

City Council Meeting

Date: Tuesday, October 11, 2022

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

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically

MEMBERS:

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Rino Bortolin

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Jeewen Gill

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

ORDER OF BUSINESS

Item #	Item Description
1.	ORDER OF BUSINESS

1.1. In the event of the absence of the Mayor, Councillor Gill has been Appointed Acting Mayor for the month of October, 2022 in accordance with By-law 176-2018, as amended

2. **CALL TO ORDER** - Playing of the National Anthem

READING OF LAND ACKNOWLEDGEMENT STATEMENT

We [] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomie. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

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

4. **ADOPTION OF THE MINUTES**

5. **NOTICE OF PROCLAMATIONS**

Proclamations

“Learning Disabilities Awareness Month” –October, 2022

“Disability Employment Awareness Month” – Saturday, October, 2022

“Healthy Workplace Month” – October, 2022

“Ontario Cadets Week” –October 1 to October 7, 2022

“International Day of the Girl” –October 11, 2022

“Foster Parent Appreciation Week” –October 16 to October 22, 2022

“Child Care Worker and Early Childhood Educator Appreciation Day” –October 18, 2022

“Lung Cancer Awareness Month” –November, 2022

Illumination

“Light It Up’ Event for National Disability Employment Awareness Month” –October 20, 2022

6. **COMMITTEE OF THE WHOLE**

7. **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)

8. **CONSENT AGENDA**
 - 8.1. Appointment of Drainage Superintendent (**C 156/2022**)
 - 8.2. Minutes of the Windsor Licensing Commission of its meeting held July 27, 2022 (**SCM 272/2022**) & (**SCM 243/2022**)
 - 8.3. Minutes of the Vision Zero Stakeholder Group of its meeting held June 29, 2022 (**SCM 273/2022**) & (**SCM 246/2022**)
 - 8.4. Essex-Windsor Solid Waste Authority (EWSWA) Minutes of the Regular Board Meeting held July 5, 2022 - City Wide (**SCM 274/2022**) & (**SCM 247/2022**)
 - 8.5. Essex-Windsor Solid Waste Authority (EWSWA) Minutes of the Regular Board Meeting held August 10, 2022-City Wide (**SCM 275/2022**) & (**SCM 267/2022**)
 - 8.6. Additional information for CQ 12-2019 in response to the Residential Parking Permit Policy-City Wide (**SCM 277/2022**) & (**S 74/2022**)
 - 8.7. Victoria Avenue (Tecumseh Road West to Jackson Street) Traffic Calming-Ward 3 (**SCM 277/2022**) & (**S 110/2022**)

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

10. **PRESENTATIONS AND DELEGATIONS**

11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)
 - 11.1. Prince Road Sewer - Phase 9B Outlet to Detroit River - Amendment of Consulting Service Agreement - Ward 2 (**C 160/2022**)

- 11.2. Request for Proposal (RFP) 98-22 – Engineering Consulting Services for Cargo Road Extension (St. Etienne Blvd.) – Ward 9 **(C 169/2022)**
- 11.3. Agreement Amendment for RFP 21-20 for the Municipal Class Environmental Assessment for Ojibway Parkway Wildlife Overpass– Ward 1 **(C 172/2022)**
12. **CONSIDERATION OF COMMITTEE REPORTS**
13. **BY-LAWS** (First and Second Reading)
14. **MOVE BACK INTO FORMAL SESSION**
15. **NOTICES OF MOTION**
16. **THIRD AND FINAL READING OF THE BY-LAWS**
17. **PETITIONS**
18. **QUESTION PERIOD**
19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

WCU Joint Ad Hoc Nominating Committee
Monday, October 17, 2022
9:00 a.m.

Windsor Utilities Commission Governance Committee
Monday, October 17, 2022
11:00 a.m.

ENWIN Utilities Ltd. Governance & HR Committee
Wednesday, October 26, 2022
9:00 a.m.

Windsor Utilities Commission Governance Committee
Wednesday, October 26, 2022
11:00 a.m.

21. **ADJOURNMENT**



Subject: Appointment of Drainage Superintendent

Reference:

Date to Council: October 11, 2022

Author: Stacey McGuire

Manager of Development

(519) 255-6100 ext. 1726

smcguire@citywindsor.ca

Engineering

Report Date: 9/7/2022

Clerk's File #: SW2022

To: Mayor and Members of City Council

Recommendation:

THAT CR142/2020 appointing Andrew Dowie as Drainage Superintendent, **BE RESCINDED**; and

THAT Thomas Graziano be appointed by By-law as the Drainage Superintendent for all prescribed duties assigned under Section 93 of the *Drainage Act*, and By-law XXX-2022 **BE PASSED** for this purpose,

THAT the Drainage Superintendent be delegated all responsibilities of the municipal Tile Drain Inspector position as described under Section 4 of the *Tile Drainage Act*; and,

THAT day-to-day responsibilities of the municipality as described in the *Drainage Act*, including those residing with the City Clerk and the City Treasurer, be delegated to the Drainage Superintendent.

Executive Summary:

N/A

Background:

Section 93(3) of the *Drainage Act* describes the roles of the Drainage Superintendent. A drainage superintendent for a municipality shall:

- (a) inspect every drainage works for which the municipality is responsible and report periodically to council on the condition of those drainage works;
- (b) initiate and supervise the maintenance and repair of the drainage works for which the municipality is responsible;

(c) assist in the construction or improvement of the drainage works for which the municipality is responsible; and

(d) report to council on the superintendent's activities mentioned in clauses (b) and (c).

In June, 2022, Mr. Andrew Dowie was announced as the Provincial member of parliament for Windsor-Tecumseh. Mr. Dowie has taken a leave of absence from the Corporation to take on this role. Through the City's Job Posting 2022-0223, Thomas Graziano was the successful candidate for the position of Engineer III – Drainage Superintendent.

Discussion:

As part of the 2018 Operating Budget, City Council approved the addition of an Engineer III position with the primary duties related to drainage works and the Drainage Act. Mr. Thomas Graziano is now serving in this position. A By-law is required from City Council in order for Mr. Graziano to be designated as Drainage Superintendent and to be delegated the powers vested in the position by the Drainage Act.

The Drainage Act makes several references to responsibilities of the municipal Clerk and Treasurer. In practice, the responsibility to ensure that these actions are carried out has been delegated to the Drainage Superintendent. To ensure clarity for all stakeholders and for residents, the recommendation specifies that day to day responsibilities related to *Drainage Act* matters shall be directed to the Drainage Superintendent notwithstanding the references in the Act.

In addition, the *Tile Drainage Act* provides discretion for the municipality to enact access to the provincial Tile Loan Program. City Council would appoint a drainage inspector to inspect the tile drainage work and file an inspection report. While requests for such a program have not been forthcoming, should one be received the Drainage Superintendent would be able to manage this program if so designated.

Risk Analysis:

There are no immediate risks inherent with the recommendation, however absent the Drainage Superintendent designation and associated powers vested in the position, the incumbent will be restricted in the carrying out of their duties. This would in turn inhibit the ability of the City to maintain and protect municipal drains located on private properties.

Climate Change Risks

Climate Change Mitigation:

This report is administrative in nature and has no climate change mitigations risks.

Climate Change Adaptation:

The report is administrative in nature and has no climate change adaptation considerations.

Financial Matters:

All expenses related to this position are recovered through the various Capital Programs that this position works on. In addition, some funding is available from the Ontario Ministry of Agriculture and Rural Affairs to support the Drainage Superintendent, depending on the nature of work.

Consultations:

Timothy Brook, P.Eng., Ontario Ministry of Agriculture and Rural Affairs

Wira Vendrasco, Legal Services

Conclusion:

The appointment of Thomas Graziano as Drainage Superintendent will ensure that the municipal drainage inspection and maintenance service is supported by all regulatory powers vested in the position under the *Drainage Act*.

Planning Act Matters:

N/A

Approvals:

Name	Title
France Isabelle–Tunks	Executive Director of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Timothy Brook, P.Eng., Drainage Coordinator, Ontario Ministry of Agriculture, Food and Rural	Ontario Government Bldg, 1 Stone Rd W, Guelph, ON N1G 4Y2	timothy.brook@ontario.ca

Name	Address	Email
Affairs		

Appendices:

Item No. 8.2



Committee Matters: SCM 272/2022

Subject: Minutes of the Windsor Licensing Commission of its meeting held July 27, 2022

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: **ETPS 915**

THAT the minutes of the Windsor Licensing Commission of its meeting held July 27, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 243/2022

Clerk's File: MB2022

Clerk's Note:

1. The recommendation of the Standing Committee and Advisory Committee are the same.
2. Please refer to Item 7.1. from the Environment, Transportation & Public Safety Standing Committee Meeting held on September 28, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220929/-1/7359>



Committee Matters: SCM 243/2022

Subject: Minutes of the Windsor Licensing Commission of its meeting held July 27, 2022

Windsor Licensing Commission

Meeting held July 27, 2022

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Fabio Costante
Councillor Gary Kaschak
Jayme Lesperance

Regrets received from:

Harpreet Virk

Guest in attendance:

Sean Tannous, Solicitor regarding Item 7(a)

Also present are the following resource personnel:

Steve Vlachodimos, City Clerk & Licence Commissioner
Craig Robertson, Deputy Licence Commissioner & Acting Senior Manager of
Licensing & Enforcement
Brian Nagata, Planner II, Development Review
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:41 o'clock a.m. and the Windsor Licensing Commission considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Minutes

Moved by Councillor Costante, seconded by Councillor Kaschak,
That the minutes of the Windsor Licensing Commission of its meeting held April 27, 2022 **BE ADOPTED** as presented.
Carried.

3. Disclosure of Interest

None disclosed.

4. Request for Deferrals, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

None.

7. Applications/Hearings

(a) Mr. Vito Maggio – Hospitality Food/Liquor Ancillary

Mr. Sean Tannous, Solicitor is present on behalf of Mr. Vito Maggio, applicant.

C. Robertson provides the following background information relating to the placement of conditions on the HospitalityFood/Liquor Ancillary licence:

- Licensing records indicate that Olde Walkerville Pizzeria Ind. O/A Olde Walkerville Vito's Pizzeria located at 1731 Wyandotte Street East is currently in good standing, holding a valid municipal licence as a Hospitality Food/Liquor Ancillary establishment.
- This establishment has been in good standing since 2008.
- City Council at its meeting held May 30, 2022 approved a request by the licensee to amend City of Windsor Zoning By-law 8600 to add a site specific provision to allow a permanent patio to the rear of an existing legal non-conforming business office located at 642 Windermere, Windsor which would be exclusive to the restaurant Vito's Pizzeria, located at 1731 Wyandotte Street East.
- Due to concerns raised by local residents, City Council requested that the Windsor Licensing Commission give consideration to the imposition of the following conditions on the licensee's hospitality business licence:
- That the patio shall comply with the City of Windsor's Lighting Intensity Standards Study.
- The hours of operation for the patio shall be limited to between 7:00 am and 11:00 p.m. daily; and

- Notwithstanding Section 2 of Table 3-1 to the City's Emission of Sounds By-law 6716, the sound from or created by any radio, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind shall be prohibited on the patio.

In response to a question asked by the Chair regarding if the recommendation is based on the feedback from the residents in that area, C. Robertson responds that the recommendation is what City Council decided based on the outcome of the Environment, Transportation and Public Safety Standing Committee and area residents.

Councillor Kaschak advises that a wholesome discussion was held at the May 30, 2022 Council meeting and adds that this is a fair way moving forward for the residents nearby and also for the business that has been in good standing for many years.

Sean Tannous, Solicitor on behalf of Vito Maggio states that Mr. Maggio consents to all of the conditions and recommendations.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC 4/2022 That the following conditions **BE PLACED** on the current hospitality business licence (22 129302) and every renewal thereafter associated with Olde Walkerville Pizzeria Inc. O/A Olde Walkerville Vito's Pizzeria located at 1731 Wyandotte Street East, Windsor Ontario:

- That the licensee's patio located at 642 Windermere Road, Windsor, Ontario shall comply with the City of Windsor Lighting Intensity Standards Study;
- That the hours of operation for the licensee's patio located at 642 Windermere Road, Windsor, Ontario shall be limited to between 7:00 am and 11:00 pm daily;
- That the sound from or created by any radio, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind shall be prohibited on the licensee's patio located at 642 Windermere Road, Windsor, Ontario, AND FURTHER,
- Should it be determined by the Licence Commissioner that the licensee has breached these conditions, that the establishment's business licence associated with Olde Walkerville Pizzeria Inc. O/A Walkerville Vito's Pizzeria located at 1731 Wyandotte Street East, Windsor, Ontario **BE SUSPENDED** at the discretion of the Licence Commissioner until the next scheduled meeting of the Windsor Licence Commission.

Carried.

8. Reports and Administrative Matters

(a) Expired Application(s) for Business Licence

Moved by Councillor Costante, seconded by J. Lesperance,
That the report of the Deputy Licence Commissioner dated July 8, 2022 entitled
“Expired Application(s) for Business Licence” **BE RECEIVED.**
Carried.

9. In Camera

No In Camera session is held.

10. Date of Next Meeting

There being no further business, the meeting is adjourned at 9:51 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR



Committee Matters: SCM 273/2022

Subject: Minutes of the Vision Zero Stakeholder Group of its meeting held June 29, 2022

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Decision Number: **ETPS 916**

THAT the minutes of the Vision Zero Stakeholder Group of its meeting held June 29, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 246/2022
Clerk's File: MB2022

Clerk's Note:

1. The recommendation of the Standing Committee and Advisory Committee are the same.
2. Please refer to Item 7.2. from the Environment, Transportation & Public Safety Standing Committee Meeting held on September 28, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220929/-1/7359>



Committee Matters: SCM 246/2022

Subject: Minutes of the Vision Zero Stakeholder Group of its meeting held June 29, 2022

Vision Zero Stakeholder Group

Meeting held June 29, 2022

A meeting of the Vision Zero Stakeholder Group is held this day commencing at 10:00 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Chris Holt, Chair
Ken Acton
Diane Bradford
Julie Di Domenico
Nathanael Hope
Kevin Morse
Abdul Naboulsi
Jim Sommerdyk

Also present are the following resource personnel:

Jeff Hagan, Transportation Planning, Senior Engineer
Rania Toufeili, Policy Analyst
Constable Colin Wemyss, Windsor Police Services
Karen Kadour, Committee Coordinator

3. Adoption of the Minutes

Moved by K. Acton, seconded by D. Bradford,
That the minutes of the Vision Zero Stakeholder Group of its meeting held July 2,
2021 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Vision Zero Action Plan – Existing Initiatives

J. Hagan provides an overview of the Vision Zero Action Plan existing initiatives as follows:

- Their approach with developing the initiatives was to take an inventory of all of the existing programs and initiatives that touch on the strategic goals that were identified at the July 2, 2021 meeting.
- The existing initiatives memo covers all of the Vision Zero related programs that they are aware of that are active in the city now regardless of who is doing them.

