

April 22, 2022

TO THE MAYOR AND MEMBERS OF COUNCIL:

A special meeting of Council will be held on **Monday, April 25, 2022, at 1:00 o'clock p.m., via hybrid in Room 139, 350 City Hall Square. All members will have the option of participating in person in Room 139 or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended. The minutes will reflect this accordingly.** Council will at the special meeting adopt a resolution to authorize Council to meet in closed session, and the resolution shall contain the general nature of the matters to be considered in the closed session. The resolution must be adopted by a majority of Council present during the open special meeting before the meeting may be closed.

The **regular meeting** of Council will be held on **Monday, April 25, 2022 at 4:00 o'clock p.m., via hybrid in the Council Chambers, 350 City Hall Square.** All members will have the option of participating in person in the Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended. The minutes will reflect this accordingly. **Delegations will be participating electronically.**

BY ORDER OF THE MAYOR.

Yours very truly,



Steve Vlachodimos

City Clerk

/bm

c.c. Chief Administrative Officer

Consolidated City Council Meeting Agenda

Date: Monday, April 25, 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 will be participating 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 Morrison has been Appointed Acting Mayor for the month of April, 2022 in accordance with By-law 176-2018, as amended.

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

INDIGENOUS LAND ACKNOWLEDGEMENT STATEMENT

We [I] 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 (*enclosed*)**

- 4.1. Minutes of the Special Meeting of Council held April 11, 2022 (**SCM 115/2022**)
- 4.2. Minutes of the Regular Meeting of Council held April 11, 2022 (**SCM 116/2022**)

5. **NOTICE OF PROCLAMATIONS**

Proclamations

“Earth Day” – Friday, April 22, 2022

“National Day of Mourning” – Thursday, April 28, 2022

“National Volunteer Week” – Sunday, April 24 to Saturday, April 30, 2022

“Canadian Mental Health Association Mental Health Month” – May 2022

“Community Living Awareness Month” – May 2022

“GBS and CIDP Awareness Month” – May 2022

“Mental Health Month” – May 2022

“Polish Heritage Month” – May 2022

“Emergency Preparedness Week” – Sunday, May 1 to Saturday, May 7, 2022

Flag Raising

“Polish Heritage Month” – Monday, May 2 to Friday, May 6, 2022

Illuminations

“Canadian Mental Health Association Mental Health Month” – Monday, May 2 to Sunday, May 8 2022

“Shine a Light on Community Living” – Friday, May 6, 2022

6. COMMITTEE OF THE WHOLE

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

7.1. Correspondence 7.1.1. to 7.1.2. (**CMC 6/2022**) (*enclosed*)

7.2. Response to CQ 2-2022 - Use of the Public Right of Way for distributing advertising bundles (**C 53/2022**)

7.3. 2021 Provincial Offences (POA) Annual Report - City Wide (**C 58/2022**)

8. CONSENT AGENDA

8.1. Use of Corporate Resources by Council Members Seeking Re-Election (**C 67/2022**)

8.2. Snow Angels Volunteer Acknowledgements 2021-2022 Season - City Wide (**C 60/2022**)

8.3. IT Security – Managed Detection & Response Services - City Wide (**C 63/2022**)
Clerk's Note: Administration providing Mayor & Members of Council a P&C memo under separate cover. (*previously distributed*)

8.4. Traffic Management for School Crossings on Arterial Roads (CQ 14-2018) (**C 43/2022**)

8.6. Maintenance of Public Access Defibrillator Program in the City Facilities - City Wide (**C 62/2022**)

CONSENT COMMITTEE REPORTS

8.9. Rezoning - Avant Group Inc. - 659 Alexandrine St - Z-045/21 ZNG/6634 - Ward 10 (**SCM 100/2022**) (**S 33/2022**)

8.10. 364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3) (**SCM 97/2022**) (**S 31/2022**)

8.11. Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive - Ward 9 (**SCM 101/2022**) (**S 34/2022**)

- 8.12. Close and Convey the East-West Alley Segments at the South end of Partington Ave., Roxborough Blvd., and Glenwood Ave., and the North/South segment between Roxborough and Glenwood Avenue, all being North of EC Row Expressway - SAA/6177 (**SCM 102/2022**) (**S 88/2021**)
- 8.13. Minutes of the Meeting of the Board of Directors, Willistead Manor Inc., held January 13, 2022 (**SCM 107/2022**) (**SCM 30/2022**)
- 8.14. Report No. 114 of the Board of Directors, Willistead Manor Inc., of its meeting held January 13, 2022 (Re-appointments to Board of Directors) (**SCM 108/2022**) (**SCM 31/2022**)
- 8.15. Minutes of the Committee of Management for Huron Lodge of its meeting held December 8, 2021 (**SCM 109/2022**) (**SCM 53/2022**)
- 8.16. Response to CQ6/2021 - Special Events Road Closure Catalogue and Categorization - City Wide (**SCM 110/2022**) (**S 32/2022**)
- 8.17. Update of Round 1 of the Arts, Culture and Heritage Fund 2022 – City Wide (**SCM 111/2022**) (**S 36/2022**)

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

10. **PRESENTATIONS AND DELEGATIONS**

DELEGATIONS: (5-minute maximum)

- 12.3. Report No. 1 of the Council Compensation Review Committee - Recommendations to City Council (**SCM 104/2022**)
 - a) Vincent Georgie, Frazier Fathers, and Mila Lucio; members of the Council Compensation Review Committee (available for questions)
- 8.18. City of Windsor Lancaster Bomber FM 212 Progress Report 2019-2021 - Ward 3 (**SCM 112/2022**) (**S 39/2022**)
 - a) Don Christopher, President, Lancaster Project Director (available for questions)
- 8.8. Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation - 1624 Lauzon Road- Z 039-21 [ZNG-6590] - Ward 6 (**SCM 99/2022**) (**S 37/2022**)
 - a) Jim Bujouves, President, Farhi Developments
- 11.2. Lachance Drain Provisional By-Law for Repair and Improvement - Ward 9 (**C 65/2022**)
 - a) Mark Hernandez, Dillon Consulting

- 12.2. Report No. 13 of the Housing & Homelessness Advisory Committee - Residential Rental Licensing Feedback (**SCM 81/2022**)
Clerk's Note: Please also reference Item 8.5 – “Residential Rental Licensing By-law”
a) Marina Clemens, HHAC Chair (available for questions)
- 8.5. Residential Rental Licensing By-law (**C 54/2022**)
Clerk's Note: Please reference Item 12.2 - “Report No. 13 of the Housing & Homelessness Advisory Committee - Residential Rental Licensing Feedback”. Written submission from Alan Richardson, resident of Ward 2 is **attached**.
a) Mike Cardinal, resident of Ward 2
b) Caroline Taylor, resident of Ward 2
c) Marina Clemens, HHAC Chair, available for questions
d) Al Teshuba, Realtor
e) Jennifer Theobald, advocate for citizens in housing crisis
f) Kevin Flood, property owner
g) Gary Langill, resident of Ward 2
h) John P. Semaan, property owner
i) Marion Overholt, Legal Assistance of Windsor
- 8.7. Zoning Bylaw Amendment – Wyandotte Developments Inc. - 0 Wyandotte St E. S/S Wyandotte Street E, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6 (**SCM 98/2022**) (**S 35/2022**)
Clerk's Note: Dillon Consulting submitting the **attached** memo as additional information.
a) Amy Farkas, Dillon Consulting representing applicant
b) Stephen Berrill, ADA-Architect representing applicant
c) Randy Saccucci, 4C Property Management (available for questions)
d) Arthur Trebbne, area resident
e) Nonye Enebeli, area resident
f) Heather Hansen, area resident
g) Brian Owens, area resident
11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)
- 11.1. Declaration of a Vacant Parcel of Land Municipally Known as 0 McDougall Street Surplus and Authority to Offer for Sale - Ward 3 (**C 59/2022**)
- 11.3. Proposed Expropriation of lands on Banwell Road from Jayesh and Nivedita Bhatt-3455 Banwell - Ward 9 (**C 66/2022**)
Clerk's Note: This item must be dealt with as a Regular Business item and not as a Consent Agenda item; and,
Frank Fazio, Solicitor representing owners of 3455 Banwell Road submitting the **attached** letter dated April 19, 2022 as additional information. Administration providing Mayor & Council with P&C correspondence (under separate cover).

