:

That the portion of the 4.88 metre wide east/west alley between Franklin St and the VIA Rail corridor, east of Tourangeau Rd and west of Rossini Blvd, and shown as Part 3 on Drawing No. CC-1787 *attached* as Appendix "A", **BE RETAINED FOR MUNICIPAL PURPOSES**;

And **INSERTING:**

That the east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (legally described as Lot 147, Plan 796) and 1210 Tourangeau Road (legally described as Lot 146, Plan 796), and shown as Part 3 on Drawing No. CC-1787 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

That the east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (legally described as Lot 147, Plan 796) and 1210 Tourangeau Road (legally described as Lot 146, Plan 796), and shown as Part 3 on Drawing No. CC-1787 *attached* hereto as Appendix "A", **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor.

Carried.

Report Number: SCM 20/2023 & S 137/2022
Clerk's File: SAA2023

11.3. Little River Pollution Control Plant (LRPCP) Bypass Improvements at Pontiac Pumping Station- Schedule C Muncipal Class Environmental Assessment- Filing the Notice of Study Completion- CITY WIDE

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

Decision Number: CR53/2023

1. That Council **ENDORSE** the Environmental Study Report (ESR) for LRPCP Bypass Improvements at the Pontiac Pumping Station-Schedule C Municipal Class Environmental

Assessment, with recommendations supporting the preferred solution and preferred design (Alternative #2) identified by Stantec Consulting Ltd.; and further,

2. That Administration **BE DIRECTED** to finalize the ESR for LRPCP Bypass Improvements at the Pontiac Pumping Station -Schedule C Municipal Class Environmental Assessment and issue the Notice of Study Completion in accordance with the Municipal Class Environmental Assessment Planning Process to commence the 30-day review period immediately following finalizing the Environmental Assessment.

Carried.

Report Number: C 228/2022
Clerk's File: SW2023

11.4. Exemption to Noise By-law 6716 for Nighttime Construction Work – Lauzon Parkway from Cantelon Drive to Forest Glade Drive - Ward: 8

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

Decision Number: CR54/2023

I) That the following exemption requests to the provisions of the Noise By-law 6716 (as amended), **BE GRANTED**:

***a. Specific exemption request*:**
The Public Works Department of the City of Windsor is requesting a noise by-law exemption for the time periods for the operation of construction equipment as dictated by the City of Windsor **By-Law No. 6716** in order to allow 24/7 construction work.

***b. Scope of Exemption*:**
The project limits are located in the City of Windsor at Lauzon Parkway from Cantelon Drive to Forest Glade Drive.

***c. Duration of Exemption*:**
This Noise By-Law Exemption is requested for the dates commencing on April 17, 2023 and continuous through October 31, 2023.

Carried.

Report Number: C 1/2023
Clerk's File: SW2023

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

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

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

Decision Number: CR42/2023 DHSC 454
That the report of the Development and Heritage Standing Committee of it's meeting held January 9, 2023 regarding, "Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2" **BE DEFFERED** as requested by the applicant to the February 13, 2023 meeting of Council to allow for further consultation with administration.
Carried.

Report Number: SCM 13/2023 & S 124/2022
Clerk's File: Z/14428

11.1. Streamlining Right-of-Way Division Approvals to Enable Rapid Execution of Council's Vision and Incorporating Heritage Features into the Encroachment Policy - City Wide

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Fred Francis

Decision Number: CR51/2023
That the report of the Technologist III dated November 23, 2022, entitled "Streamlining Right-of-Way Division Approvals to Enable Rapid Execution of Council's Vision and Incorporating Heritage Features into the Encroachment Policy - City Wide" **BE REFERRED** back to administration to provide further information on best practices from other municipalities.
Carried.

Report Number: C 204/2022
Clerk's File: SW2023

11.2. Response to CQ 13-2022 – Process to allow Memorial Signs within the right-of-way and the feasibility of allowing the placement of mulch in the right-of-way without a permit - City Wide

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Fred Francis

Decision Number: CR52/2023
That the report of the Technologist III dated November 23, 2022, entitled "Response to CQ 13-2022 – Process to allow Memorial Signs within the right-of-way and the feasibility of allowing the placement of mulch in the right-of-way without a permit - City Wide" **BE REFERRED** back to administration to provide further information on best practices from other municipalities.
Carried.

Report Number: C 205/2022
Clerk's File: SE2022

10. PRESENTATIONS AND DELEGATIONS

8.5. Request for Heritage Permit – Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District locations (Ward 2)

Terry Kennedy, Ward 2 Resident

Terry Kennedy, Ward 2 Resident, appears before Council and expresses concern with the recomendation in the administrative report entitled "Request for Heritage Permit – Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District locations (Ward 2)" and indicates that the request for the permit does nothing to culturally improve the character of Sandwich town; and concludes by suggesting that Council not approve this request until such time that a formal public consultation can take place at different venues throughout the Sandwich community.