- They are looking for feedback from the group regarding whether the list is complete and accurate; and if there are measures or programs that should be added to this list.
- As you look through the table, there are a few weak points in terms of translating the overall city's approach from road safety to a vision zero approach.
- There is quite a bit on the enforcement side but looking at other measures there is not a lot except in very niche situations like the Traffic Calming Policy which is only for residential streets. We have a Community Safety Zone Policy but the criteria for a Community Safety Zone is heavily controlled and the city as a fleet operator has control over how city staff behave on our roads as well.
- One of the priorities identified was that there are gaps in data, as data tends to be in silos so as the infrastructure operators, we do not necessarily have all of the information on the factors leading to a collision that could influence different approaches we take to addressing the collision pattern.
- Another area for improvement is how can we change the status quo as our inventory is focused on the status quo.

D. Bradford states that it is difficult when you are looking at data and the whole different silos to get a true picture of injury. She suggests doing a research study to get some agreements for data sharing because we are looking at long term sustainability.

J. Hagan responds that there may be ways to share useful information while still maintaining privacy. If they had aggregated data about where people drink who get involved in impaired driving collisions, i.e. restaurants, home alone, parties, those sorts of measures would be useful in fine tuning an education plan and different outreach measures with no private information changing hands from one agency to another.

Moved by D. Bradford, seconded by J. Sommerdyk,
That the memo from the Transportation Planning Senior Engineer dated June 7, 2022 entitled "Vision Zero Action Plan – Existing Initiatives" **BE RECEIVED.**
Carried.

4.2 Vision Zero Action Plan – Potential New Initiatives

J. Hagan provides the following as it relates to the Vision Zero Action Plan and the potential new initiatives:

- They started with an inventory of the existing road safety programs to identify where to build upon.
- Along with that, there are different road safety initiatives that are already planned that are coming forward.
- Looked at two categories of additional measures that could be taken –core new initiatives which are central to a vision zero approach and that speak directly to the strategic priorities that have been identified and there is a number afterwards that identifies "for Discussion" and these are ones where there likely is a safety

benefit to them but there are issues that need to be resolved, i.e. a significant cost to the city or a significant cost to the third party stakeholder or it is not identified who would be responsible for implementing them.

- Asks that the Stakeholder Group provide feedback on what is important that we should be providing or if there are any ways to make the implementation easier, i.e. if your agency can partner with the city on some of these programs.

J. Sommerdyk refers to pavement edged rumble strips and notes that they are not effective, i.e. the multi-use trail at the end of South National which is used by service vehicles. He adds that when the service vehicles have it blocked, the rumble strips make it more difficult for bikes to get around.

J. Hagan responds as it relates to rumble strips, they are used to divide a multi-use trail for a road when the two are paved integrally. The revisions that they would be looking at would entail implementing them at locations where typically they have run-off road collisions, so the purpose would be slightly different. On South National it is to highlight to the motorists that they are leaving the multi-use trail and as a vision zero measure would be about addressing locations where a drowsy driver does not realize that the road is curving or has run off the road and it warns them to get back on. In terms of difficulty for cyclists, the Bikeways Development book does provide guidance on approaches for rumble strips so rather than having a continuous rumble strip, it is like a dashed white line so there are gaps so the cyclist does not have to ride over the rumble strip.

The Chair asks if the responsibilities and funding for the core new initiatives have been dedicated to a department to do this work and what are the next steps.

J. Hagan responds that the next immediate step would be to take the input from the Stakeholder Group and to develop Progress Report #2 which would go the Environment, Transportation and Public Safety Standing Committee and then onto Council with recommendations. For the whole Vision Zero Action Plan, it will be approved by Council when the entire document is completed which would be after the interim goals as a next step. Council would adopt the entire Action Plan as a unit and at that point it would come with recommendations and a budget. Some of the measures under the recommended initiatives have a cost associated with them but others do not.

In response to a question asked by the Chair regarding if they should reach out to other organizations for input on this, J Hagan responds that there is value in getting more feedback into the process but it would delay bringing the action plan forward for approval.

K. Acton asks if they will be reaching out to the school boards.

J. Hagan responds that they have a School Neighbourhood Policy to address parking and traffic issues around schools and encouraging students to walk and bike or to ride the school bus. Along with that, the schools are key in providing education and messaging and they have worked with school boards with both respects; to facilitate travel

to and from school in a safe way and then partnering with them to provide road safety education messaging which would also tie into the Safety Village as well.

D. Bradford asks if there is any plan for the fatality review committee.

J. responds that is identified as one of the coordinated initiatives.

K. Morse remarks that the Health Unit over the last two years has been doing the Ontario Active School Travel fund and received funding in the City of Windsor. The three school boards are involved along with Windsor Police Services, the City of Windsor, the Health Unit, and Bike Windsor Essex to work on increasing active school travel opportunities

D. Bradford asks if there is ongoing discussion with Parachute Canada which is a (National Injury Prevention Organization) as this organization is a great resource.

J. Hagan responds that there are no ongoing discussions with Parachute Canada.

J. Hagan refers to the items in the “for discussion list” and states that anything on that list will either be included or removed. He requests that committee members review the list and contact him with any changes.

5. Date of Next Meeting

The next meeting will be held at the call of the Chair.

6. Adjournment

There being no further business, the meeting is adjourned at 10:31 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR

Item No. 8.4



Committee Matters: SCM 274/2022

Subject: Essex-Windsor Solid Waste Authority (EWSWA) Minutes of the Regular Board Meeting held July 5, 2022 - City Wide

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Decision Number: **ETPS 917**

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) of its meeting held July 5, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 247/2022
Clerk's File: MB2022

Clerk's Note:

1. Please refer to Item 7.3. from the Environment, Transportation & Public Safety Standing Committee Meeting held on September 28, 2022.
2. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220929/-1/7359>



Committee Matters: SCM 247/2022

Subject: Essex-Windsor Solid Waste Authority (EWSWA) Minutes of the Regular Board Meeting held July 5, 2022 - City Wide



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Tuesday, July 5, 2022

Time: 3:30 p.m.

Location: Council Chambers (2nd Floor)
Essex County Civic & Education Centre
360 Fairview Ave. West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

Gary Kaschak – Chair	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor
Ed Sleiman	City of Windsor
Marc Bondy	County of Essex
Aldo DiCarlo – Vice Chair	County of Essex
Gary McNamara	County of Essex (Ex-Officio)

EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
Tom Marentette	Manager of Waste Disposal
Teresa Policella	Executive Assistant

City of Windsor Staff:

Anne Marie Albidone	Manager of Environmental Services
Tony Ardovini	Deputy Treasurer Financial Planning

Absent:

Board Members:

Fabio Costante	City of Windsor
Hilda MacDonald	County of Essex
Drew Dilkens	City of Windsor (Ex-Officio)

EWSWA Staff:

Cathy Copot-Nepszy	Manager of Waste Diversion
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City of Windsor Staff:

Shawna Boakes	Executive Director of Operations
Tracy Beadow	Project Administrator

Natasha Gabbana

Manager of Performance Measurement & Financial Administration

Chris Nepszy

City Engineer/Commissioner of Infrastructure Services

County of Essex Staff:

Mary Birch

Director of Council & Community Services/Clerk

Mike Galloway

County of Essex CAO

Sandra Zwiers

Director of Financial Services/Treasurer

1. Call to Order

The Chair called the meeting to order at 3:33 p.m.

2. Roll Call of Board Members Present

Marc Bondy – Present

Fabio Costante – Not present

Aldo DiCarlo – Present

Gary Kaschak - Present

Hilda MacDonald – Not present

Kieran McKenzie - Present

Gary McNamara –Present (arrived at 3:54)

Jim Morrison - Present

Ed Sleiman - Present

3. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

4. Approval of the Minutes

A. June 7, 2022 Regular Meeting Minutes

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated June 7, 2022, be approved and adopted.

**61-2022
Carried**

5. Business Arising from the Minutes

No items were raised for discussion.

6. Delegations

There were no delegations for July 5, 2022.

7. Waste Diversion

A. Blue Box Transition Update Re: Circular Materials

The General Manager provided an update on the Blue Box Transition to Extended Producer Responsibility. The Authority is scheduled for transition August 28, 2024. The transition period ends December 2025. The Producers will be fully responsible for the Blue Box program commencing January 1, 2026.

At the June Board meeting, the General Manager reported that Circular Materials Ontario (CMO) released a set of procurement documents to engage with the municipalities of Ontario during the transition period to continue to provide collection services.

A number of areas of concern were identified within the documents by the municipal working groups and Authority staff. Through the Association of Municipalities of Ontario (AMO), Municipal 3Rs Collaborative (M3RC), Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Waste Association, a letter was composed to CMO outlining the concerns. On June 22, 2022, CMO issued revised documents on its website. The revised documents included changes or removal of items that Ontario municipalities had identified as concerns and/or unacceptable conditions. However, some financial and operational concerns still remain unresolved.

Further, in early June, CMO announced that they had contracted with Reverse Logistics Group (RLG) to issue Requests for Proposals (RFPs) for interested parties, including Essex-Windsor, to establish Receiving Facilities for Blue Box material. They have taken all the municipalities in the Province and have grouped them into catchment areas. The catchment area for Essex-Windsor is the area that the Authority is currently.

A Receiving Facility operates differently than how the Authority is currently operating. Currently, the recyclables delivered to the Authority are processed or sorted by commodity, baled and marketed. The RFPs for Receiving Facilities require fibre and container products delivered to the facility be either loose loaded (loaded to an open trailer) or baled and then shipped to a full processing facility. Currently there are approximately 20-25 Material Recovery Facilities (MRFs) similar to the Authority in Ontario. CMO is looking to create large MRFs. Instead of having 20-25, they may have 10 in the entire Province. They are looking for receiving facilities to basically bulk the material and ship it to another location.

The procurement documents contain much of the same language in the original collection documents. The terms create significant risk to municipalities. The

Authority is currently in the process of meeting internally, as well as with our municipal partners, to identify those concerns and either respond to CMO directly or as a group to provide municipal input. The General Manager noted that from an administrative standpoint, there terms that Administration is not prepared to recommend to the Board.

Mr. McKenzie asked if there is anything that the Board could do to strengthen the Authority's position.

The General Manager stated that there is not a lot that she can ask of the Board right now except to stay abreast of the situation. If we can not come to an agreement, there is nothing forcing municipalities in Ontario to accept their terms and the Authority can step away if we can't come to terms that are mutually agreeable that have a balance of risk. Our intention is to not cause a disruption at the curb and impact the residents of the region. She noted that there is a united front from administrative positions among the municipalities and they are sticking together and are making headway. The intention is to try to make sure that the risk does not fall to the municipalities.

Mr. McKenzie asked if there is any value in reaching out to our own elected representatives at the provincial level to see if there is any type of intervention that can be made on our behalf to support our position.

The General Manager stated that any advocacy is welcome.

Mr. McKenzie asked if the government still has a role to play.

The General Manager stated that the ball is in CMO's court. From a provincial standpoint, they are expected to follow the Regulations. The reality is that if municipalities do not come to agreement with CMO, they may not achieve their timelines.

Mr. McKenzie asked if the Board should direct Administration to reach out to local elected officials to provide them with the information and the analysis and ask them to respond and then perhaps that opens up dialogue where that response could turn into advocacy.

The General Manager stated that she would leave it up to Mr. McKenzie to make that motion, if he wishes. She stated that the situation is fluid and she will continue to provide updates to the Board.

Mr. McKenzie stated that he has a motion at the appropriate time.

Mr. Morrison agrees with where Mr. McKenzie is going but perhaps it would be too early to move down that path. He noted that the AMO conference is in August and he would hope that some councillors would be there advocating for some of these issues. His concern is there doesn't seem to be a push back in any way from our elected representatives or AMO. He thinks that we need to

give them time to work through this issue but not for an extended period of time.

Mr. Kaschak agreed with Mr. Morrison. He stated that a motion could come forward but that we probably should wait to see the outcome of this topic from the AMO conference.

Mr. McKenzie asked that Administration share the information or the positions that have been articulated by AMO regarding the Blue Box transition process with our locally and provincially elected officials. He noted that he would speak to it if there is a seconder.

Mr. Bondy seconded.

Mr. McKenzie believes that the information needs to be brought forward to our elected officials, there is a significant transition with a core service that we deliver in our region to residents and all of us will be affected by this in one way or another. We need to get people thinking about whether or not the new proponents who are going to be responsible for delivering the services are moving forward in a way that's going to be seamless as it's supposed to be and also in a way that's going to be responsible and that our residents are going to find to be an acceptable service level. He stated that we are the ones that are going to be on the front lines of being accountable to residents in terms of why this has happened. He is looking to bring more voices and more awareness to the issue with the people who have an opportunity to influence the final outcomes.

Mr. Bondy agrees with Mr. McKenzie but believes we should wait until after the AMO conference in August. Mr. Bondy believes the motion is too early and should be brought forward later in August or September once we hear what AMO is going to do. Mr. Bondy cannot see how every municipality or region affected is going to create their own deal. He assumes it will be Province wide. Mr. Bondy does not see anybody accepting terms that does not provide at least the same service that is currently being done.

Mr. McKenzie stated that he would accept a friendly amendment to bring forward the motion after the AMO conference.

Moved by Kieran McKenzie

Seconded by Marc Bondy

THAT the Board receive the report as information.

**62-2022
Carried**

B. Blue Box Transition to Extended Producer Responsibility – Request for Delegated Authority

The General Manager stated that the purpose of the report is to request the Board to authorize the General Manager to execute any agreements responsible for the collection and processing of Blue Box recyclables within Essex-Windsor that are approved by the Technical Staff Committee with the Producers or Producer Responsibility Organizations (PROs).

The General Manager explained that upon the creation of the Authority, a Technical Staff Committee was also established. The Technical Staff Committee is comprised of Authority, County of Essex and City of Windsor staff. Legal services are provided by the Authority's solicitor who is also the solicitor for the County of Essex. The City of Windsor liaises with their legal department as required. The committee meets regarding the Authority budget and any large financial variances.

Mr. McNamara arrived at 3:54 p.m.