- 11.4. License Agreement between the City of Windsor and Windsor Salt Ltd. for the construction of brine wells on the Property of Malden Landfill/Park – City Wide **(C 71/2022)** (*attached*)

- 12. **CONSIDERATION OF COMMITTEE REPORTS**

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

- 13. **BY-LAWS** (First and Second Reading) (*enclosed*)

- 13.1. **By-law 71-2022** A PROVISIONAL BY-LAW TO PROVIDE FOR THE REPAIR AND IMPROVEMENT OF THE LACHANCE DRAIN (**See Item No. 11.2., Report C 65/2022**)

- 13.2. **By-law 72-2022** A BY-LAW TO ADOPT AMENDMENT NO. 155 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR119/2022 dated March 21, 2022

- 13.3. **By-law 73-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR119/2022 dated March 21, 2022

- 13.4. **By-law 74-2022** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 25th DAY OF APRIL, 2022

- 14. **MOVE BACK INTO FORMAL SESSION**

- 15. **NOTICES OF MOTION**

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

By-laws 72-2022 through 74-2022 (inclusive)

- 17. **PETITIONS**

- 18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Windsor Accessibility Advisory Committee
Tuesday, April 26, 2022
10:00 a.m., Zoom video conference

Windsor Licensing Commission
Wednesday, April 27, 2022
9:30 a.m., Zoom video conference

Environment, Transportation & Public Safety Standing Committee
Wednesday, April 27, 2022
4:30 p.m., Zoom/Hybrid Platform

Development & Heritage Standing Committee
Monday, May 2, 2022
4:30 p.m., Zoom/Hybrid Platform

Community Services Standing Committee - **CANCELLED**
Wednesday, May 4, 2022
9:00 a.m., Zoom/Hybrid Platform

21. **ADJOURNMENT**



Committee Matters: SCM 115/2022

Subject: Adoption of the Special Meeting of Council - Strategic Planning Session minutes held April 11, 2022



CITY OF WINDSOR MINUTES 04/11/2022

Special Meeting of Council Strategic Planning Session

Date: Monday, April 11, 2022

Time: 12:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Councillor Gill

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

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

Minutes

Special Meeting of Council
Monday, April 11, 2022

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1. ORDER OF BUSINESS

2. CALL TO ORDER

Mayor Dilkens calls the meeting to order at 2:22 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

5.1. Streamlining Approvals to Enable Rapid Execution of Council's Vision and Direction

Moved by: Councillor Bortolin

Seconded by: Councillor McKenzie

Decision Number: CR132/2022 CR70/2022 CR47/2022 CR542/2021

That the report of the (Acting) Executive Initiatives Coordinator dated October 29, 2021 entitled "Streamlining Approvals to Enable Rapid Execution of Council's Vision and Direction" **BE DEFERRED** back to Administration to allow for consideration of any recommended changes to the Delegation of Authority By-law, and that those recommended changes be brought forward by subject area in individual reports to Council; and further,

That the additional information report regarding C 169/2021 - Streamlining Approvals to Enable Rapid Execution of Council's Vision and Direction, which includes the CAO Office's annual Delegation of Authority reporting for 2021 **BE RECEIVED** for information.

Carried.

Report Number: C 169/2021 & AI 2/2022
Clerk's File: AS/7748

5. REGULAR BUSINESS ITEMS

None presented.

Minutes

Special Meeting of Council Monday, April 11, 2022

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6. BY-LAWS (First and Second Readings)

Moved by: Councillor Gignac
Seconded by: Councillor Sleiman

That the following By-law No. 59-2022 be introduced and read a first and second time:

59-2022 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS SPECIAL MEETING HELD ON THE 11TH DAY OF APRIL, 2022.

Carried.

7. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Holt
Seconded by: Councillor Bortolin

That By-law No. 59-2022 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

8. ADJOURNMENT

Moved by: Councillor Morrison
Seconded by: Councillor Kaschak

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Carried.

Accordingly, the meeting is adjourned at 2:23 o'clock p.m.

Item No. 4.2.



Committee Matters: SCM 116/2022

Subject: Adoption of the Windsor City Council meeting minutes held April 11, 2022



CITY OF WINDSOR MINUTES 04/11/2022

City Council Meeting

Date: Monday, April 11, 2022

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

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Councillor Gill

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

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

Minutes

City Council

Monday, April 11, 2022

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1. ORDER OF BUSINESS

2. CALL TO ORDER - Playing of the National Anthem

Following the playing of the Canadian National Anthem and reading of the Land Acknowledgement, the Mayor calls meeting to order at 4:01 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held March 21, 2022

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

That the minutes of the meeting of Council held March 21, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 91/2022

5. NOTICE OF PROCLAMATIONS

Proclamations

"Run for Rocky Day" – Saturday, April 9, 2022

Flag Raising Ceremony

"Run for Rocky Day" – Friday, April 8 to Wednesday, April 13, 2022

Illumination

"World Parkinson's Day" – Monday, April 11, 2022

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) communication items;
 - (b) consent agenda;
 - (c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
 - (d) hearing presentations and delegations;
 - (e) consideration of business items;
 - (f) consideration of Committee reports:
 - (g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and
 - (h) consideration of by-laws 60-2022 through 70-2022 (inclusive).
- Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence for April 11, 2022

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR133/2022

That the following Communication Items 7.1.1 through 7.1.4 and 7.1.6 through 7.1.9 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted; and that Item 7.1.5 be dealt with as follows:

7.1.5. Letter requesting support of the petition to upgrade The Star of Military Valour to the Victoria Cross for Pte. Jess Larochelle

Moved by: Councillor Kaschak
Seconded by: Councillor Costante

Decision Number: CR134/2022

That the correspondence from the Royal Canadian Legion, Leslie Sutherland Branch 447 requesting support of the petition to upgrade The Star of Military Valour to the Victoria Cross for Pte. Jess Larochelle **BE RECEIVED** for information; and further,

That the City of Windsor **ENDORSE** and **PETITION** the Government of Canada for the upgrade of The Star of Military Valour to the Victoria Cross for Pte. Jess Larochelle.
Carried.