Nadja Pelkey, Art Windsor-Essex

Nadja Pelkey, Art Windsor-Essex, appears before Council regarding the administrative report entitled "Request for Heritage Permit – Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District locations (Ward 2)" and is available for questions.

Moved by: Councillor Fred Francis
Seconded by: Councillor Fabio Costante

Decision Number: CR43/2023 DHSC 455

I. That a Heritage Permit requested by Art Windsor-Essex (legal name 'The Art Gallery of Windsor') **BE APPROVED** for the temporary installation (up to 24 months) of framed reproduction artwork displayed at five locations within the Sandwich Heritage Conservation District in accordance with Appendix A- Heritage Permit Application, subject to the following condition(s)**:**
   a. Submission of satisfactory product details and samples to the City Planner or designate;
   b. Final locational clearance with City Administration (such as Engineering & Parks departments, etc.);
   c. Technical and legal conditions associated with its installation and removal on City property in accordance with the Council Decision on the larger city-wide report (C 207/2022); and

II. That the City Planner or designate **BE DELEGATED** the authority to approve any further changes including location changes to the heritage permit associated with the proposal.

Carried.

Report Number: SCM 11/2023 & S 146/2022
Clerk's File: SR/13926

8.12. Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740

Karoly Biro, Area Resident

Karoly Biro, Area Resident, appears before Council and expresses concern regarding the administrative recommendation in the report entitled "Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740" and indicates that he requires the alley to access his garage; and concludes by suggesting that this requested closure would not benefit any of the neighbourhood and will also limit direct access to the park.

Zeena Biro, Area Resident

Zeena Biro, Area Resident, appears before Council and express concern with the administrative recommendation in the report entitled "Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740" and indicates that parking on the street is at a premium and the alley is used for parking, dropping off purchases, and deliveries; and concludes by suggesting that this closure would not benefit the neighbours at all and will cause a negative impact to the residents quality of life.

Haris Radoncic, Area Resident

Haris Radoncic, Area Resident, appears before Council regarding the administrative report entitled "Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740" and provides some background information related to his requested application; and concludes by referring to the clean-up he continues to undertake due to vandalism and dumping that would be alleviated if the alley closure is permitted.

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

Decision Number: CR50/2023 DHSC 462
That the closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740 **BE DENIED**.
Carried.

Aye votes: Councillors Mark McKenzie, Fred Francis, Jim Morrison, Jo-Anne Gignac, Angelo Marignani, and Mayor Drew Dilkens
Nay votes: Councillors Fabio Costante, Renaldo Agostino, Gary Kaschak, Kieran McKenzie, Ed Slieman.

Report Number: SCM 16/2023 &S 142/2022
Clerk's File: SAA2023

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None presented.

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. Report of the Special In-Camera meeting held January 30, 2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

Decision Number: CR55/2023
That the report of the Special In Camera meeting held January 30, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 25/2023
Clerk's File: ACO2023

12.2. Report of the Striking Committee of its meeting held January 16, 2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

Decision Number: CR56/2023
That the report of the Striking Committee of its meeting held January 16, 2023 **BE ADOPTED** as presented.
Carried.

13. BY-LAWS (First and Second Reading)

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

That the following By-law No. 10-2023 be introduced and read a first and second time:

10-2023 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 JANUARY, 2023
Carried.

14. MOVE BACK INTO FORMAL SESSION

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

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-law given first and second readings as presented

Carried.

15. NOTICES OF MOTION

Councillor Agostino gives notice that the motion he was bringing forward for consideration at the January 30, 2023 meeting regarding the Safe Injection Site, will now occur at the February 13, 2023 meeting of Council.

16. THIRD AND FINAL READING OF THE BY-LAWS

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

That the By-law No. 10-2023 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 3-2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

Decision Number: CR57/2023
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 3-2023:
Assigned to Commissioner, Infrastructure Services:

> Asks that administration report back on best practices from other cities regarding snow removal and to provide feasibilities and cost to implementing and implementing the bylaw looking into localized streets snow removal due to drifts and blowing winds.

Carried.

Clerk's File: ACOQ2023

21. ADJOURNMENT

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

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 5:11 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held January 30, 2023 (CR55/2023)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
January 30, 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, Acting Commissioner, Human and Health Services
Chris Nepsy, Commissioner, Infrastructure Services
Joe Mancina, 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
Anna Ciacelli, Deputy Clerk

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

Item No.	**Subject**	**Section – Pursuant to Municipal Act, 2001, as amended**
1.	**Legal matter – expropriation settlement**	**239(2)(e)(f)**

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business.

Verbal Motion is presented by Councillor Fabio Costante, seconded by Councillor Fred Francis,
to move back into public session.
Motion Carried.

Moved by Councillor Jo-Anne Gignac, seconded by Councillor Mark McKenzie,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 30, 2023 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, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a legal matter – expropriation settlement **BE APPROVED**.

Motion Carried.

Moved by Councillor Gary Kaschak, seconded by Councillor Fabio Costante,
That the special meeting of council held January 30, 2023 BE ADJOURNED.
(Time: 2:33 p.m.)
Motion Carried.