The General Manager stated the Authority could potentially be in lame duck status in August. The lame duck status not only affects the Authority Board from August until after the election but the Authority Board would also be on hiatus until the new members are announced through the striking committees by the City of Windsor and County of Essex councils. For example, for the 2014 election, the first meeting of the Authority Board was not until March 2015. For the 2018 election, the first meeting of the Authority Board was not until April 2019. There is a potential for this Board to not be standing as it is currently for a period of almost six months.

There have been many discussions with regards to the Blue Box transition through AMO and working groups. It has been suggested by AMO that Administration look at requesting delegated authority because of the Blue Box transition process. The Producers are saying that regardless of a municipalities transition date they intend to engage with all municipalities at the same time. They are looking to having the same contracts go out to all the municipalities, which means that if the Authority potentially does not have a Board, Administration cannot enter into agreement with the Producers.

The General Manager stated that Administration is being proactive and requesting that the Board delegate authority to the General Manager with consensus from the Technical Staff Committee to authorize the engagement or the execution of agreements.

Mr. Morrison stated that he sees the need for a delegation of authority for this situation and we have to be ready to be able to respond. Mr. Morrison asked if there is something more specific in terms of in consultation with the Technical Staff Committee.

The General Manager stated that this will be similar to the way that the Technical Staff Committee meets to discuss the Authority budget. The Technical Staff Committee achieves consensus before the budget is presented to the Board. In addition, legal counsel will also be engaged at this time. Normally, when consulting with the Technical Staff Committee, the Authority does not involve the legal component. In this situation any documents will need to be vetted by the legal department.

Mr. Morrison asked if the General Manager will ensure that she has the majority of the Technical Staff Committee on side.

The General Manager stated that she would welcome any amendments to the wording but currently the Technical Staff Committee works on consensus. The General Manager asked the Manager of Environmental Services to provide further comments.

The Manager of Environmental Services stated that the Technical Staff Committee reaches 100% consensus on all issues. She noted that she has been on the committee for a very long time and that the committee always works to consensus. She noted that if the Board were to decide to not approve the delegation of authority, this would mean that the Authority would not be able to respond to the Producers and a non-response on their behalf would be considered the same as saying we are not interested and we would lose that opportunity.

Mr. Morrison stated that he has a motion at the appropriate time.

Mr. McKenzie stated that he supports the recommendation. The purpose of this recommendation is to empower Administration to be able to act up until a new Board would be constituted. He would suggest that once the striking committee process is complete, that the delegation of authority that is being contemplated would cease and would revert back to normal process be incorporated into the recommendation. Mr. McKenzie would invite Mr. Morrison to consider that in his motion.

Mr. Morrison stated that it would be just for this process. He would accept if we want to handle it as a friendly amendment. He would agree that would be the end of the delegation of authority.

Mr. Kaschak stated that appears to be a friendly amendment and asked if there was any further discussion on the amended motion. There was no other discussion.

Moved by Jim Morrison
Seconded by Ed Sleiman

THAT the Board delegate authority to the General Manager of the Essex-Windsor Solid Waste Authority, in consultation with the Technical Staff Committee and Legal Services, to negotiate and execute, in the best interest of

the region, the legal agreement(s) needed for the transition of the Blue Box Program to Extended Producer Responsibility as described within this report. And further THAT the delegation of authority would cease immediately upon the appointment of the new Board of the Essex-Windsor Solid Waste Authority.

**63-2022
Carried**

C. Request for Reallocation of Budgeted Funds Re: Regional Organic Waste Management Program

The General Manager stated the purpose of the report is to request the reallocation of funds that were previously approved in the 2022 budget to support the Regional Organic Waste Management program.

The General Manager discussed program spending to date and the balance of funds in the Waste Diversion Reserve. In November 2021 the Board approved the sole sourcing of the next phasing of consulting work related to the preparation of the request for proposals to GHD with an upset limit of \$50,000. The scope of the RFP changed once it was determined a short-term processing contract would be procured and the funds were not required for the preparation of the RFP.

The General Manager stated that a lot of the work preparing the RFP was completed in-house by Authority and City of Windsor Staff and the technical work to build a facility of some nature was not required so the funds have not been used. The funds are currently earmarked for GHD but the Authority is asking the Board to reallocate the funds. As the Authority moves through the RFP process for the balance of the year, and potentially not have a Board, this would allow Administration to engage a consultant to do additional work as required. One of the items that has been noted is the potential need for a consultant once we know where the material is going to be processed. Depending on the location of the processing facility, analysis is required to determine the most efficient and economical way to get the material there.

Mr. Morrison asked if any comments could be made in public session regarding the RFP that closed last week.

The General Manager stated that two submissions were received. The evaluation committee is in the process of reviewing the submissions and a report would be brought forward at the August meeting.

Mr. McNamara stated this is a good start for the short term and he is prepared to move the report at the proper time. He also wanted to share that the County of Essex is looking at uploading all waste, including organics to the County level, instead of having seven distinct contracts. The municipalities are seeing large increases for waste collection contracts. The County is looking at better ways of doing this.

Moved by Gary McNamara

Seconded by Marc Bondy

THAT the Board approve the reallocation of funds included in the approved 2022 Operational Plan and Budget to support additional consulting required for the Regional Organic Waste Management Program.

**64-2022
Carried**

D. Extension of Agreement with Green for Life Environmental Services Inc. – Hazardous and Special Waste Program

The General Manager stated that the purpose of the report is to recommend the Authority approve a one-year extension from January 1, 2023 to December 31, 2023, under the same terms and conditions as contained in the original tender documents plus a 3% inflationary adjustment with Green for Life Environmental Services Inc. (GFL) for the Hazardous and Special Waste Program (MHSW).

The General Manager explained that the MHSW program operates depots at all Authority facilities to allow residents to dispose of materials such as propane tanks, paint, fertilizer, batteries and light bulbs and divert this waste from the Regional Landfill. The labour component as well as disposal and transportation of this material is contracted. GFL disposes of this material in an environmentally sound manner.

The General Manager noted that the MHSW program is also going through a transition process and currently the Authority receives partial funding through stewards for this program. Due to this transition, a short-term contract was established which began in August 2019 through December 31, 2020, which was when the transition was supposed to happen. There have been delays with the transition and the Authority is at the end of the extension agreements. The Authority is requesting a one-year extension as the transition is still on-going. The company that the Authority originally engaged with has been bought by GFL. GFL continues to operate the program and there have been no issues to date.

Due to the contract being short-term, there was no price escalation built into the original contract. The contract has been extended twice without a price increase. Administration feels that a 3% inflationary adjustment is fair based on the inflationary pressures that we are seeing across the board particularly because there is a transportation component.

Mr. Morrison stated that he would be supporting this and would move the motion at the appropriate time. He asked the Manager of Environmental Services if there is any way that we could accommodate residents so they do not have to cross the scale and provide a more direct route to the building.

The Manager of Environmental Services explained the current process at the Public Drop Off Depot. She further noted that when the Public Drop Off was built, it was not designed for the population that we currently have. She noted they are in the process of looking at a redesign of the area.

Mr. McNamara asked if signs can be put up to direct residents to the MHSW building.

The Manager of Environmental Services stated that there are signs that indicate where to go but residents have to go through the scale as chemicals need to be weighed even though they are free to drop off.

Mr. McNamara stated that this program is very important and we do not want these items going into the landfill. He asked if there is a way to evaluate the efficiency of this program.

The General Manager stated that there are two ways to track the household chemical waste. The first way is scale traffic, as well as the volume being shipped out. The other way is through waste audits which will be performed at the end of the year. The cost of the program has gone up over the years, not only because the cost of labour and disposal has risen, but because the Authority is seeing more material being brought to the sites. It is a cost that should be borne by the Authority because we own our own landfill. It is very important to keep this material out of the landfill, not only for the waste environment within the landfill but for the health and safety of Authority staff. We do not want residents hiding material in their garbage.

Moved by Jim Morrison

Seconded by Aldo DiCarlo

THAT the Board approve a one-year extension from January 1, 2023 to December 31, 2023 under the same terms and conditions as contained in the current agreement and tender document, "Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of Municipal Hazardous and Special Waste (MHSW) and for the Operation of MHSW Depots at EWSWA Facilities", plus a 3% inflationary adjustment between the Essex-Windsor Solid Waste Authority and Green for Life Environmental Services Inc.

**65-2022
Carried**

8. Waste Disposal

There were no Waste Disposal items for July 5, 2022

9. Finance & Administration

A. 2022/2023 EWSWA Insurance

The Manager of Finance provided an update regarding the Authority's comprehensive insurance program renewal for the period of July 1, 2022 to

June 30, 2023 and explained that AON, the Authority's insurance broker, was again challenged on securing and negotiating coverage on behalf of the Authority due to insurers deeming the recycling industry, as a whole, a greater risk due to recent claims across the Province in 2022. The Manager of Finance referred to the table outlining the premiums. There is an overall increase in premiums of \$39,511 from the previous year which equates to increase of approximately 8%.

The largest increase in premium rates relates to the property and equipment coverage. A new premium for the Authority in 2022 relates to cyber coverage. The Authority was able to secure coverage for the 2022-2023 period. This includes business interruptions, losses relating to security breach, reputation loss, cyber extortion loss or data recovery costs.

The Manager of Finance also noted that there have been some decreases in premiums with the largest being the environmental coverage policy. This year the Authority has been offered a two-year term.

Since 2014, the Authority has participated in risk assessments. To date, there are no critical recommendations and the Authority has accepted all advisory recommendations. Unfortunately, insurers still feel risks are high for the Authority and consequently some of the premiums and deductibles have changed for the 2023 period.

The financial implications for the 2022 budget included an expenditure of \$562,000 for insurance related costs with approximately \$250,000 incurred as of the term expiry date of June 30, 2022. A portion of the renewal for 2022 will be \$270,500 for a total projection of \$537,200, resulting in a favourable variance of \$24,800 for 2022.

In 2020, the Authority Board approved establishing an Insurance Reserve \$250,000 would be used to mitigate the potential financial risks to the Authority in the event of a claim. The reserve is reviewed annually as part of the budget process to ensure adequate funds are available. The reserve would need to be replenished in the event of a claim.

Mr. McNamara commented that an increase under 10% is very good, especially when looking at the inflation rate of 7.7%. He commended the Authority on obtaining 100% coverage on assets. Mr. McNamara asked which aspects of the organization do insurers feel is the highest risk.

The Manager of Finance stated that it is predominantly the property and equipment and the fibre recycling facility.

Mr. McNamara commented on significant increases in the municipal sector.

The General Manager stated that there are two elements driving the increase. One being the fibre building which has the potential for a fire and the other factor is the Authority markets material from the recycling facility to the United

States. Every year as part of the renewal, the insurers ask how much revenue is from the sale of material to the United States. The Authority has had a significant increase in 2021 in commodity prices and it also becomes reflected in our liability. They see this as a potential liability claim if we ship material from Authority sites across the border and if there was a claim in the U.S.

Mr. Morrison commented that it is good to see that cyber concerns are addressed and the rates seem reasonable when looking at the potential losses that the Authority could have. He asked how the Authority went about getting cyber coverage.

The Manager of Finance stated that the plan that was offered is fairly robust and the premiums are very reasonable due to the County of Essex also obtaining cyber coverage. The insurance providers are looking to have that type of coverage now because of the significant amount of risks associated to data breaches and information loss. He noted that on July 15, 2022, the Authority is implementing a two-factor authentication log-in method which will provide another level of security.

Mr. Sleiman asked if the rates increased because of the Authority's previous claim or if it is an average of all the solid waste authorities in the province.

The General Manager explained that similar to personal insurance you may never have a claim but your insurance rate increases. The claim that the Authority had in 2005 was a significant claim and the Authority has tried to do everything to mitigate the risk but others like the Authority have had claims and insurers look at everyone and the reality of the business.

Mr. Bondy asked if the Authority has discussed a fee rather than a commission. He commented that insurers make a commission which could typically be 15-20%. He noted that savings could be realized if the Authority could negotiate a fee.

The General Manager stated that the Authority has not but will make note for the next negotiation.

Mr. Bondy also suggested that in regards to the sales to the United States, that they could do it based on the number of trips. For example, if the prices went up for the recyclables, the exposure does not change and there would be a better return on the sale.

Moved by Gary McNamara

Seconded by Marc Bondy

THAT the Board receive the report as information.

**66-2022
Carried**

B. County of Essex Council Motion Re: Regional Waste Collection

The General Manager referred to page 36 of the agenda. She provided an update on motions that were passed at the County of Essex Council meeting on June 15, 2022 regarding regional waste collection.

The General Manager provided background regarding the agreement that created the Authority between the City of Windsor and the County of Essex and how waste collection is handled.

On March 16, 2022, County Council agreed to a regional approach to the organics program.

On June 15, 2022, there was discussion at County Council regarding the seven county municipalities and how they currently procure and manage seven different waste contracts and the potential cost savings that exists if waste collection services were regionalized.

The General Manager referred to page 37 of the agenda package that outlined the motions passed by County Council. She noted that the motions coincide with the regional organics program.

The General Manager, Steffan Brisebois-Manager of Finance, Sandra Zwiers-County of Essex Director of Financial Services/Treasure and David Sundin - Authority and County of Essex Solicitor are in the process of planning a kick-off meeting with the seven county municipalities. The Authority has requested information to identify the nuances of all seven contracts to prepare for the kick-off meeting.

Moved by Aldo DiCarlo

Seconded by Gary McNamara

THAT the Board receive the report as information.

**67-2022
Carried**

10. Other Items

Mr. Bondy asked if the sales of recyclables are still maintaining a higher level than normal.

The General Manager stated that in the first quarter of 2022 there was a favourable variance. A six-month financial report will be prepared for the August agenda. The markets should remain strong for at least the remainder of the year. Due to current inflation prices, commodity prices and supply demand issues, we will continue to see those strong prices.

Mr. Morrison asked if Mr. Costante's request at the last meeting will be deferred to the next meeting.

The General Manager stated that Mr. Costante was unable to attend today's meeting and that he requested the item be deferred until the August 10th meeting.

11. By-Laws

A. By-Law 8-2022

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT By-Law 8-2022, being a By-law to Authorize the Extension of an Agreement between the Essex-Windsor Solid Waste Authority and Green for Life Environmental Services Inc. for the Provision of Equipment and Labour for the Receiving, Loading, Transportation and Disposal of Municipal Hazardous and Special Waste (MHSW) and for the Operation of MHSW Depots at Essex-Windsor Solid Waste Authority Facilities.

**68-2022
Carried**

B. By-Law 9-2022

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT By-Law 9-2022, being a By-law to Confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 5th day of July, 2022.