Clerk's File: APR2022

Minutes
City Council
Monday, April 11, 2022

No.	Sender	Subject
7.1.1.	Ministry of Finance AND Minister responsible for the Federal Economic Development Agency for Southern Ontario	Letter regarding federal government support for the recent traffic disruptions at the Ambassador Bridge border crossing Commissioner, Infrastructure Services Commissioner, Corporate Services CFO/City Treasurer Commissioner, Human & Health Services GM2022 Note & File
7.1.2.	Ministry of Municipal Affairs and Housing (MMAH)	Minister's Letter to Heads of Council regarding MMAH Orders under the <i>Reopening Ontario Act</i> Chief Administrative Officer Commissioner, Legal & Legislative Services City Clerk Executive Director, Human Resources Chief Building Official City Planner MH/13786 Note & File
7.1.3.	Office of the Premier AND Ministry of Children, Community and Social Services	News release announcing Province helping Ukrainians find jobs in Ontario AND Email regarding information on emergency assistance for Ukrainian migrants Commissioner, Human & Health Services Commissioner, Corporate Services CFO/City Treasurer GP2022 Note & File
7.1.4.	Windsor Utilities Commission	2021 Annual Summary Report Commissioner, Infrastructure Services Commissioner, Corporate Services CFO/City Treasurer MU2022 Note & File

Minutes
City Council
Monday, April 11, 2022

No.	Sender	Subject
7.1.5.	Royal Canadian Legion, Leslie Sutherland Branch 447	Letter requesting support of the petition to upgrade The Star of Military Valour to the Victoria Cross for Pte. Jess Larochelle APR2022 COUNCIL DIRECTION REQUESTED, otherwise Note & File
7.1.6.	City Planner/ Executive Director	Application for Zoning Amendment, Matt Zhao, 521, 523, & 525 Sandison Street, Application to amend Zoning By-law 8600 to permit the construction of multiple dwelling units Z/14345 Note & File
7.1.7.	City Planner/ Executive Director	Application for Zoning Amendment, Andi Shallvari, 716 Josephine Avenue, Application to amend Zoning By-law 8600 to allow for the construction of a semi-detached dwelling Z/14346 Note & File
7.1.8.	City Planner/ Executive Director	Application for Zoning Amendment, Riverside Horizons Inc., 3251 Riverside Drive East & 222 Belleview Avenue, Application to amend Zoning By-law 8600 to allow the construction of a 40m high multi-unit residential building with 77 units and associated parking area Z/14347 Note & File
7.1.9.	Committee of Adjustment	Applications to be heard by the Committee of Adjustment/Consent Authority, Thursday, April 21, 2022 at, 3:30 p.m., through Electronic Meeting Participation Z2022 Note & File

Carried.

Report Number: CMC 5/2022

7.2. Summary of Ministry of Labour (MOL) and Labour Canada visits from July to December 2021 - City Wide

Moved by: Councillor Bortolin
 Seconded by: Councillor Costante

Decision Number: CR135/2022

That City Council **RECEIVE FOR INFORMATION** this report from the Executive Director of Human Resources with respect to Field Reports issued by the Ministry of Labour (hereafter known as the MOL) and Labour Canada to the Corporation of the City of Windsor (Corporation) from the timeframe of July 1st to December 31st 2021.

Carried.

Report Number: CM 5/2022
Clerk's File: AS2022

7.3. YQG - 3rd Quarter 2021 Financial Statements - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR136/2022

That City Council **RECEIVE** for information, the Your Quick Gateway (Windsor) Inc. 3rd Quarter 2021 Financial Statements.

Carried.

Report Number: C 49/2022
Clerk's File: APM/9795

7.4. 2021 Year End Risk Management Report - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR137/2022

That the report of the Deputy City Solicitor – Purchasing, Risk Management & Provincial Offences dated March 9, 2022 entitled “2021 Year End Risk Management Report - City Wide” **BE RECEIVED** for information.

Carried.

Report Number: C 42/2022
Clerk's File: AL2022

7.5. Engineering/Architectural Consultants Engaged via Roster – July 1 2021 to December 31 2021 "City Wide"

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR138/2022

That the report of the Purchasing Manager dated February 18, 2022 entitled "Engineering/Architectural Consultants Engaged via Roster – July 1 2021 to December 31 2021 "City Wide"" report **BE RECEIVED** by Council for information in compliance with section 163 of Bylaw 93-2012 (the “Purchasing Bylaw”).

Carried.

8. CONSENT AGENDA

8.1. Cost of Adding the BIAs as Community Safety Zones

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR139/2022

1. That the report of the Policy Analyst dated February 1, 2022 entitled "Cost of Adding the BIAs as Community Safety Zones" **BE RECEIVED** for information; and,
2. That Traffic By-law 9148 **BE AMENDED** to implement Community Safety Zones in all of the Business Improvement Areas (BIAs); and, that the City Solicitor **BE DIRECTED** to prepare the necessary documents to amend the by-law; and further,
3. That the required ongoing annual maintenance costs associated with the signs installed for Community Safety Zones in the BIAs **BE REFERRED** to the 2023 Operating Budget, and that the \$48,000 in capital costs **BE FUNDED** in the manner detailed in the Financial Matters section of the report.

Carried.

Report Number: C 20/2022
Clerk's File: MI2022

8.2. Renewal of Radio System Tripartite Agreement: City of Windsor, CBSA & WPS

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR140/2022

That City Council **AUTHORIZE** the Chief Administrative Officer and the City Clerk to sign a renewed five year tripartite agreement between a) The Corporation of the City of Windsor, b) The Windsor Police Service Board, and c) Her Majesty the Queen, in Right of Canada as Represented by the Minister responsible for the Canada Border Services Agency (CBSA), which will provide CBSA use of the corporate radio system for a fee, as defined within this report, with the agreement being approved as to form by the City Solicitor, as to technical content by the Chief Information Officer /Executive Director of Information Technology and as to financial content by the Chief Financial Officer/City Treasurer; and,

That City Council **DIRECT** that the City of Windsor revenues generated via this agreement be credited to the Pay-As-You-Go Radios Reserve Fund 198 to offset any future funding requirements

that may be necessary from the City's operating budget to ensure the continued sustainability of the Reserve Fund; and,

That City Council **AUTHORIZE** the continued provision of radio services by the City to the CBSA under the terms of the previous agreement past its March 31, 2022 expiry date until such time as the renewed agreement is finalized.

Carried.

Report Number: C 45/2022
Clerk's File: MC/9936

8.3. Status of the Corporation's Unpaid and Paid Student and Work Agency Programs in 2021 - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR141/2022

That City Council **RECEIVE FOR INFORMATION** the report of the Human Resources Department dated March 25, 2022 entitled "Status of the Corporation's participation in Unpaid and Paid Student and Work Placement Agency Programs in 2021"; and further,

That City Council **DIRECT** the Human Resources Department to report annually to City Council the Corporation's participation in Unpaid and Paid Student and Work Placement Agency Programs.
Carried.

Report Number: C 50/2022
Clerk's File: AS2022

8.4. RFP 134-21 Acquisition of Three Fire Trucks Engines - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR142/2022

That City Council **APPROVE** the purchase of Three Fire Truck Engines at a total cost of \$2,800,086 CAD (including non-recoverable HST) comprised of \$2,647,446 CAD (including non-recoverable HST) for the three engines and \$152,640 CAD (including non-recoverable HST) for the additional equipment to be funded from 2022 Fire Fleet Replacement project 7221000; and,

That City Council **APPROVE** a transfer of \$106,586 from the Fire Major Equipment Reserve (Fund 163) to the 2022 Fire Fleet Replacement Project 7221000 to provide additional funding required for this purchase; and,

That the CAO and City Clerk **BE AUTHORIZED** to execute an agreement with ResQTech Systems Inc. for the purchase of Three Fire Truck Engines, to an upset limit of \$2,601,657 CAD (excluding HST), satisfactory in form to the City Solicitor, in financial content to City Treasurer, and in technical content to the Fire Chief.

Carried.

8.5. Vendor Relationship Management Policy - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR143/2022

That this report **BE RECEIVED** by Council for information in response to PWC Audit Finding #159 which recommended that the City develop a procedure around the use of the Vendor Management System in accordance with the Purchasing By-Law 93-2012; and,

That the Vendor Relationship Management Policy attached **BE APPROVED** for implementation Corporate-wide.

Carried.

Report Number: C 47/2022
Clerk's File: AL2022 & AF/14041

8.6. By-Law to Amend By-Law 161-2008 - Municipal Capital Facility Agreement - Ward 6

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR144/2022

- I. That Council **PASS** By-Law 60-2022 (Municipal Capital Facility Agreement), being a By-Law to Amend By-Law 161-2008.

Carried.

Report Number: C 52/2022
Clerk's File: AB2022

8.7. 2022 Municipally Significant Event Status, Wards 2,3,4,6,7

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR145/2022

That the request from; 1214631 Ontario Inc.; 1933900 Ontario Ltd; 11845217 Canada Corp.; 2502014 Ontario Inc.; 365 Sports Inc.; Changing Lives Together Foundation; Northern Heat Rib Series; Rotary Club of Windsor (1918); Poutine Feast Ontario Inc.; Windsor Eats Inc.; and Windsor-Essex Pride Fest; for approval of designation as 'municipally significant' for the purpose of applying for their Special Occasions Permit – Public Event **BE APPROVED** by Council subject to the terms and conditions of the Special Event Agreement with the City.

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Thursday May 19, 2022

- Caesars Fest Private (Private Location) hosted by 2502014 Ontario Inc.

Friday May 20, 2022

- Street Food Fair (Lanspeary Park and Outdoor Rink) hosted by Windsor Eats Inc.

Saturday May 28, 2022

- Heart Breaker Challenge (Malden Park) hosted by Changing Lives Together Foundation

Friday June 3, 2022 through Sunday June 5, 2022

- Windsor Rib Fest (Riverfront Festival Plaza and Riverfront Civic Terrace) hosted by Northern Heat Rib Series
- Art in the Park (Willistead Park) hosted by Rotary Club of Windsor (1918)

Thursday June 9, 2022 through Sunday June 12, 2022

- Poutine Feast (Riverfront Festival Plaza and Riverfront Civic Terrace) hosted by Poutine Feast Ontario Inc.

Friday July 15, 2022 and Saturday July 16, 2022

- Urban Wine Fest (Lanspeary Park and Outdoor Rink) hosted by Windsor Eats Inc.

Saturday July 16, 2022

- Summer Festival Celebration (Private Location) hosted by 2502014 Ontario Inc.

Thursday July 21, 2022

- Dinner on the Pier (Assumption Park) hosted by Windsor Eats Inc.

Friday July 22, 2022 and Saturday July 23, 2022

- Celtic Music Fest (Lanspeary Park and Outdoor Rink) hosted by 1214631 Ontario Inc.

Friday July 22, 2022 through Sunday July 24, 2022

- Tequila Expo and Taco Fest (Riverfront Festival Plaza and Riverfront Civic Terrace) hosted by 11845217 Canada Corp.

Friday August 5, 2022 through Sunday August 7, 2022

- Pride Fest (Lanspeary Park and Outdoor Rink) hosted by Windsor-Essex Pride Fest

Saturday August 6, 2022

- Whiskey Fest (Private Location) hosted by Windsor Eats Inc.

Friday August 12-13, 2022

- Street Food Fair (Lanspeary Park and Outdoor Rink) hosted by Windsor Eats Inc.

Saturday August 27, 2022

- Foam Fest (Malden Park) hosted by 365 Sports Inc.

Friday October 14, 2022 and Saturday October 15, 2022

- Windsor Eats Craft Beer Fest (Willistead Park) hosted by 1933900 Ontario Ltd.

Carried.

Report Number: S 38/2022

Clerk's File: SR/14344

8.8. Exemption to Noise By-law 6716 for Nighttime Construction Work – Lauzon Parkway from Cantelon Drive to Forest Glade Drive and EC Row Expressway from Dougall Avenue to Dominion Boulevard - Wards: 8 and 10

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR146/2022

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

a. Specific exemption request:

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

b. Scope of Exemption:

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

c. Duration of Exemption:

This Noise By-Law Exemption is requested for the dates commencing on May 2, 2022 and continuous through November 4, 2022.

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

d. Specific exemption request:

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

e. Scope of Exemption:

The project limits are located in the City of Windsor at EC Row Expressway from Dougall Avenue to Dominion Boulevard.

f. Duration of Exemption:

This Noise By-Law Exemption is requested for the dates commencing on April 12, 2022 and continuous through September 30, 2022.

Carried.

Report Number: C 48/2022

Clerk's File: AB2022

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8.9. Consent for Breakwall Encroachment - 10976 Riverside Drive East - Ward 7

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR147/2022

That the request by Mr. Martin Shkreli, of 10976 Riverside Drive East, for the consent of the Corporation of the City of Windsor to cross the municipal shore wall in order to install a dock and affix to the wall, **BE APPROVED**; and,

That the CAO and Clerk **BE AUTHORIZED** to sign a consent:

- in form satisfactory to the City Solicitor and City Engineer,
- subject to the applicant indemnifying the Corporation of the City of Windsor against all claims which may arise by reason of occupation and use of the City's lands,

subject to providing proof of General Liability insurance with limits of not less than \$2,000,000.00 per occurrence, naming The Corporation of the City of Windsor as an additional insured, including a cross-liability clause and a 30 day notice of material change or cancellation provision, in form satisfactory to the City Solicitor.

Carried.

Report Number: C 39/2022
Clerk's File: SE/14338

8.10. Approval of Tender #96-21 - Lou Romano Water Reclamation Plant (LRWRP) Raw Sewage Pump Control System Upgrade - CITY WIDE

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR148/2022

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

TENDERER:	Rorison Electric Limited 825 Foster Avenue, Windsor, ON N9X 4W3
TENDER NO:	96-21
TOTAL TENDER PRICE:	\$917,500 excluding HST
ACCOUNT CHARGED:	007 5410 9998 02942 7189005

and,

II. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with Rorison Electric Limited in the amount of \$917,500 (plus HST), satisfactory in technical

content to the Commissioner of Infrastructure Services, in financial content to the Commissioner of Corporate Services/ Chief Financial Officer/ City Treasurer, and in form to the Commissioner of Legal and Legislative Services; and,

- III. That the additional funds required to complete the project **BE FUNDED** through a transfer of \$170,000 from the Pollution Control Reserve (Fund 208).

Carried.

Report Number: C 32/2022
Clerk's File: SW/14339

8.11. Essex-Windsor Solid Waste Authority Regular Board Meeting Minutes of Meeting Held January 12, 2022

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR149/2022 ETPS 886

That the minutes of the Essex-Windsor Solid Waste Authority of its Regular Board Meeting held January 12, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 84/2022 & SCM 75/2022
Clerk's File: MB2022

8.12. Home Flood Protection Program - City-Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR150/2022 ETPS 887

That Administration **BE AUTHORIZED** to initiate a Home Flood Protection Program on a pilot basis; and further,

That Administration **REPORT BACK** to City Council on completion of the pilot program.

Carried.

Report Number: SCM 85/2022 & S 29/2022
Clerk's File: SW/12983

8.13. Zero Emission Transit Fund Application for an Electrification Road Map Planning Study - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

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Decision Number: CR151/2022 ETPS 888

That City Council **DIRECTS** Administration to submit the Expression of Interest (stage 1) and if invited, subsequent Full Application (stage 2) to the Infrastructure Canada Zero Emission Transit Fund; and,

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign and execute any documents required to submit the applications to the Grant noted above, subject to all documentation being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer; and in technical content to the Commissioner of Infrastructure Services, or designates; and,

That City Council **APPROVE** the following recommendations upon the City receiving written confirmation from the grant provider that the City's grant application is awarded the requested funding:

- a) That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any such documentation as may be required to effect the recommendations and funding for the Grant, subject to all documentation being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services, or designates;
- b) That the Chief Administrative Officer **DELEGATE** signing of all claims, applicable schedules and other such documents required as part of the request for payment to the Commissioner of Infrastructure Services or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager;
- c) That City Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the grant awarded projects, 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 the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services, or designates;
- d) 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 grant awarded projects, satisfactory in legal form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates;
- e) That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in

technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates;

- f) That City Council **APPROVE** City funding in the amount of up to \$40,000 for the City's grant matching and ineligible costs from the 2020 Transit Windsor Master Plan Project, 7201016.
Carried.