**69-2022
Carried**

12. Future Meeting Dates

Wednesday – August 10, 2022

Wednesday – September 14, 2022

Tuesday – October 4, 2022

Tuesday – November 1, 2022

Tuesday – December 6, 2022

13. Adjournment

Moved by Kieran McKenzie

Seconded by Marc Bondy

THAT the Board stand adjourned at 4:49 p.m.

**70-2022
Carried**

All of which is respectfully submitted.



Gary Kaschak
Chair



Michelle Bishop
General Manager



Committee Matters: SCM 275/2022

Subject: Essex-Windsor Solid Waste Authority (EWSWA) Minutes of the Regular Board Meeting held August 10, 2022-City Wide

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: **ETPS 918**

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) of its meeting held August 10, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 267/2022

Clerk's File: MB2022

Clerk's Note:

1. Please refer to Item 7.4. from the Environment, Transportation & Public Safety Standing Committee Meeting held on September 28, 2022.
2. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220929/-1/7359>



Committee Matters: SCM 267/2022

Subject: Essex-Windsor Solid Waste Authority Regular Board Meeting Minutes of its meeting held August 10, 2022



Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

Meeting Date: Wednesday, August 10, 2022

Time: In-Camera Meeting 3:00 p.m.
Regular Session Immediately following In-Camera Session

Location: Meeting Room C (2nd Floor)
Essex County Civic & Education Centre
360 Fairview Ave. West
Essex, Ontario N8M 1Y6

Attendance

Board Members:

Gary Kaschak – Chair	City of Windsor
Fabio Costante	City of Windsor
Jim Morrison	City of Windsor
Ed Sleiman	City of Windsor
Aldo DiCarlo – Vice Chair	County of Essex
Hilda MacDonald	County of Essex
Marc Bondy	County of Essex
Gary McNamara	County of Essex (Ex-Officio)

EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
Cathy Copot-Nepszy	Manager of Waste Diversion
Tom Marentette	Manager of Waste Disposal
Teresa Policella	Executive Assistant

City of Windsor Staff:

Anne Marie Albidone	Manager of Environmental Services
Tony Ardovini	Deputy Treasurer Financial Planning
Cindy Becker	Financial Planning Administrator

County of Essex Staff:

Mary Birch	Director of Council & Community Services/Clerk
Mike Galloway	County of Essex CAO
Sandra Zwiers	Director of Financial Services/Treasurer

Absent:

Board Members:

Drew Dilkens	City of Windsor (Ex-Officio)
Kieran McKenzie	City of Windsor
Shawna Boakes	Executive Director of Operations
Chris Nepszy	City Engineer/Commissioner of Infrastructure Services

1. Closed Meeting

The Chair called the meeting to order at 3:08 p.m.

Moved by Aldo DiCarlo

Seconded by Ed Sleiman

THAT the Board move into closed meeting pursuant to Section 239 (2) (i) of the Municipal Act, 2001, as amended for the following reason:

- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly with the contractual or other negotiations of a person, group of persons, or organization.

**71-2022
Carried**

Moved by Gary McNamara

Seconded by Marc Bondy

THAT the EWSWA Board rise from the Closed Meeting at 5:37 p.m.

**74-2022
Carried**

2. Call to Order

The Chair called the Regular Board meeting to order at 5:37 p.m.

3. Roll Call of Board Members Present

Marc Bondy – Present
Fabio Costante – Present
Aldo DiCarlo – Present
Gary Kaschak - Present
Hilda MacDonald – Present
Kieran McKenzie – not present
Gary McNamara – Present
Jim Morrison - Present
Ed Sleiman - Present

4. Declaration of Pecuniary Interest

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

5. Approval of the Minutes

A. July 5, 2022 Regular Meeting Minutes

Moved by Marc Bondy

Seconded by Aldo DiCarlo

THAT the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated July 5, 2022, be approved and adopted.

**75-2022
Carried**

6. Business Arising from the Minutes

No items were raised for discussion.

7. Delegations

There were no delegations for August 10, 2022.

8. Waste Diversion

A. RFP Processing of Source Separated Organics

The Chair requested that the Board members advise Administration if there were any questions regarding the report.

Mr. McNamara noted concerns regarding complaints regarding an anerobic digester located in Tecumseh that receives material from Seacliff Energy Corp. (Seacliff). He believes that this is a concern and a discussion needs to be had with Seacliff. He would like to know what Seacliff is going to do with the organics.

The General Manager stated that in the RFP proponents were asked how odours were addressed. Reference checks were completed and Seacliff received very good references. She noted that perhaps the issue with the odour in Tecumseh is from material from other sources. She stated that Seacliff satisfied the RFP requirements and received the highest score.

Mrs. MacDonald stated that she spoke with Mr. Tiessen from Seacliff and they do not send material to the location described by Mr. McNamara. She further noted that they used to have odour issues but since have rectified the issue.

Mrs. MacDonald noted that Seaciff are experts in this field. She noted that she asked Seaciff if they can handle the tonnage from this area. Seaciff stated that they would give up tonnages from other areas to handle the Essex-Windsor area.

Moved by Aldo DiCarlo

Seconded by Hilda MacDonald

1. **THAT** the Authority Board award the Request for Proposals (RFP) for the Provision of Processing of Source Separated Organic Waste to Seaciff Energy Corp.
2. THAT the Authority Board authorize the Chair and General Manager to execute the Contract to engage Seaciff Energy Corp. for a five (5) year term commencing in Spring 2025 with the option to renew the contract for three (3) additional, one-year extensions or portions of a year thereof at the absolute unfettered discretion of the Authority, and such extensions shall be under the same terms and conditions contained within the executed Contract.

**76-2022
Carried**

B. Extension of Newspaper Sourcing to ReMM

The Manager of Waste Diversion explained that the Authority markets newsprint collected through the Red Box collection. The current contract with Recyclable Materials Marketing (ReMM) expires November 30, 2022. The two one-year extension clauses have been utilized. The recommendation is to extend the current contract with ReMM for the period of December 1, 2022 to August 28, 2024.

ReMM approached the Authority indicating that were interested in extending the contract and they would increase their contract by \$5.00 USD. Due to the upcoming Blue Box transition to Extended Producer Responsibility, extending the contract with ReMM is recommended. It is estimated that approximately 8,000 tonnes will be marketed during the term of this extension which will generate \$44,000 in additional revenue.

Moved by Marc Bondy

Seconded by Ed Sleiman

THAT the Board extend the contract for the sale of recyclable newsprint from the Blue Box Program to Recyclable Materials Marketing (ReMM) for the period December 1, 2022 – August 28, 2024 under the same terms and conditions of the current contract plus an adjustment premium of \$20 USD Per Ton for recycled newsprint, as mutually agreed upon by both parties.

**77-2022
Carried**

C. Zero Waste Event Update

The Manager of Waste Diversion provided an update regarding the City of Windsor's Zero Waste Depot at the opening ceremony for the Can-Am Police-Fire Games on July 26, 2022 held at Windsor's Festival Plaza.

Authority Administration were asked to support the event and worked with City of Windsor staff at the event.

There were 2,000 people in attendance at this event and only one 35-gallon cart of garbage was collected at the end of the event. She also noted the following was collected and diverted: 4 – 95-gallon carts of organic waste, 8 – 95-gallon carts of red box materials and 7 – 95-gallon carts of blue box material.

Due to the success of this Zero Waste Event, the Authority will be looking into created a zero-waste guide to be posted on the Authority's website for event organizers to utilize. This will help educate Essex-Windsor residents on the upcoming organics program. She noted that no other municipalities have a zero-waste policy and the Authority could provide support. There were no financial implications.

Mr. Morrison stated that he attended the event and it was an excellent event.

Mr. Kaschak stated that possibly other events in the area will have zero-waste events.

Moved by Jim Morrison

Seconded by Fabio Costante

THAT the Board receive this report as information.

**78-2022
Carried**

9. Waste Disposal

A. Large Volume Waste Customer Agreement

The Manager of Finance and Administration explained that Waste Connections current three-year 5,001 tonne per year contract with the Authority expires on August 31, 2022. Waste Connections advised the Authority that they would like to enter into a new 30,001 tonne per year contract for the period of September 1, 2022 to August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement.

If the Authority enters into this agreement with Waste Connections, it is anticipated that the Authority would guarantee approximately \$1,020,000 per contract year in tipping fee revenue. There would be no financial implications

as Waste Connections has exceeded their current contract for both years. The revenue from this contract will form part of the 2022 projection, 2023 and 2024 budget.

Moved by Hilda MacDonald
Seconded by Gary McNamara

THAT the Authority approve the execution of the contract with Waste Connections of Canada Inc. to deliver a minimum of 30,001 tonnes of refuse per year. The term of this contract will be September 1, 2022 – August 31, 2024 with an option to extend the contract for one (1) additional year upon mutual agreement. The rate for refuse delivered to the Regional Landfill will be \$34/tonne for the term of the contract.

**79-2022
Carried**

10. Finance & Administration

A. Restricted Acts of the Board

Moved by Gary McNamara
Seconded by Aldo DiCarlo

THAT the Board of the Essex-Windsor Solid Waste Authority, provisional upon City of Windsor Council, Essex County Council or the Board of the Essex-Windsor Solid Waste Authority being subject to the restricted acts of Council set out in Section 275 (3) of the Municipal Act, 2001, S.O. 2001 c. 25, following nomination day, delegate approval authority to the General Manager for the period August 19, 2022 to the date of first meeting of the newly appointed Board, to approve unbudgeted expenditures or liabilities exceeding \$50,000.

And further that the General Manager report to the Essex-Windsor Solid Waste Authority Board any use of this delegated authority at the first scheduled meeting of the Board.

**80-2022
Carried**

B. Amendment to Order and Proceedings Policy EW-001

The General Manager stated that at the May 3, 2022 meeting, the Board approved amendments to the Policy to allow for members of the Board in certain circumstances to attend and participate electronically in meetings that were otherwise scheduled to be held in person.

On June 7, 2022, Board Member Costante brought forward a Notice of Motion to request that the exceptions be expanded to those who want to attend the meeting virtually for other circumstances.

The General Manager described the current County of Essex and City of Windsor policies pertaining to electronic participation at Council and other Committee meetings.

Mr. Costante asked if operationally would it be difficult to conduct a hybrid meeting.

The General Manager stated that would depend on which meeting room is being utilized. Audio visual equipment is only available in Council Chambers. A Zoom meeting could be conducted in Council Chambers if the room was not being utilized by County Council, as was the case for today's meeting. A teleconference could be conducted in meeting rooms without audio visual equipment. Advance notice would be required to reserve the conference phone. In most situations it could be accommodated as long as advance notice was provided.

Mr. Costante motioned to move to a hybrid option.

Mr. Morrison seconded.

Mr. Morrison stated that he likes the County policy and would encourage people to be in-person as much as possible. He proposed a friendly amendment and asked Mr. Costante if he would be open to a limit of participating electronically 3 times per year.

Mr. Costante stated he would be okay with language stating a preference to attend meetings in-person but would like to provide flexibility to those who work full-time or have child care responsibilities. He does not really see a need to set a limit.

Mr. Kaschak asked if there were any other comments on the motion.

Mr. Costante asked for a seconder on the motion

Mr. Kaschak believed Mr. Morrison seconded the motion but asked again for a seconder.

Mr. Sleiman seconded the motion.

Discussion took place in order to clarify the motion wording as it pertained to the number of times per year a Board member could participate virtually and if a member could participate from outside of Canada.

Mr. Costante stated that the Board has to consider people that do not have the privilege to attend meetings in person and they might otherwise if they have the option to participate virtually with technology. Mr. Costante stated that he stands by his motion of a hybrid option.

Mr. Kaschak proposed a friendly amendment of attending 4 meetings virtually.

Mr. Costante maintains his motion of a hybrid option.

There was further discussion on how different Boards and Councils handle virtual meetings.

Mr. Kaschak asked if there were any other comments regarding the motion.

Mr. Kaschak called for a vote. The vote was tied and the motion did not carry.

Mr. Morrison proposed a friendly amendment to adopt the County's policy and remove the outside of Canada portion.

The General Manager explained the County's policy. She stated that we cannot say that we are going to adopt the County's policy. She believes that we would need to keep the wording on the bottom of page 36 of the agenda and add another paragraph stating other circumstances and a certain number of times per year. She noted that would more appropriately fit the Authority's by-laws.

Further discussion took place regarding the language on the number of times a member could attend virtually and providing accommodation to members.

Mr. Costante suggested limiting the number could be scrutinized as a human rights issue.

Mr. McNamara stated there are accommodations for those issues.

Mr. Morrison stated that he takes his motion off the floor.

Mrs. MacDonald stated that her concern is that a person will only participate via Zoom. There is an expectation to show up to meetings to the best of their ability.

Mr. DiCarlo stated that he appreciated Mr. Costante's position. Anyone that requires an accommodation should be accommodated but still thinks there is an understanding going in as a Board member to participate in-person.

Mr. Costante suggested that individuals with reasons under the human rights code would submit a request to the Board.

The General Manager agreed with Mr. Costante and further stated the motion was defeated and that the by-law remains the same.

Moved by Fabio Costante

Seconded by Jim Morrison

THAT the Board receive this report as information.

THAT the Board discuss the considerations for member participation in meetings, and determine what, if any, parameters to establish, to permit or limit participation remotely.

**81-2022
Carried**

Moved by Fabio Costante
Seconded by Ed Sleiman

THAT the Board expand the exceptions to those who want to attend the meeting virtually for other circumstances with no limitations.

**82-2022
Defeated**

C. January to June 2022 – 6 Month Financial Review

The Manager of Finance presented a six-month financial review of the operating costs and revenue comparing estimated results for the period of January to June 2022 to the 2022 budget.

The Manager of Finance highlighted some of the larger variances as follows:

- A favourable revenue variance of \$636,900 for ICI Refused Landfilled Tipping Fees. This pertains to the larger volumes of refuse and greenhouse material waste.
- A significant favourable revenue variance of \$1,249,500 in revenue from the sale of Recyclable Goods. This is a result of positive global market conditions due to low market supply which results in escalating commodity prices. In July, sales figures were starting to come down.
- A favourable revenue variance of \$147,700 in Product Stewardship Funding.
- An unfavourable variance of \$237,500 in Regional Landfill operating expenditures.
- An unfavourable variance of \$108,000 in Regional Landfill Compensation.

The favourable operating variance for January to June 2022 is approximately \$1,744,200 compared to the approved budget.

These projections will form the 2022 Projection as part of the 2023 Operating Plan and Budget.