Report Number: SCM 86/2022 & S 30/2022
Clerk's File: MT/13708

11.2. Confirm and Ratify Report regarding Hybrid Work Policy - City Wide

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR154/2022

That the results of the email poll authorized by Mayor Drew Dilkens on Wednesday April 6, 2022 approving the following **BE CONFIRMED AND RATIFIED**:

That Council **DIRECTS** Administration to **SUSPEND** the Hybrid Work Policy effective immediately, and to ensure all staff are working in-office no later than May 1, 2022 and for Administration to **NOTIFY** City Council once a structured and effective implementation plan has been developed such that the Policy is able to be rolled-out in a manner that benefits the Corporation.

Carried.

Clerk's Note: Councillors Bortolin, Holt, Costante, and McKenzie voted nay on the actual motion being polled.

Report Number: C 61/2022
Clerk's File: MH/13786

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

10. PRESENTATIONS AND DELEGATIONS

10.1. Essex Region Conservation Authority 2022 Draft Budget with 2021 Annual Report and Transition Plan

AND

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10.2. Update on Changes to Conservation Authority Programs and Services

Tania Jobin, Chair; Tim Byrne, CAO/Secretary-Treasurer; and Shelley McMullen, CFO/Director of Finance & Corporate Services; Essex Region Conservation Authority (ERCA)

Tania Jobin, Chair; Tim Byrne, CAO/Secretary-Treasurer; and Shelley McMullen, CFO/Director of Finance & Corporate Services; Essex Region Conservation Authority (ERCA), appear before Council to make a presentation entitled "Essex Region Conservation Authority 2022 Draft Budget with 2021 Annual Report and Transition Plan" and provide Conservation highlights for 2021; details related to the transition plan; key deliverables already accomplished; detailed inventory of mandatory and non mandatory services included in the transition plan; budget highlights; emphasis on maintaining public areas for the public; increased internal demands; ways to streamline processes; upgrades to their data systems; total levy funding of over \$3.5 million; municipal support will be required to support non-mandatory programs in the future; working together collaboratively to restore the natural environment for the community; 2021 Annual report details and highlight conservation programs that are available; and conclude by introducing a video featuring Conservation highlights.

Moved by: Councillor Gignac

Seconded by: Councillor McKenzie

Decision Number: CR152/2022 CR124/2022

That the presentation entitled "Essex Region Conservation Authority 2022 Draft Budget with 2021 Annual Report and Transition Plan" and "Update on Changes to Conservation Authority Programs and Services" **BE RECEIVED** for information; and further,

That the administrative memo of the Senior Counsel dated March 21, 2022 entitled "Update on Changes to Conservation Authority Programs and Services" **BE RECEIVED** for information.

Carried.

Report Number: SCM 77/2022 & SCM 88/2022

Clerk's File: EI/10108 & GCE2022

11.1. Homelessness Prevention Program (HPP) - City Wide

Sarah Bondy, Area Resident

Sarah Bondy, area resident, appears before Council regarding the report entitled "Homelessness Prevention Program (HPP) – City Wide" and inquires whether the homeless initiative and the housing subsidy being a rebranding solution to the housing supplement crisis is a permanent solution to the rental subsidy crisis and if it is regional or municipal; and if not, inquires as to Council putting solutions in place to make it a permanent solution; and concludes by suggesting that the municipality petition the Federal Government to make accessible, affordable housing a human right.

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Moved by: Councillor Bortolin
Seconded by: Councillor Costante

Decision Number: CR153/2022

1. That the report from the Manager of Homelessness & Housing Support regarding the provincial Ministry of Municipal Affairs and Housing's Homelessness Prevention Program (HPP) **BE RECEIVED**.
2. That the Chief Administrative Officer and City Clerk or their designates **BE AUTHORIZED to EXECUTE** the Homelessness Prevention Program Multi-Program Ontario Transfer Payment Agreement(s) and any related amendments and extensions including any current or subsequent programs and program extensions, between the City of Windsor and the Ministry of Municipal Affairs and Housing, provided that the agreement and any related amendments and extensions are in a form satisfactory to the City Solicitor, satisfactory in financial content to the City Treasurer, and technical content to the Executive Director of Housing and Children's Services and the Commissioner of Human & Health Services.
3. That the Commissioner of Human and Health Services **BE AUTHORIZED to EXECUTE and SUBMIT** applications and related submissions and amendments to the Ministry of Municipal Affairs and Housing, or any other Ministry as required, to secure funding related to the Homelessness Prevention Program and any subsequent programs or program extensions, provided they are in a form satisfactory to the City Solicitor, satisfactory in financial content to the City Treasurer, and technical content to the Executive Director of Housing and Children's Services.
4. That the Commissioner of Human and Health Services **BE AUTHORIZED to APPROVE and SUBMIT** annual Investment Plans, subsequent updates, or any other required reports to the Ministry of Municipal Affairs and Housing, or to any other Ministry as required outlining, among other things, how the Homelessness Prevention Program allocation will be utilized in Windsor-Essex, provided that any submission, amendment or reallocation does not exceed the funding provided by the provincial government or as allocated in the approved City budget in each respective year, in consultation with the Manager of Intergovernmental Funding.
5. That the Executive Director of Housing and Children's Services **BE AUTHORIZED to APPROVE and SUBMIT** amendments to the Homelessness Prevention Program Investment Plans, subsequent updates, or any other required reports to the Ministry of Municipal Affairs and Housing over the program duration provided that any submission, amendment or reallocation does not exceed the funding provided by the provincial government or as allocated in the approved City budget in each respective year, in consultation with the Manager of Intergovernmental Funding.
6. That the Executive Director of Housing and Children's Services **BE AUTHORIZED to APPROVE and SUBMIT** Quarterly Reports, Year End Reports, Project Information Forms(s), French Language Service Report(s), and any other documents/reports in a form and format required by the Ministry of Municipal Affairs and Housing over the program duration to remain in

compliance with mandatory reporting requirements under the Homelessness Prevention Program, in consultation with the Manager of Intergovernmental Funding for all financial reports.

7. That the Commissioner of Human and Health Services **BE AUTHORIZED** to **ALLOCATE** funding to supportive housing and/or emergency shelter service providers for acquisition, renovation and/or retrofit projects that adhere to the Homelessness Prevention Program guidelines, and to **EXECUTE**, sign, amend, and terminate agreements to provide such funding to other agencies provided such agreements comply with the Homelessness Prevention Program requirements and are in a form satisfactory to the City Solicitor; satisfactory in financial content to the City Treasurer and satisfactory in technical content to Executive Director of Housing and Children's Services, provided that projects do not exceed the funding allocation provided by the provincial government or as allocated in the approved City budget in each respective year. Recommendations for the City to acquire and retain ownership of any properties to be used as supportive housing and/or emergency shelters, will require Council approval.
8. That the Executive Director of Housing and Children's Services **BE AUTHORIZED** to issue Request for Proposal(s), as required, consistent with the municipal purchasing by-law and requirements established by the Ministry of Municipal Affairs and Housing as required by the Homelessness Prevention Program to hire qualified consultants, acquire additional resources, and select partner or agency support to deliver program components to address needs in Windsor Essex at a cost not to exceed the funding allocation provided by the provincial government or as allocated in the approved City budget in each respective year, as confirmed by the Manager of Intergovernmental Funding.
9. That the Executive Director of Housing and Children's Services **BE AUTHORIZED**, throughout the duration of the Homelessness Prevention Program, to operationalize the program including approving projects, allocating funds, withdraw, negotiate and re-allocate program funds, including re-allocation between the different program components and program recipients, agencies and organizations to maintain and ensure compliance with program rules and criteria, and/or to enable full take-up of program funds, and/or to address housing and homelessness needs in Windsor-Essex provided that any submission, amendment or re-allocation does not exceed the funding allocation provided by the provincial government or as allocated in the approved City budget in each respective year, as confirmed by the Manager of Intergovernmental Funding.
10. That the Commissioner of Human and Health Services **BE AUTHORIZED** to execute, sign, amend, and terminate agreements with Purchase of Service agencies on behalf of the City in accordance with the existing criteria and any changed criteria established by the Ministry of Municipal Affairs and Housing, provided such agreements and documents comply with the Homelessness Prevention Program requirements and are in a form satisfactory to the City Solicitor; satisfactory in financial content to the City Treasurer and satisfactory in technical content to the Executive Director of Housing and Children's Services.

11. That the Commissioner of Human and Health Services **BE AUTHORIZED** to execute, sign, amend, and terminate interim funding agreements with Purchase of Service agencies on behalf of the City to fund such services while awaiting approval from the Ministry of Municipal Affairs and Housing of the 2022 – 2023 Homelessness Prevention Program Investment Plan, provided such agreements and documents comply with the program requirements and are in a form satisfactory to the City Solicitor; satisfactory in financial content to the City Treasurer and satisfactory in technical content to the Executive Director of Housing and Children's Services.
12. That for any Homelessness Prevention Program related agreements that exceed a \$150,000 net City contribution or a \$1,000,000 gross contribution, for which the Commissioner of Human and Health Services is authorized to execute, that in addition to the Commissioner of Human and Health Services, the Chief Administrative Officer and City Clerk or their designates **BE REQUIRED** to sign as a secondary authority.
13. That the Executive Director of Housing and Children's Services **BE AUTHORIZED** to acquire resources and partners to deliver the Homelessness Prevention Program and any affiliated programs, at a cost not to exceed the funding allocation provided by the provincial government or as allocated in the approved City budget in each respective year.

Carried.

Report Number: C 51/2022
Clerk's File: SS/13026

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None presented.

12. CONSIDERATION OF COMMITTEE REPORTS

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

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR155/2022

That the report of the In Camera meeting of Council held April 11, 2022 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2022

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12.2. Adoption of the Development & Heritage Standing Committee minutes of its *Planning Act* Training Session held March 3, 2022

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR156/2022

That the minutes the Development & Heritage Standing Committee of its *Planning Act* Training Session held March 3, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 83/2022

Clerk's File: MB2022

12.3. Special Meeting of Council - In-Camera, March 31, 2022

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR157/2022

That the report of the Special In Camera meeting of Council held March 31, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 93/2022

Clerk's File: ACO2022

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

That the following By-laws No. 60-2022 through 70-2022 (inclusive) be introduced and read a first and second time:

60-2022 A BY-LAW TO AMEND BY-LAW 161-2008 BEING A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT FOR SENIORS WINDSOR FOR THE PROVISION OF A MUNICIPAL CAPITAL FACILITY AT 8787 MCHUGH STREET (**See Item No. 8.6., Report C 52/2022**).

61-2022 A BY-LAW TO AMEND BY-LAW NUMBER 208-2008, BEING A BY-LAW TO DELEGATE TO ADMINISTRATION THE AUTHORITY TO PROCESS, MAKE DECISIONS ON, AND TO EXECUTE AGREEMENTS FOR CERTAIN MATTERS authorized by CR103/2022 dated March 21, 2022.

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62-2022 A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 0.20 METRE WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN PARK STREET AND WYANDOTTE STREET WEST, BETWEEN PELISSIER STREET AND DOUGALL AVENUE, ABUTTING 531 PELISSIER STREET, CITY OF WINDSOR authorized by CR434/2021 dated October 4, 2021.

63-2022 A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 0.20 METRE WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN PARK STREET AND WYANDOTTE STREET WEST, BETWEEN PELISSIER STREET AND DOUGALL AVENUE, ABUTTING 531 PELISSIER STREET, CITY OF WINDSOR authorized by CR434/2021 dated October 4, 2021.

64-2022 A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 4.27 METRE WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN MCKAY AVENUE AND DOMINION BOULEVARD, SOUTHERLY OF LABELLE STREET, CITY OF WINDSOR authorized by CR298/2021 dated July 5, 2021.

65-2022 A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.27 METRE WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN MCKAY AVENUE AND DOMINION BOULEVARD, SOUTHERLY OF LABELLE STREET, CITY OF WINDSOR authorized by CR298/2021 dated July 5, 2021.

66-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR749/1999 dated July 5, 1999

67-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR118/2022 dated March 21, 2022.

68-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR425/2021 dated October 4, 2021.

69-2022 A BY-LAW TO AMEND BY-LAW NUMBER 15-2010 BEING A BY-LAW TO APPOINT CHIEF BUILDING OFFICIAL, DEPUTY CHIEF BUILDING OFFICIALS AND INSPECTORS TO ENFORCE THE *BUILDING CODE ACT* AND REGULATIONS IN WINDSOR authorized by BL 98-2011 s.27.1(l), amended August 2020.

70-2022 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 11th DAY OF APRIL, 2022.
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Bortolin

Seconded by: Councillor Costante

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) Communication Items (as amended)
- 2) Consent Agenda (as amended)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (as presented)
- 5) Committee Reports as presented
- 6) By-laws given first and second readings as presented

Carried.

15. NOTICES OF MOTION

Moved by: Councillor Gignac
Seconded by: Councillor Kaschak

Decision Number: CR158/2022

That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice regarding the ancillary uses of existing or planned cannabis retail locations.

Carried.

Moved by: Councillor Gignac
Seconded by: Councillor Francis

Decision Number: CR159/2022

That City Council **PETITION** the Province of Ontario to clarify that the required Provincial license to sell legal cannabis in Ontario only applies to the sale of approved products regulated directly by the Provincial government (through the OCS or licensed cannabis retail locations) as approved per the original agreements Municipalities debated before signing agreements to opt in or out; and,

That City Council **REQUEST** that any ancillary uses (such as consumption areas) beyond the retail sale must be subject to local zoning and licensing provisions of municipalities to allow for proper planning and public protection; and,

That City Council **FORWARD** this motion to AMO and ask for their assistance to ensure municipalities in Ontario are able to consult with the public and control any ancillary uses of existing or planned cannabis retail locations.

Carried.

Clerks File: GP/13047

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That the By-laws No. 60-2022 through 70-2022 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.
Carried.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. CQ 5-2022

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR160/2022

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

CQ 5-2022:

Assigned to Chief Building Official:

Asks Administration to report back to Council on the appropriateness of adding non-BIA commercial districts as Community Safety Zones in commercial shopping districts that generate similar levels of pedestrian and active transportation activity.

Carried.

Clerk's File: ACOQ2022 & MI2022

21. ADJOURNMENT

Moved by: Councillor Morrison
Seconded by: Councillor Gill

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.
Carried.

Accordingly, the meeting is adjourned at 4:39 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held April 11, 2022 (CR155/2022)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
April 11, 2022

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

Meeting called to order at: 12:08 p.m.