Moved by Marc Bondy
Seconded by Hilda MacDonald

THAT the Board receive this report as information.

83-2022
Carried

11. Other Items

No other items were raised for discussion.

12. By-Laws

A. By-Law 10-2022

Moved by Gary McNamara

Seconded by Ed Sleiman

THAT By-Law 10-2022, being a By-law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Seacliff Energy Corp. for the Provision of Processing Source Separated Organic Waste.

84-2022
Carried

B. By-Law 11-2022

Moved by Ed Sleiman

Seconded by Marc Bondy

THAT By-Law 11-2022, being a By-law to Authorize the Extension of the Contract between the Essex-Windsor Solid Waste Authority and Recyclable Materials Marketing (ReMM) for the Sale of Recyclable Newsprint from the Blue Box Program.

85-2022
Carried

C. By-Law 12-2022

Moved by Hilda MacDonald

Seconded by Gary McNamara

THAT By-Law 12-2022, being a By-law to Authorize the Execution of an Agreement between the Essex-Windsor Solid Waste Authority and Waste Connections Canada Inc. for a Set Volume Put-or-Pay Contract for Waste Disposal.

86-2022
Carried

D. By-Law 13-2022

Moved by Marc Bondy

Seconded by Aldo DiCarlo

THAT By-Law 13-2022, being a By-law to Confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 10th day of August, 2022.

**87-2022
Carried**

13. Future Meeting Dates

Wednesday – September 14, 2022

Tuesday – October 4, 2022

Tuesday – November 1, 2022

Tuesday – December 6, 2022

14. Adjournment

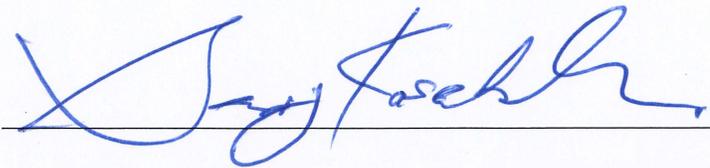
Moved by Jim Morrison

Seconded by Fabio Costante

THAT the Board stand adjourned at 6:47 p.m.

**88-2022
Carried**

All of which is respectfully submitted.



Gary Kaschak
Chair



Michelle Bishop
General Manager



Subject: Additional information for CQ 12-2019 in response to the Residential Parking Permit Policy-City Wide

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Decision Number: **ETPS 919**

THAT the report of the Coordinator of Parking Services dated June 6, 2022 entitled "Additional information for CQ 12-2019 in response to the Residential Parking Permit Policy -City Wide" **BE RECEIVED** for information; and,

Brock St. Lot:

THAT Parking By-Law 9023 **BE AMENDED** as appropriate relating to the use of the Brock St. lot as a commuter lot; and,

THAT the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

THAT Administration **BE DIRECTED** to begin necessary activities to allow for and encourage the use of the Brock St. Lot as a commuter lot; and,

Lot #29 Erie St. and Howard Ave:

THAT Parking By-Law 9023 **BE AMENDED** as appropriate relating to the use of Lot #29 Erie St. and Howard Ave. as a commuter lot; and,

THAT the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

THAT Administration **BE DIRECTED** to begin necessary activities to allow for and encourage the use of Lot 29 as a commuter lot; and,

Piche St.:

THAT Parking By-Law 9023 **BE AMENDED** as appropriate to remove Piche Street from the residential parking permit program; and,

THAT the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

3100 block of Wyandotte St. W.:

THAT Parking By-Law 9023 **BE AMENDED** as appropriate to remove the “NO PARKING” restriction on the south side of the 3100 block of Wyandotte St. W.; and,

THAT the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

Indian Road:

THAT Parking By-Law 9023 **BE AMENDED** as appropriate to remove Indian Road from the residential parking permit program; and,

THAT Parking By-Law 9023 **BE AMENDED** as appropriate to add three (3) hour timed parking from 9:00 a.m. to 6:00 p.m. Monday to Friday on the east side of Indian Road; and,

THAT the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

Union Street:

THAT a change to residential permit parking on Union St. **BE SUSPENDED** until further consultation with the residents can occur; and,

THAT Administration **UNDERTAKE** this consultation in the form of a town hall or other method conducive to the area during the next term of Council to determine next steps related to residential parking permits in the area of Union St.

Carried.

Report Number: S 74/2022
Clerk's File: ST2022

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are **not** the same.
2. Please refer to Item 8.1. from the Environment, Transportation & Public Safety Standing Committee Meeting held on September 28, 2022.

3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220929/-1/7359>

Subject: Additional information for CQ 12-2019 in response to the Residential Parking Permit Policy -City Wide

Reference:

Date to Council: September 28, 2022
Author: Bill Kralovensky
Coordinator, Parking Services
519-255-6247 x6103
bkralovensky@citywindsor.ca

Public Works - Operations
Report Date: June 6, 2022
Clerk's File #: ST2022

To: Mayor and Members of City Council

Recommendation:

That report S 74/2022 – Additional information for CQ 12-2019 in response to the Residential Parking Permit Policy **BE RECEIVED** by Council for information.

Executive Summary:

N/A

Background:

Administration provided a report in response to CQ-12-2019 with regard to the residential parking program. As a result of that report, Administration was directed as per Council Directive CR 518/2019:

That this report in response to CQ 12-2019 – Residential Parking Permit Policy BE RECIEVED by Council for information; and,

That Council RESCIND the Onstreet Parking Permits for Agencies Policy as adopted in CR418/2004; and,

That Council APPROVE the Agency Parking Permit Policy as proposed in Appendix "A"; and,

That Administration BE REQUESTED to report back on options to curb the issues with permit parking including but not limited to no parking zones/limited parking/commuter lots and other solutions that administration deems may be good solutions; and,

That this information BE FORWARDED to a future meeting of the Environment, Transportation and Public Safety Standing Committee.

Administration provided Council with a follow-up report, S 121/2021, *Additional Information to Council Question 12-2019, S146/2019 “Suggested Alternatives to Curb Issues With Residential Permit Parking”* and was directed as per Council Directive CR 445/2021:

That Administration BE DIRECTED to report back to Council related to all 5 options detailed in the report of the Coordinator of Parking Services dated August 23, 2021 entitled “Additional information to Council Question CQ 12-2019, S 146/2019 ‘Suggested Alternatives To Curb Issues With Residential Permit Parking’- City Wide” as follows:

- *Student commuter lots*
- *Parking by-law changes*
- *Evaluation of present residential permit areas*
- *Property evaluations*
- *Transit route 518x*

for further study, review and/or action; and,

That the information INCLUDE short term, medium term, and long term implementation plans as well as a risk analysis.

This report addresses directive CR 445/2021.

In 1992, residential permit parking was implemented in neighborhoods impacted by various institutions. The fee structure for residential parking permits was established by CR585/96 and continues with amendments from time to time. The fees from the sale of residential parking permits are intended to cover the maintenance and administration costs of the program, such as staff time for preparing and issuing permits and the installation and maintenance of signs, etc.

Discussion:

Throughout the City of Windsor there are currently twelve (12) areas that are designated as residential permit parking areas – six (6) near post secondary institutions, four (4) near hospital facilities and two (2) near the casino. Homeowners and tenants in these areas pay up to a maximum of ninety (\$90) dollars per year for a maximum of three (3) residential parking permits that allow them to park on the street in the direct vicinity of the registered address (the permit is assigned to a licence plate) as well as a Visitors permit for occasional use.

Since the inception of the Residential Permit Parking program, issues have arisen with regard to the availability of parking in residential areas (demand exceeds supply), misuse of permits and the requirements regarding resident eligibility to purchase

permits. Policies and procedures have been amended from time to time (within the guidelines of the Residential Permit Parking program) in order to mitigate these issues .

A number of recommendations to curb issues with residential permit parking are presented for Council's consideration below.

COMMUTER LOTS

Currently, there are two (2) municipal parking lots within the City parking inventory which are underutilized and are in locations where they could be utilized as commuter lots (for students and residents) to service other areas of the City. The two underutilized municipal parking lots are the Brock Street Lot and Lot #29 (Erie Street and Howard Avenue).

Brock Street Lot – This City owned, underutilized municipal parking lot is located on Brock Street just north of the Essex Terminal Railway tracks and contains eighty-one (81) well-lit parking spaces including two (2) accessible parking spaces.

This parking lot is within walking distance to the University's St. Denis Centre. Transit Windsor currently has two (2) bus routes that pass nearby the main campus and the downtown campus.

The Brock Street lot could also be utilized by St. Clair College students who attend the St. Clair College MediaPlex, the St. Clair College Centre for the Arts or the Zekelman School of Business campus in the City's downtown.

With numerous bike lanes throughout the area, Bird Canada, the City's current electric scooter and bicycle provider, could be approached to provide a drop-off pick up point near these locations so that commuters as their products assist to bridge the "first and last-mile" gaps – thereby making transit more convenient to use.

A parking fee for the Brock Street lot would be charged in order to cover costs of enforcement and maintenance of the property. In order to encourage its use, the fee charged should be lower than the rate charged to park either downtown or in the University of Windsor lots. Fee collection could be done either through "Pay & Display" for occasional users or through monthly permits for frequent users.

Administration recommends that the monthly fee be **\$50 plus HST** for this location. If approved, Administration would provide an update to Council regarding the amount of revenue generated as part of the 2024 Budget.

Lot #29 Erie St and Howard Ave – This lot is currently an underutilized "Pay and Display" lot. Similar to the Brock Street lot described above, this parking lot could be used by commuters to downtown wishing to avoid the higher parking rates charged downtown.

Transit Windsor currently has a number of routes that pass the intersection of Howard Avenue and Erie Street and travel to the downtown and west-end University locations.

Again, with the addition of numerous bike lanes travelling throughout the area, Bird Canada, the City's current electric scooter and bicycle provider could be approached to provide a drop-off/pick-up location here for some of its inventory so commuters may use them to travel to their destination.

Administration recommends that the monthly fee for this lot be **\$65 plus HST**. At this time, Administration cannot estimate the revenue that this lot will generate. However, Administration can provide an update to Council through the 2024 Budget process.

PARKING BY-LAW CHANGES

When a resident approaches Administration regarding options to their residential parking concerns, Administration reviews all possible options with the resident prior to preparing a residential parking petition. A petition is required to make changes that are resident driven to ensure acceptance from the majority of residents.

Administration has reviewed the twelve (12) residential parking permit areas and recommends the following changes:

Piche Street – Located near the University, this street is in Area #5 and has a total of eleven (11) properties that are eligible to purchase residential parking permits. Currently, only one (1) property has purchased a single permit. Of the eleven (11) properties, only one (1) property does not have on-site parking. As such, Administration recommends a by-law change to delete residential parking from Piche Street.



3100 block Wyandotte St. W. – Currently this street has “No Parking” restrictions on the north and south sides of the street, with boundaries on the west from Mill St. to Rosedale on the east. The restrictions on this block cause residents to seek parking relief for extra vehicles and visitor parking through the purchase of permits for Piche Street.

Administration recommends a by-law change to remove the “No Parking” restriction on the south side of Wyandotte St. W.

By removing the restrictions on the south side of the 3100 block of Wyandotte St. W. and changing to allow parking by the shifting of the centre line in the road, area residents gain 9 parking spaces.



Indian Road – Located near the University, the east and west sides of the 300 to 700 blocks of Indian Road are currently in Area #5 of the Residential Permit Parking program. Of the twenty-nine (29) eligible properties (of which seven (7) are multi-residential units with the potential for one hundred and eleven (111) permits) only five (5) residential parking permits have been issued.

The homes on the east side of this area of Indian Road have been demolished. Administration recommends the removal of permit restricted parking regulations and the addition of timed parking to the east side of Indian Road (3 hour timed allowed parking from 9 a.m. to 6 p.m. - Monday to Friday). This will allow University of Windsor students

access to park during regular class hours and residents the ability to park without the need for a permit.



EVALUATION OF PRESENT RESIDENTIAL PERMIT AREAS

In a previous report to Council, it was recommended that residential permit parking areas should be reviewed every 5 years. The review would evaluate if existing parking permitted areas are still required and could be achieved by conducting a review of sales data. If residential permit parking sales are low (i.e. below 30% of the total potential permits for two (2) consecutive years) a resident survey to see if there is still support for the program could be conducted.

Administration has completed a number of residential permit parking area reviews already.

Union Street - One such area is Union Street (bounded by California Ave on the west and Partington to the east). A survey was sent to the seventy-five (75) registered occupants as well as the largest property owner, Labour Community Service Centre of Windsor & Essex Inc., to gauge interest in continuing with the permit parking restrictions. Of the ten (10) responses, nine (9) are in favor of leaving the restrictions. One is in favour of their removal.

It should be noted that the Labour Community Service Centre of Windsor & Essex Inc., did not reply to this survey. However, there is sufficient parking for residents to park within the property.

Taking into consideration the low reply rate from polled residences, 13% and no reply from the largest property owner, Administration recommends that this area should be removed from the residential permitted parking area schedule of the Parking By-law #9023.

PROPERTY SPECIFIC EVALUATIONS

Current eligible permits - Some neighboring municipalities determine how many permits an address is eligible to purchase by investigating the availability of on-site parking. If a residence has enough parking for two vehicles on-site, the owner/tenant would not be eligible for any on-street permits under the current policy. However, these addresses would be eligible for one (1) visitor pass.

Administration does not recommend conducting property specific evaluations given the current level of staff resources available.

TRANSIT ROUTE 518X

The 518X route launched in the fall of 2021 and is a terminal to terminal route that services St. Clair College. There have been a number of complaints in the St. Clair College area with regard to students parking on local residential streets. It is anticipated that with the addition of the 518X route that single use vehicles at the College may be reduced thus eliminating overflow onto residential streets.

The St. Clair College area is listed in the allowable areas for parking permits. However, permit parking has not been implemented due to lack of support from residents.

Risk Analysis:

The risks associated with making changes to parking regulations are minor in nature. The changes recommended in this report could lead to resident complaints. While changes in parking regulations often result in complaints, such complaints can be mitigated through correspondence with impacted residents as well as through a social media campaign to inform residents of the changes.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There are no financial implications to receiving the report for information, nor are there financial implications beyond normal operating expenses for the recommendations listed should Council choose to implement any of the options listed above. If approved as commuter lots, the revenue generated by the Brock Street lot and Lot #29 will be reported to Council as part of the 2024 budget.

Consultations:

Tyson Cragg, Executive Director, Transit Windsor

Conclusion:

As per CR 445/2021, Administration recommends changes relating to commuter lots, parking by-law changes, evaluation of residential permit areas, property specific evaluations and the Transit Windsor route 518x to curb issues with the Residential Permit Parking program. Should Council wish to direct Administration to implement any of these changes, the corresponding recommendations are contained in Appendix A. Other changes to the Residential Permit Parking program will be brought forward from time to time through the normal Council Report process.