Members in Attendance (in person):

Mayor D. Dilkens
Councillor F. Francis
Councillor F. Costante
Councillor C. Holt
Councillor R. Bortolin
Councillor G. Kaschak
Councillor J. Gignac
Councillor K. McKenzie
Councillor E. Sleiman
Councillor J. Gill

Members in Attendance (electronically):

Councillor J. Morrison

Also in attendance:

J. Mancina, Acting Chief Administrative Officer
D. Cercone, Acting Commissioner, Human and Health Services
C. Nepsy, Commissioner, Infrastructure Services
T. Ardovini, Acting Commissioner, Corporate Services CFO/City Treasurer
S. Askin-Hager, Commissioner, Legal and Legislative Services (virtual)
R. Mensour, Commissioner, Community Services
J. Payne, Commissioner Economic Development and Innovation (virtual)
S. Vlachodimos, City Clerk
A. Teliszewsky, Mayor's Chief of Staff
M. Cooke, Deputy City Planner (virtual)
K. Whittal, Executive Director of Housing
A. Hartley, Senior Legal Counsel
S. Gebauer, Council Assistant
A. Ciacelli, Deputy Clerk

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Verbal Motion is presented by Councillor Gignac, seconded by Councillor Bortolin, that Rule 3.3 (c) of the *Procedure By-law, 98-2011*, BE WAIVED to add the following Agenda items:

5. Legal matter – advice subject to solicitor-client privilege (verbal update)

Motion Carried.

Verbal Motion is presented by Councillor Gignac, seconded by Councillor Bortolin, to move in Camera for discussion of the following item(s), adding Item 5:

<u>Item No.</u>	<u>Subject</u>	Section – Pursuant to Municipal Act, 2001, as amended
1.	Legal/property matter – expropriation settlement	239(2)(e)(f)
2.	Property matter – lease termination	239(2)(c)
	<u>Strategic Planning Session</u>	239(3.1)
3.	Position/plan – negotiations	239(2)(k)
4.	Plan – negotiations – verbal report	239(2)(k)
5.	Legal matter – advice subject to solicitor-client privilege – verbal update – ADDED	239(2)(f)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

Minutes

City Council

Monday, April 11, 2022

Page 27 of 28

Meeting recesses at 2:17 o'clock p.m.

Meeting reconvenes in open session at 4:00 o'clock p.m.

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

Motion Carried.

****SEE NOTE BELOW**

Moved by Councillor Francis, seconded by Councillor Kaschak, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held April 11, 2022 directly to Council for consideration at the next Regular Meeting.

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

2. That the recommendation contained in the in-camera report from Legal Counsel, Lease Administrator, Manager of Real Estate Services, Commissioner, Legal and Legislative Services and Acting Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease termination **BE APPROVED**.

3. That the recommendation contained in the in-camera report from the Acting Commissioner, Human and Health Services and Commissioner of Economic Development and Innovation respecting a position/plan - negotiations **BE APPROVED** and further, that Administration **BE DIRECTED TO PROCEED** in accordance with the verbal instructions of Council.

4. That the confidential verbal report from the Acting Chief Administrative Officer respecting a plan – negotiations **BE RECEIVED**, and further that Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.

Aye votes: Councillors Gignac, Gill, Sleiman, Francis, Kaschak and Mayor Dilkens

Nay votes: Councillors Costante, Morrison, McKenzie, Holt and Bortolin

Absent: none

Abstain: none

**Minutes
City Council
Monday, April 11, 2022**

5. That the confidential verbal update from the Legal Department regarding a legal matter – advice subject to solicitor-client privilege **BE RECEIVED**.

Motion Carried.

**Moved by Councillor Bortolin, seconded by Councillor Costante,
That the special meeting of council held April 11, 2022 BE ADJOURNED.
(Time: 4:01 p.m.)**

Motion Carried.

****CLERK’S NOTE: The transmittal motion and final votes were held in the open session of Council on April 11, 2022**



Correspondence Report: CMC 6/2022

ATTACHMENTS

Subject: Correspondence for April 25, 2022

No.	Sender	Subject
7.1.1.	Member of Parliament – Windsor West	<p>Request for a letter in support of C-248 (An Act to amend the <i>Canada National Parks Act</i>) regarding the Ojibway National Urban Park (NUP)</p> <p>Commissioner, Community Services Commissioner, Infrastructure Services Commissioner, Legal & Legislative Services SR/14270 COUNCIL DIRECTION REQUESTED, otherwise Note & File</p>
7.1.2.	Town of Tecumseh	<p>Notice of the Passing of a Zoning By-law Amendment 2022-022</p> <p>Deputy City Solicitor City Planner Chief Building Official Development Applications Clerk Z2022 Note & File</p>

Item No. 7.1.1.

Brian Masse

Member of Parliament
(Windsor West)



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Windsor

1398 Ouellette Ave. Suite 2
Windsor ON, N8X 1J8
Tel: (519) 255-1631
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www.brianmasse.ca

Ottawa

Room 1000 The Valour Bldg.
House of Commons
Ottawa ON, K1A 0A6
Tel: (613) 996-1541
Fax: (613) 992-5397
brian.masse@parl.gc.ca

April 14, 2022

Honourable Drew Dilkens, Mayor of the City of Windsor
350 City Hall Square West
Windsor, Ontario
Canada
N9A 6S1

Dear Mayor Dilkens,

As you are aware, significant progress has been made in the endeavour to create Ojibway National Urban Park (NUP) over the past several years.

Beginning at a townhall on August 2019 where the idea of Ojibway NUP was formally discussed by many local, national, and international organizations, including Caldwell First Nation, grass roots groups such as Friends of Ojibway, Friends of the Rouge, the Audubon society, the Detroit International Wildlife Refuge, the Wildlands League, scientists, former conservation workers, unions, former city parks directors, and many individual citizens. To the present local consensus of the need to establish Ojibway NUP, significant efforts by many stakeholders was needed to make this happen.

The City of Windsor's leadership has been essential and long standing in the work to protect Ojibway Shores, the universal support at city council with a unanimous vote to support the establishment of Ojibway NUP, to the discussions with other levels of government, and other undertakings to demonstrate its commitment to protecting this unique environmental jewel in our region. The crucial effort during the last federal election to include Ojibway NUP as part of the City's *Platform for Windsor* resulted in all candidates endorsing it, further demonstrating the consensus that has been achieved.

My private members bill C-248, An Act to amend the Canada National Parks Act (Ojibway National Urban Park of Canada), which was introduced this past February, had its first hour of debate and will come to vote on second reading after during the second week in June and then will go to the House of Commons Environment Committee for review. In Canada, the usual procedure for establishing a national park is to add the name and description of the park to a schedule in the Canada National Parks Act which is done by

amending the act which C-248 does. As part of this process of gathering support amongst members of parliament from across all parties, there has been an appreciation of the direct support of the City of Windsor in creating Ojibway NUP and the willingness of the municipality to transfer its local lands to Parks Canada as soon as possible to facilitate its establishment.

Accordingly, as with other supporters of Ojibway NUP from Caldwell First Nation to the Wildlands League, letters of support need to be presented to those members of parliament who wish to examine all aspects of the issue before voting on the bill. While the City has been explicit on its intention and efforts to establish Ojibway NUP, I am requesting a letter from your office in support of C-248 to ensure all members of parliament are clear that Ojibway NUP has broad support from all stakeholders.

I thank you in advance for your time and attention to this matter.

Sincerely,



Brian Masse MP

Windsor West

NDP Innovation, International Trade, Economic Development, and Great Lakes Critic

FORM 1

THE PLANNING ACT, R.S.O. 1990

NOTICE OF THE PASSING OF A ZONING BY-LAW AMENDMENT BY
THE CORPORATION OF THE TOWN OF TECUMSEH

TAKE NOTICE that the Council of the Town of Tecumseh has passed By-law 2022-022 on the 7th day of April, 2022 under Section 34 of the *Planning Act, R.S.O. 1990*;

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf;

AND TAKE NOTICE that no person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party;

AND TAKE NOTICE that to file an appeal to the Ontario Land Tribunal, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection must be filed with the Clerk of the Corporation of the Town of Tecumseh not later than the 2nd day of May, 2022.