Planning Act Matters:

N/A

Approvals:

Name	Title
Ian Day	Acting Senior Manager of Traffic and Parking Services
Shawna Boakes	Executive Director of Public Works Operations. Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services, City Engineer
Shelby Askin Hager	Commissioner of Legal & Legislative Services

Name	Title
Onorio Colucci	Chief Administrative Officer (A)

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - List of Parking Recommendations

Appendix A

List of Parking Recommendations

COMMUTER LOT

Recommendation #1 – Brock St. Lot

That Parking By-Law 9023 **BE AMENDED** as appropriate relating to the use of the Brock St. lot as a commuter lot; and,

That the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

That Administration **BE DIRECTED** to begin necessary activities to allow for and encourage the use of Lot ___ as a commuter lot.

Recommendation #2 – Lot #29 Erie St. and Howard Ave.

That Parking By-Law 9023 **BE AMENDED** as appropriate relating to the use of Lot #29 Erie St. and Howard Ave. as a commuter lot; and

That the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law; and,

That Administration **BE DIRECTED** to begin necessary activities to allow for and encourage the use of Lot ___ as a commuter lot.

PARKING BY-LAW CHANGES

Recommendation #3 – Piche Street

That Parking By-Law 9023 **BE AMENDED** as appropriate to remove Piche Street from the residential parking permit program; and,

That the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law.

Recommendation #4 – 3100 block of Wyandotte St. W.

That Parking By-Law 9023 **BE AMENDED** as appropriate to remove the “NO PARKING” restriction on the south side of the 3100 block of Wyandotte St. W.; and,

That the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law.

Recommendation #5 – Indian Road

That Parking By-Law 9023 **BE AMENDED** as appropriate to remove Indian Road from the residential parking permit program; and

That Parking By-Law 9023 **BE AMENDED** as appropriate to add three (3) hour timed parking from 9:00 a.m. to 6:00 p.m. Monday to Friday on the east side of Indian Road; and

That the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law.

EVALUATION OF PRESENT RESIDENTIAL PERMIT AREAS

Recommendation #6 – Union Street

That Parking By-Law 9023 **BE AMENDED** as appropriate to remove Union Street from the residential parking permit program; and,

That the Commissioner, Legal & Legislative Services **BE DIRECTED** to prepare the necessary documents to amend the by-law.



Committee Matters: SCM 277/2022

Subject: Victoria Avenue (Tecumseh Road West to Jackson Street) Traffic Calming-Ward 3

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Decision Number: **ETPS 920**

THAT Administration **BE DIRECTED** to install speed humps and associated signs and pavement markings on Victoria Avenue between Tecumseh Road West and Jackson Street.

Carried.

Report Number: S 110/2022
Clerk's File: ST/13863

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 8.2. from the Environment, Transportation & Public Safety Standing Committee Meeting held on September 28, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220929/-1/7359>

**Subject: Victoria Avenue (Tecumseh Road West to Jackson Street)
Traffic Calming - Ward 3**

Reference:

Date to Council: September 28, 2022
Author: Jeff Hagan
Transportation Planning Senior Engineer
519-255-6100 ext 6003
jhagan@citywindsor.ca

Planning & Building Services
Report Date: August 31, 2022
Clerk's File #: ST/13863

To: Mayor and Members of City Council

Recommendation:

THAT Administration **BE DIRECTED** to install speed humps and associated signs and pavement markings on Victoria Avenue between Tecumseh Road West and Jackson Street.

Executive Summary:

N/A

Background:

The City of Windsor Traffic Calming Policy was first adopted in 2005. The Policy underwent major updates in 2015 and 2021.

When the 2021 Traffic Calming Policy was brought before Council at its April 19, 2021 meeting, in addition to adopting the proposed policy, Council directed that Administration report back with additional policy measures related to traffic calming (CR168/2021):

That administration BE DIRECTED to report back to Council with a policy, including a rollout plan, that would allow residents to request speed bumps if the majority in the subject block wish to see that happen.

The requested report back was brought before Council on May 9, 2022. The report provided a new Local Road Speed Hump Procedure as well as related minor

amendments to the Traffic Calming Policy in order to implement the new procedure. Council adopted this new Procedure.

Discussion:

A resident request for traffic calming was received for the 2100 block of Victoria Avenue in April 2022. The street was reviewed and confirmed to be eligible for speed humps under the Local Road Speed Hump Program. A resident survey to determine neighbourhood support was carried out from July 22, 2022 to August 21, 2022. Residents were able to vote online or via 311. The results of the survey are summarized in Table 1.

Table 1: Traffic Calming Approval Survey Results

Criteria	Required	Actual		Result
Level of Support	50% of households or commercial properties voting “yes” (28 of 55 households and commercial properties)	Yes	66% (36 households or commercial properties)	Pass
		No	22% (12 households or commercial properties)	
		Did Not Vote	13% (7 households or commercial properties)	

Some residents provided additional comments when voting. A summary of comments received are as follows:

- From study area residents voting in support of speed humps:
 - Drivers drive too fast on Victoria
 - Cut-through traffic on Victoria happens when trains are occupying nearby rail crossings.
 - Request for raised crosswalks at Victoria and Tecumseh
- From study area residents voting against speed humps:
 - Speed humps are not needed
 - Speed humps will cause more problems than they solve
 - Would prefer a speed limit reduction instead of speed humps
 - Speed humps will cause too much noise

In addition to votes by residents in the study area, 11 responses were received from addresses outside the study area. Of these responses not counted toward the approval threshold, the breakdown is as follows:

- 91% (10 responses) supported speed humps on Victoria Avenue
- 9% (1 response) opposed speed humps on Victoria Avenue

Some of the comments received from these out-of-area responses made additional requests. A summary of these comments is below:

- Request for speed humps on Pelissier Street
- Request for additional enforcement of the “do not enter” signage and one-way restrictions on Jackson Street

These requests have been forwarded to appropriate departments for their review.

Risk Analysis:

No critical or significant risks have been identified with the report recommendations.

Construction costs for speed humps are subject to normal price variability for materials and tender costs. These financial risks are mitigated by following the procedures in the Purchasing By-law and normal project management practices.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The estimated cost to install speed humps and related signage on Victoria Avenue between Tecumseh Road West and Jackson Street is summarized in Table 2. There are sufficient funds in Traffic Calming capital budget project 7069022 for initial installation.

Table 2: Cost Estimate - Beals Street Traffic Calming

Item	Unit	Cost per Unit		Quantity	Total Cost	
		Initial Installation	Annual Maintenance		Initial Installation	Annual Maintenance
Speed humps and associated signs and pavement markings	Each	\$7,750	\$445	2	\$15,500	\$890
“Traffic Calmed Neighbourhood” Signs	Each	\$250	\$5	2	\$500	\$10
Grand Total					\$16,000	\$900 per year

The ongoing annual maintenance cost is estimated as \$900 per year (speed hump maintenance: \$700 per year; signs and markings: \$200 per year). Maintenance costs for initiatives such as this have not been previously identified within operating budgets and therefore this cost may not be able to be accommodated in the existing Signs and Markings operating budget. Should Council approve the traffic calming plan, a budget increase will be brought forward as part of the 2023 operating budget submission.

Consultations:

Staff Consultation

- Operations: Shawna Boakes, Phong Nguy
- Traffic Operations: Ian Day
- Human Resources: Gayle Jones
- Windsor Fire Rescue Services: Mike Coste
- Windsor Police Service: Insp. Jennifer Crosby, Barry Horrobin
- Transit Windsor: Jason Scott

Public Consultation

The resident approval survey was carried out from July 22 to August 21, 2022. Methods used for resident notification and outreach were as follows:

- Mailout to all property owners and tenants in the project area, attached as Appendix A (July 20, 2022)
- A follow-up mailout to property owners and tenants that had not yet voted (August 10, 2022)
- Social media posts (July 22, 2022)

- Notification signs posted in the survey area

Conclusion:

Having met the criteria for speed humps in the Local Road Speed Humps Procedure under the Traffic Calming Policy, Administration recommends installing speed humps on Victoria Street between Tecumseh Road West and Jackson Street.

Planning Act Matters:

N/A

Approvals:

Name	Title
Barbara Rusan for John Revell	Chief Building Official
Josie Gualtieri	Financial Planning Administrator
Jelena Payne	Commissioner of Economic Development and Innovation
Chris Nepszy	Commissioner of Infrastructure Services and City Engineer
Joe Mancina	Commissioner of Corporate Services and Chief Financial Officer
Onorio Colucci	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
Councillor Bortolin		
<i>Area residents and survey respondents (list provided to Clerks)</i>		

Appendices:

- 1 Appendix A - July 20, 2022 Letter to Victoria Avenue Residents

July 20, 2022

**RE: TRAFFIC CALMING SPEED HUMP REVIEW SURVEY
VICTORIA AVENUE (TECUMSEH ROAD WEST TO JACKSON STREET)**

Dear Resident,

We are requesting your input on a potential traffic calming speed hump project in your area.

A request for traffic calming has been received for **Victoria Avenue**. Victoria Avenue currently qualifies for traffic calming speed humps. To determine whether traffic calming speed humps would be supported by neighbourhood residents, a survey is being carried out. We request that you submit your vote online or call 311 to indicate whether you would support traffic calming speed humps on Victoria Avenue. **Please place your vote before August 21, 2022 to ensure that your vote is counted.**



In order to place your vote, please fill out the survey: <https://tiny.one/victoriasurvey>

You may also call 311 and state that you are responding to the **traffic calming survey for Victoria Avenue**. You will be asked for your name, address, your vote on the traffic calming survey, and given an opportunity for any other comments. After the 30-day survey period, results will be posted to the City's website at <https://tinyurl.com/tcalming>.

One vote per household or business will be considered.

The plan will be brought forward to Council for approval if the required level of residential support described below is reached:

- A minimum of 50% of the households and commercial properties in the survey area must indicate their support for the traffic calming speed humps.

For more information on traffic calming please go to <https://tinyurl.com/tcalming> or search for "traffic calming" on the City website (www.citywindsor.ca). If you have any questions and/or concerns, please do not hesitate to contact Awele Nwaesei, Transportation Planning Coordinator, at 519-255-6267, ext. 6831 at your convenience.

Yours truly,



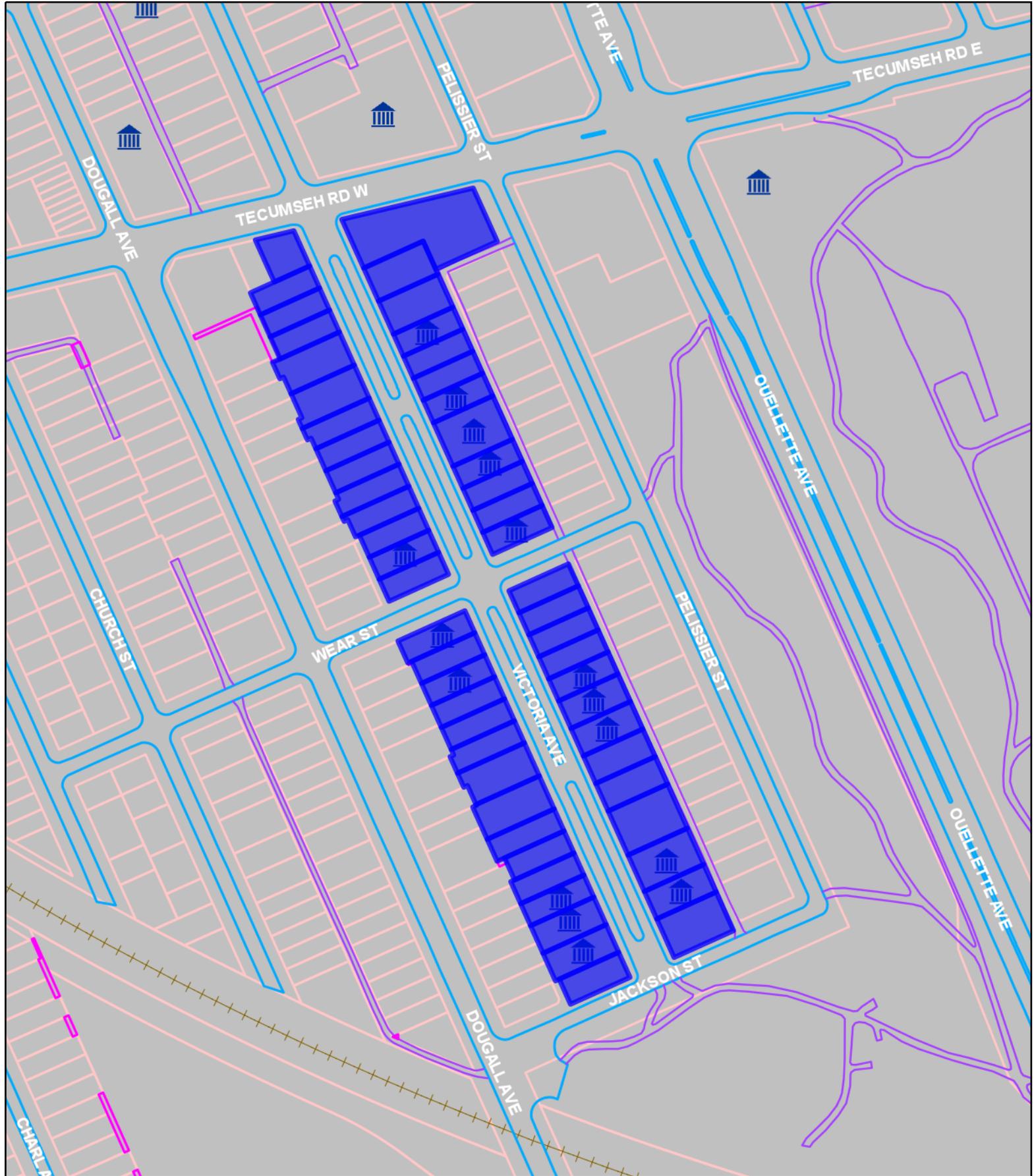
Jeff Hagan, P. Eng, PTOE
Transportation Planning Senior Engineer
JH/an

Attachment
C.c. Chief Building Official
Ward 3 Councillor

Survey Area

Victoria Avenue (Tecumseh Rd W to Jackson St)

Jul 18, 2022



Scale 1: 2,500



0

100

Council Agenda-October 11, 2022
Page 74 of 98





Council Report: C 160/2022

Subject: Prince Road Sewer - Phase 9B Outlet to Detroit River - Amendment of Consulting Service Agreement - Ward 2

Reference:

Date to Council: October 11, 2022
Author: Ian Wilson
Engineer II
519-255-6100, x6369
iwilson@citywindsor.ca
Engineering - Design
Report Date: September 9, 2022
Clerk's File #: SW2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **APPROVAL BE GIVEN** to enter into an amending agreement with Stantec Consulting Ltd., for the expanded scope including detailed design, tendering and services during construction for the Prince Road Storm Sewer – Phase 9B Outlet to Detroit River, for an additional \$801,662.40 plus HST for a revised cumulative upset limit totaling \$1,408,257.40 plus HST; and,
- II. THAT the CAO and City Clerk **BE AUTHORIZED** to execute an amending agreement with Stantec Consulting Ltd. for an additional \$801,662.40 plus HST with a revised cumulative upset limit totaling \$1,408,257.40 plus HST, satisfactory in form to the Commissioner of Legal & Legislative Services, in financial content to Commissioner of Corporate Services CFO/City Treasurer, and in technical content to the Executive Director of Engineering or the Commissioner of Infrastructure Services.

Executive Summary:

N/A

Background:

The Prince Road Storm Sewer Project is a multi-year project aimed at relieving surface and basement flooding in the service area. The original Prince Road sewer system study dates

back to February 1978 by James F. MacLaren Limited, Consulting Engineers. This was subsequently updated by Stantec Consulting Ltd (Stantec) October 2001. The recommended works included separating the combined sewer system within the service area, including construction of a new trunk storm sewer outlet to the Detroit River.

Following the Request for Proposal (RFP) process in 2009, Stantec was retained per CR36/2009 for consulting engineering services for Phase 9 A & B including detailed design, preparation of tender documents, and services during construction.

Design proceeded for Phase 9A. In 2011, Council approved a scope change as a result of the detailed design identifying the requirement for a tunneling construction approach of the truck sewer. This resulted in additional construction costs approved as part of CR88/2011 for Phase 9A.

The construction of the Prince Road Storm Sewer Outlet (Phase 9B) was identified as an immediate priority in the City's Sewer and Coastal Flood Protection Master (SMP) (2020). As a result, the scope of the project was expanded for the creation of this new storm sewer outlet with pumping station, which was classified as a Schedule C project per the Municipal Class Environmental Assessment (EA) process. Stantec was retained in 2021 to complete the requirements of the Schedule C Class EA process for this project.

Following the EA (notice of completion targeted for December 2022), the final design, property acquisition and construction may now proceed.

The design fees for the Prince Road Storm Sewer Outlet project (Phase 9B) is subject of this report that requires a scope change to Stantec's original contract to allow for completion of the storm sewer outlet.

Discussion:

To support the construction of the remaining portion of the Prince Road Storm Sewer Outlet (Phase 9B), Stantec will provide services to carry out the assignment for detail design, tendering period support, contract administration and inspection services during construction.

Detailed design services will include progress meetings, coordination with supporting services, drafting support for the preparation of legal drawings, submission of permit approvals and preparation of design drawings, specification and tender documents. Tender period services will include assisting with bid notification, support responding to questions during tender period, review of tenders and preparation of award recommendation letter. Services during construction will include conducting site meetings, review of shop drawings, preparation of payment certificates, performing full-time site and civil works inspection, and preparation of record drawings.

Per the recommendations of the EA (in-progress), it is anticipated the following construction works will be completed to finalize the storm sewer outlet:

- The existing 2400 mm diameter concrete storm sewer (currently plugged) will be extended westerly along Chappell Ave, across the Essex Terminal Rail (ETR) and along the 3800 Russell Street property to a new outlet chamber and pumping station.
- From the outlet structure, twin gravity sewers (1800 mm x 1200 mm concrete box sewers) will outlet to a dispersion channel and ultimately to the existing McKee Creek.
- The sewer system will be dewatered with the pumping station discharging flows through a water quality unit and ultimately to the dispersion channel.

Based on a planned project start-up in fall 2022, the project schedule is anticipated to include detailed design through 2023. Tendering for construction services is anticipated in late fall 2023 or early 2024. Following this and per the timing window for works in water, construction is proposed to start in June of 2024.

Risk Analysis:

Administration recommends the additional costs, as identified in the outline of services (scope change) letter, are required to complete the Prince Road Storm Sewer – Phase 9B (sewer outlet and pumping station).

The alternative of posting a second engineering services contract (RFP) was considered. However, this work was previously awarded and started by Stantec, who has significant background on the file. It is anticipated additional delays and costs would follow if the services were to be posted under the RFP approach.

The majority of the Prince Road trunk storm sewer was constructed, not finalizing the outlet could put the service area at increased risk of flooding, as identified in the SMP.

Climate Change Risks

Climate Change Mitigation:

This recommendation does not facilitate Climate Change Mitigation in a material way.

Climate Change Adaptation:

This recommendation will support construction of a new separated storm sewer outlet servicing an area currently utilizing a combined sewer system outlet. In the Sewer Master Plan, finalizing this outlet was identified as an immediate priority project, which supports the long-term objective of reducing flooding risk and combined sewage overflows. Construction of

the works will reduce the total water entering the combined sewer system, improving the sewer conveyance capacity to accommodate the expected volume of rain created from the effects of climate change.

Financial Matters:

The increase in the upset limit of the Agreement by \$801,662.40 (excluding HST) will be funded through Project 7086002 – Prince/Totten Outlet Sewer. There are sufficient funds in Project ID 7086002 to undertake this additional work.

Consultations:

- Linda Mancina, Financial Planning Administrator
- Alex Vucinic, Manager of Purchasing
- Ed Valdez, Manager of Process Engineering & Maintenance

Conclusion:

Administration recommends amending the Agreement for a revised cumulative upset limit totaling \$1,408,257.40 (excluding HST) to undertake additional work as outlined within the Sewer Master Plan and complete the remaining portion of the Prince Road Storm Sewer Outlet (Phase 9B), as detailed in the above report.

Planning Act Matters:

N/A

Approvals:

Name	Title
Fahd Mikhael	Manager, Design
Alex Vucinic	Manager of Purchasing

Name	Title
Michael Dennis	Financial Manager – Asset Planning
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin-Hager	Commissioner, Legal & Legislative Services
Dan Seguin	On behalf of Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Michael Mastronardi, Stantec Consulting Ltd.	100-2555 Ouellette Avenue, Windsor, ON N8X 1L9	Michael.mastronardi@stantec.com

Appendices:



Subject: Request for Proposal (RFP) 98-22 – Engineering Consulting Services for Cargo Road Extension (St. Etienne Blvd.) – WARD 9

Reference:

Date to Council: October 11, 2022

Author: Sergio Colucci

Project Administrator

519-255-6100 ext. 6785

scolucci@citywindsor.ca

Engineering

Report Date: September 20, 2022

Clerk's File #: SW2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT TYLin International Canada Inc. **BE RETAINED** through RFP No. 98-22 Engineering Consulting Services for Cargo Road Extension (St. Etienne Blvd.), at a maximum fee of \$387,140 (plus HST), in accordance with their proposal for consulting services as a charge to Project ID 7211060; and,
- II. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an agreement with TYLin International Canada Inc. for a total contract price of \$387,140 (plus HST) satisfactory in form to the Commissioner, Legal & Legislative Services, in financial content to the Commissioner, Corporate Services/Chief Financial Officer, and in technical content to the Commissioner, Infrastructure Services; and,
- III. THAT City Council **APPROVE** the pre-commitment of existing placeholder funding identified within the 5-year funding window in the Airport Employment Lands (ENG-004-21), F169 – Pay-As-You-Go, totalling \$3,465,329 to fund the construction of the new roadway and utility services; and,
- IV. THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the above project(s), provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Commissioner, Infrastructure Services; and,

- V. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the projects, satisfactory in legal form to the Commissioner, Legal & Legislative Services, in technical content to the Executive Director of Engineering and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,
- VI. THAT the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendations noted above, subject to all specifications being satisfactory in technical content to the Commissioner, Infrastructure Services, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer.

Executive Summary:

N/A

Background:

City Council, through council resolution CR412/2021 pre-committed funding in the amount of \$800,000 for engineering and property acquisition for the Cargo Road Extension (St. Etienne Blvd.) project (ENG-004-01, Project ID 7211060). This would extend the existing private road on airport lands westerly and then northerly to connect to St. Etienne Blvd.

Over the past 10+ years, the Cargo Development Area, located off of Rhodes Drive at the end of Wheelton Drive on Windsor International Airport property, has seen significant growth with the construction of multiple commercial/industrial buildings. The proposed roads under this RFP will help alleviate traffic congestion in the area by providing a secondary access point to the Cargo Development Area and provide a future opportunity to service additional development lands.

The RFP was issued on July 19, 2022 and involves providing engineering services related to the extension of roadway and utility infrastructure within Cargo Development Area.

Discussion:

The procurement for RFP 98-22 was carried out in accordance with Purchasing By-Law 93-2012; the RFP was advertised on July 19, 2022, and closed on August 17, 2022. Two proposal were received and evaluated by an evaluation committee consisting of Administration. The evaluation criteria included proponent experience, project approach, proponent qualifications, and proponent staffing. TYLin was the successful proponent.

Engineering consulting services under this contract will include preliminary investigative work, surveying, engineering design, tendering, contract administration, and construction inspection. Construction is anticipated to begin in summer 2023.

Risk Analysis:

Any delay in the approval could result in delays in implementation of the Cargo Road Extension (St. Etienne Blvd.) project.

Climate Change Risks**Climate Change Mitigation:**

The eventual construction will result in CHG emissions that are accounted for with the Community GHG emissions inventory. In addition, the installation of LED streetlights will have a negligible impact on the annual Corporate Inventory. LED streetlights has significantly reduced the GHG emissions associated with street lighting by 91%.

Climate Change Adaptation:

Future development in this area will be required to design their facilities to pre-development runoff rates. The existing stormwater facilities within the cargo Development Area is capable of handling the additional stormwater runoff of the proposed road construction.

Financial Matters:

The table below summarizes the funding sources and estimated expenditures for the project:

ESTIMATED EXPENDITURES (incl. Non-Recoverable Tax)	
Construction Estimate	\$3,040,000
Professional Fees (including preliminary investigation & analysis, detailed design, internal costs, etc.)	\$477,000
Miscellaneous (including permits & approvals, legal fees, communications, internal financing, etc.)	\$303,000
Contingency	\$445,329
GROSS ESTIMATED PROJECT COSTS	\$4,265,329
REVENUE	
ENG-004-21 previously pre-committed (CR 412/2021)	\$800,000
ENG-004-21 funding with 5-year window	3,465,329
TOTAL REVENUE FOR PRE-COMMITMENT	\$4,265,329

City Council, through council resolution CR412/2021 pre-committed funding in the amount of \$800,000 for engineering and property acquisition for the Cargo Road Extension (St. Etienne Blvd.) project (ENG-004-21, Project ID 7211060). There are sufficient funds in Project ID 7211060 for the engineering consultant work associated with the Cargo Road Extension Project.

Administration is recommending approval to pre-commit funds within ENG-004-21 totalling \$3,465,329, made up of \$1,167,000 and \$2,298,329 in 2024 and 2026 Pay-As-You-Go funding (F169), respectively. These funds will be used to construct the new road and required services.

Consultations:

Michael Dennis, Asset Planning
 Linda Mancina, Financial Planning
 Stacey McGuire, Development
 Robert Perissinotti, Development
 Karina Richters, Environmental Sustainability & Climate Change
 Joe Dattilo, Corporate Projects

Conclusion:

Administration recommends that RFP 98-22 be awarded to the successful proponent, TYLin International Canada Inc. at a total cost of \$387,140 (excluding HST), and that Administration be authorized to proceed to pre-approve and award any procurement necessary that are related to the above project, provided that the procurement is within approved budgets pursuant to the Purchasing By-Law.

Planning Act Matters:

N/A

Approvals:

Name	Title
Colleen Middaugh	Manager, Corporate Projects
Alex Vucinic	Purchasing Manager
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services

Name	Title
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	On behalf of Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

n/a



Subject: Agreement Amendment for RFP 21-20 for the Municipal Class Environmental Assessment for Ojibway Parkway Wildlife Overpass– Ward 1

Reference:

Date to Council: October 11, 2022
Author: Sergio Colucci
Project Administrator
519-255-6100 ext. 6785
scolucci@citywindsor.ca
Engineering
Report Date: 9/22/2022
Clerk's File #: E/13795

To: Mayor and Members of City Council

Recommendation:

- I. THAT City Council **APPROVE** an amendment to the Agreement with WSP E&I Canada Limited (WSP), formerly Wood Environment and Infrastructure Solutions, a Division of Wood Canada Limited, to undertake additional studies, research, assessments and public engagement/communication related to the Municipal Class Environmental Assessment for the Ojibway Parkway Wildlife Overpass Project, by increasing the upset limit by an additional \$150,000 (excluding HST), for a revised cumulative upset limit totaling \$400,000 (excluding HST); ; and,
- II. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute the required documentation to amend the Agreement, subject to legal approval by the Commissioner, Legal & Legislative Services, satisfactory in financial content to the Commissioner, Corporate Services CFO/City Treasurer, and in technical content to the Commissioner, Infrastructure Services.
- III. THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the above project(s), provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Commissioner, Infrastructure Services.

Executive Summary:

N/A

Background:

Bridging North America (BNA) is the Windsor-Detroit Bridge Authority's (WDBA) private-sector partner and is responsible to design, build, finance, operate and maintain the Canadian and US Ports of Entry and the bridge, under a public-private partnership agreement (P3).

The WDBA announced, as part of its Community Benefits Plan, seed money in the total amount of \$1.5 M for a Wildlife Crossing to re-connect Black Oak Heritage Park and Ojibway Park, as a joint project with the City of Windsor. This Wildlife Crossing would provide safe passage for area wildlife and species at risk in the Ojibway Prairie Complex as approximately 20,000 vehicles per day travel along Ojibway Parkway and E.C. Row Expressway, which contributes heavily to wildlife mortality.

Through CAO 29/2020, dated May 1, 2020, the City of Windsor entered into a Memorandum of Understanding (MOU) with the new international bridge P3 proponent (Bridging North America). The MOU was specifically to fund the retaining of an engineering consultant to undertake a Class Environmental Assessment (EA) and develop an Environmental Study Report (ESR) report in the amount of \$250,000 (excluding HST). It also authorized the release of the Request for Proposals (RFP) to retain an engineering consultant to undertake the Class EA.

WSP (formerly Wood Environment and Infrastructure Solutions, a Division of Wood Canada Limited) was the successful engineering consultant to undertake the EA. The objective of the EA was to establish an ecological connection between Black Oak Heritage Park and Ojibway Park, thereby reducing landscape fragmentation through improvement of habitat connectivity.

Discussion:

WSP prepared a draft ESR and the draft report was endorsed by City Council during the December 20, 2021 Council meeting. Council directed administration to finalize the report and issue it for the formal public review period of a minimum of 30 days (CR549/2021).

Prior to finalizing the ESR and commencing the mandatory 30-day review period, the draft report was shared with government review agencies, Indigenous Nations and key stakeholders for a final review and comment. It was during this review period that various stakeholders raised the concern with the preferred solution of the overpass crossing over Ojibway Parkway roadway **only** (see Appendix A). They believed the objective of the EA should evaluate the alternative solution of extending the overpass over **both** Ojibway Parkway roadway as well as the ETR tracks (see Appendix B).

In order to evaluate this option, a continuation of the current EA process is recommended. The consultant's modified scope would include additional investigations necessary to assess the lands on the west side of the ETR tracks to inform the

evaluation of alternative solutions and the potential development of a new preferred concept design.

WSP will need to undertake a variety of inventory work for the additional study area which was not required under the initial scope of work for the EA. This additional work, some of which is weather dependent and will need to commence this fall, includes but is not limited to the following:

- Additional field investigations.
- A review of the City's natural environmental field data.
- Additional natural environment field investigations.
- Completion of stormwater management review.
- Geotechnical review.
- Preparation of design alternatives and plan and profile drawings.
- Additional meeting with stakeholders (ETR, ERCA, Indigenous Groups).
- Preparation of materials for an additional open house meeting.
- Finalizing a preferred solution.

Approval is being sought to amend the existing agreement with WSP to a revised cumulative upset limit totaling \$400,000 (excluding HST), to complete this additional scope.

Next Steps

The proposed method to include a crossing of the ETR tracks within the EA is to add it directly into the current EA study and the associated ESR. The ESR for the project is currently in a draft status and has undergone its first round of review by the City, government agencies, Indigenous Groups, ERCA and ETR. Under this approach once the additional costs are approved, work on the ESR will be paused while the additional studies are performed, and potential solutions for the crossing of the ETR tracks are developed.

The alternative solutions would then be assessed, and a preferred solution identified, followed by an assessment of the alternate design concepts to identify the preferred design. The additional studies, alternative solutions, preferred solution and preferred design, will then be presented to the public during an additional Public Information Centre (PIC). Following this PIC, the ESR will be updated to include an alternative with this new design that spans both Ojibway Parkway and the ETR tracks. At this point, the revised draft ESR will be submitted to the City for preliminary review and comment, after which the preferred solution will be presented to Council. The Notice of Completion and placement of the ESR on the public record for the 30-day review period will be the final step prior to EA completion.

Risk Analysis:

Delays in amending the Agreement will result in delays to undertaking and completing the additional studies, research, and assessments of the natural environment required for the completion of the EA and ESR. Some of this work is weather dependent and will need to start this fall in order to complete the ESR in 2023

Climate Change Risks**Climate Change Mitigation:**

These works will provide additional green space, habitat and the start of re-building an ecological connection between Ojibway Park and Black Oak Heritage Park. The greenspace will reduce rainfall on the pavement of Ojibway Parkway which will reduce peak storm flows to the drainage system.

Creating additional green space over the asphalt roadway and ETR tracks will reflect some of the sun's radiation, and we can expect a reduction in the heat retention and increase in the overall cooling effect which will provide some attenuation of the urban heat island effect.

Climate Change Adaptation:

N/A

Financial Matters:

The increase in the upset limit of the Agreement by \$150,000 (excluding HST) will be funded through Parks Canada Contribution Agreement GC-1790, which was executed on August 22, 2022. The costs for the additional work will be charged to the National Urban Park Project (Project ID 7211062). There are sufficient funds in Project ID 7211062 to undertake this additional work.

Consultations:

Marc DiDomenico – Corporate Projects

Linda Mancina – Financial Planning

Mike Dennis, Asset Planning

Paul Mourad – Engineering Design

Conclusion:

Administration recommends amending the Agreement by increasing the upset limit by an additional \$150,000 (excluding HST), for a revised cumulative upset limit totaling \$400,000 (excluding HST) to undertake additional work related to the Ojibway Parkway Wildlife Overpass Environmental Assessment Project as detailed in the above report.

Planning Act Matters:

N/A

Approvals:

Name	Title
Colleen Middaugh	Manager, Corporate Projects
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Alex Vucinic	Purchasing Manager
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	On behalf of Commissioner, Corporate Services CFO/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Conceptual Rendering of Wildlife Crossing over Ojibway Parkway
- 2 Appendix B - Conceptual Rendering of Wildlife Crossing over Ojibway Parkway and ETR

Figure 8-4: Alternative 2 - Wildlife Overpass (4-Span Bridge) – Plan View

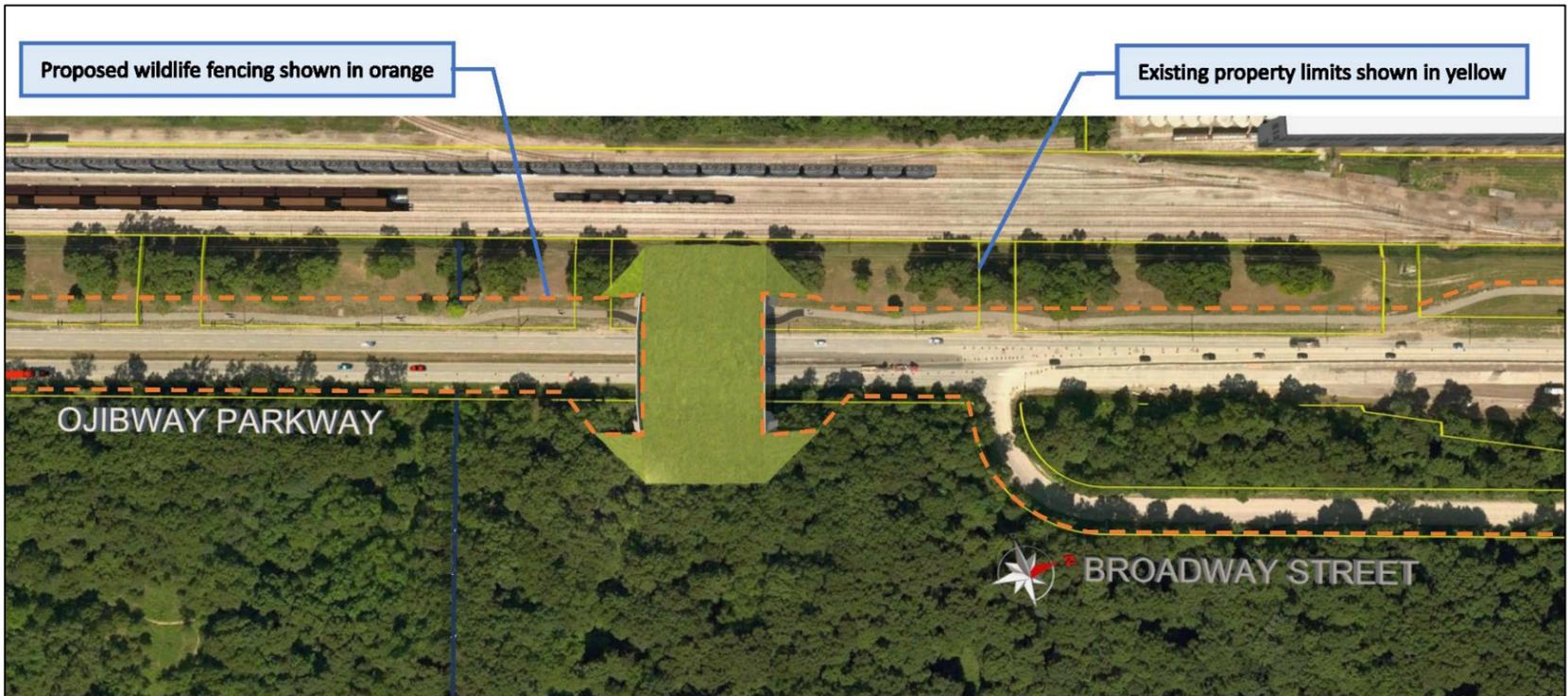


Figure 8-5: Alternative 2 - Wildlife Overpass (4-Span Bridge) – Profile View



Figure 8-6: Precast Concrete Box Girders for 4-Span Bridge (Alternative 2)

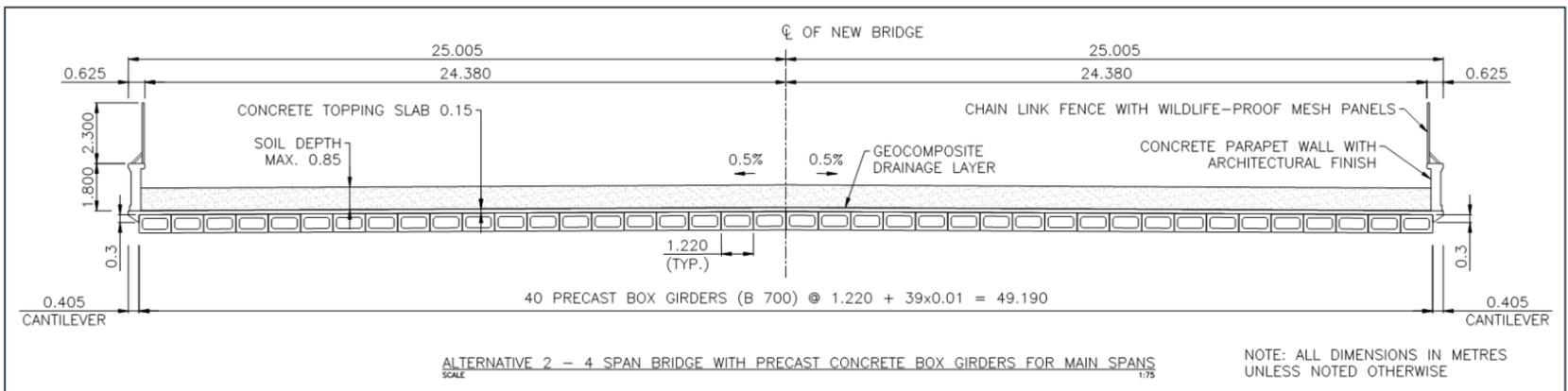


Figure 9-4: Conceptual Rendering for Wildlife Crossing Over ETR Tracks – Plan View

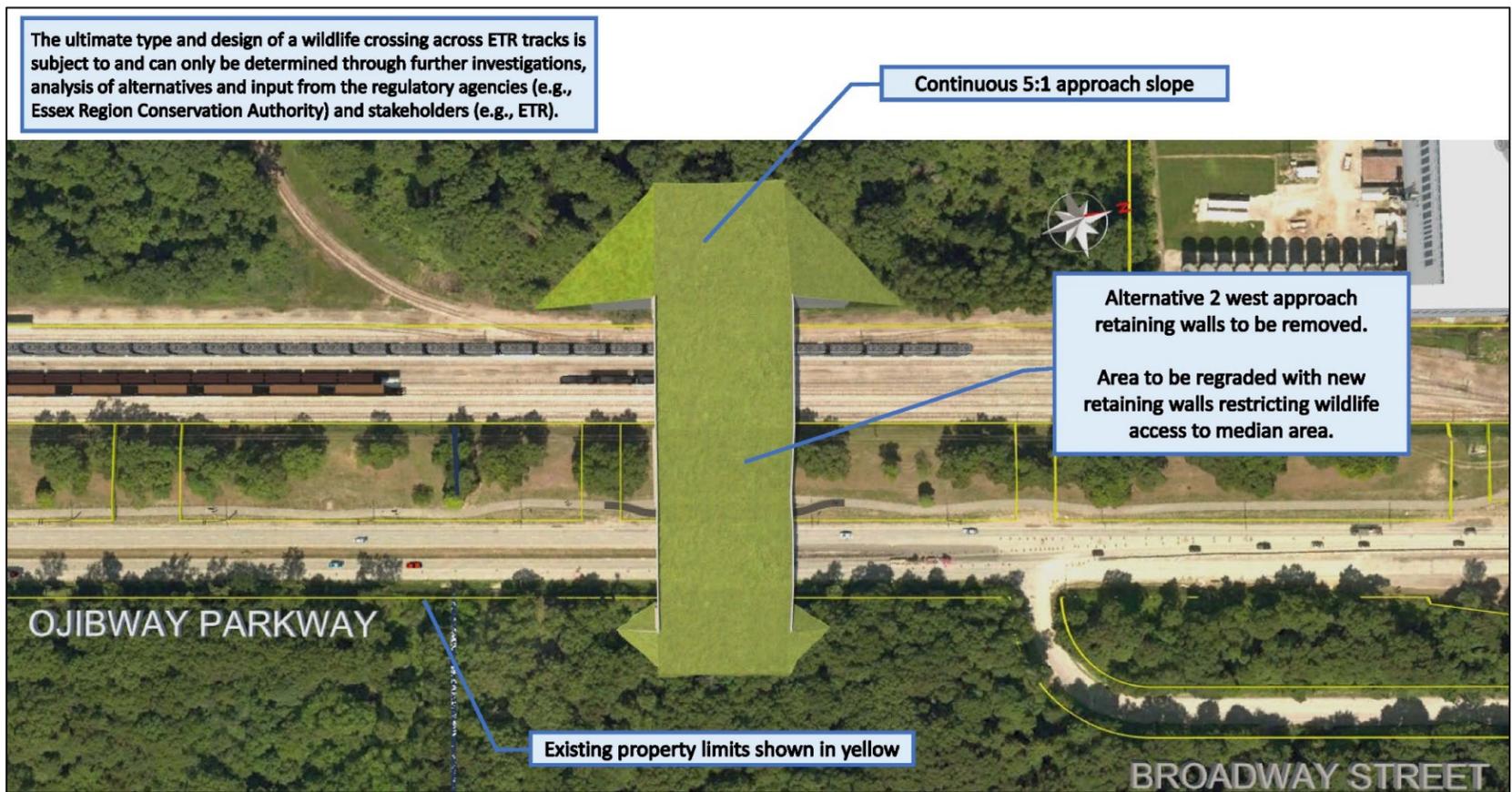


Figure 9-5: Conceptual Rendering for Wildlife Crossing Over ETR Tracks – Profile View