Any appeal must be accompanied by a fee of \$1,100 made payable to the Minister of Finance. The Ontario Land Tribunal requires that the payment be in the form of a certified cheque or money order and be accompanied by a completed *Zoning By-law Amendment Appellant Form (A1)* found on-line at:

<https://olt.gov.on.ca/appeals-process/forms/#head2>

or available through the Planning and Building Services Department at Tecumseh Town Hall, 917 Lesperance Road. An Appellant may request a reduction of the filing fee to \$400 if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. The Appeal Fee Reduction Request Form can be found on-line at:

https://olt.gov.on.ca/wp-content/uploads/2021/06/OLT-Fee-Reduction-Request-Form-June-2021_EN.html

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, an explanation of the effect of any public input received, and a key map showing the location of the lands to which the by-law applies, are attached. The complete by-law and any associated information are available for inspection in my office during regular office hours.

DATED at the Town of Tecumseh this 11th day of April, 2022.

Laura Moy, Clerk
Town of Tecumseh
917 Lesperance Road
Tecumseh, Ontario
N8N 1W9

CITY OF WINDSOR
COUNCIL SERVICES

APR 20 2022

RECEIVED

EXPLANATORY NOTE

By-law No. 2022-022 is an amendment to Zoning By-law No. 1746 pertaining to a 719.8 square metre (7,748 square foot) parcel of land situated on the east side of Lesperance Road (292 Lesperance Road), immediately adjacent to the Lesperance Road/Little River intersection (see Key Map below for location).

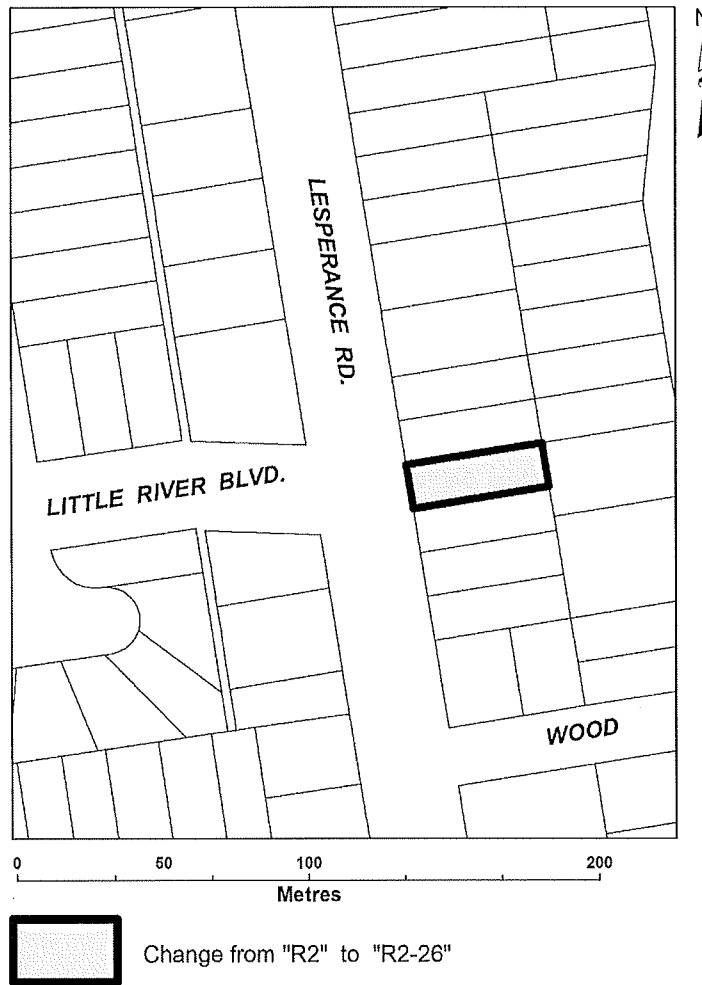
The by-law changes the zoning of the subject property by rezoning the subject property from "Residential Zone 2 (R2)" to "Residential Zone 2 (R2-26)" in order to permit one Attached Additional Residential Unit (ARU) and establish specific zone provisions for the ARU.

In addition the by-law adds definitions of "Additional Residential Unit (ARU), Attached" and "Additional Residential Unit (ARU), Stand-Alone" into Zoning By-law 1746.

Effect of Public Input on Council's Decision

No comments/concerns were received at the associated Public Council Meeting held on March 22, 2022.

KEY MAP





Subject: License Agreement between the City of Windsor and Windsor Salt Ltd. for the construction of brine wells on the Property of Malden Landfill/Park - City Wide

Reference:

Date to Council: April 25, 2022
Author: Kevin Webb
Manager Environmental Quality
(519) 253-7217 ext. 3330
kwebb@citywindsor.ca

Pollution Control
Report Date: April 21, 2022
Clerk's File #: APM/14363

To: Mayor and Members of City Council

Recommendation:

THAT Council **APPROVE** entering into a License Agreement with Windsor Salt Ltd. for the construction and operation of brine wells for salt extraction on the City of Windsor property identified as Malden Landfill/Park; and,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the License Agreement with Windsor Salt Ltd., satisfactory in form to the City Solicitor, satisfactory in technical content to the Commissioner of Infrastructure Services and the Commissioner of Community Services and satisfactory in financial content to the City Treasurer.

Executive Summary:

N/A

Background:

Windsor Salt Ltd. owns the mineral rights underneath the City of Windsor owned property at Malden Landfill/Park and has requested access to this property to develop, construct and produce brine salt operations. The City of Windsor granted Windsor Salt Ltd.'s predecessor corporation mineral rights to salt at the Malden Landfill in a deed dated December 6, 1957 and registered on December 9, 1957 as instrument number 168709. Windsor Salt Ltd. has been operating in the City of Windsor for many years and has provided employment opportunities to the residents of the City of Windsor.

Windsor Salt Ltd. currently operates several brine wells on the City of Windsor owned property at Malden Landfill/Park.

Windsor Salt Ltd. contacted the City of Windsor in spring 2019 to inquire about developing their additional mineral rights on the Property of Malden Landfill/Parks to enhance its brine salt production. In March of 2021, Windsor Salt Ltd. presented to City Council a presentation to describe their request and seek approval for initiating this project. In accordance with Council Resolution **CR118/2021**, Administration has been working with Windsor Salt Ltd. to develop this License Agreement along with many other facets and project planning prior to approval of License Agreement.

CR118/2021

*In recognition of the long history of Windsor Salt Ltd., in the City of Windsor, and the desire to help secure the long-term future of their evaporation plant in Windsor, Windsor City Council **DIRECTS** Administration to continue to work with Windsor Salt Ltd. to identify the best solutions that are most sustainable but also the least disruptive to Windsor citizens for accessing additional salt reserves in the area, and that any future mine expansion proposals come back to Council for consideration and approval.*

Windsor Salt Ltd. has requested to expand their production of brine salt and the City has worked with Windsor Salt Ltd. to apply to the Ministry of the Environment, Conservation and Parks (MECP) for an amendment to the Environmental Compliance Approval (ECA) for Malden Landfill/Park in order to permit the expansion should Council approve the License Agreement. Windsor Salt Ltd. will be responsible for implementing, maintaining, financing any specific recommendation, condition or order provided by the MECP upon approval of the ECA Amendment application. As was completed for the ECA amendment application process, applicable notice and communication will take place with adjacent residents.

Discussion:

Windsor Salt Ltd. contacted the City of Windsor in spring 2019 to inquire about developing their additional mineral rights on the property of Malden Landfill/Parks to enhance its brine salt production. In March of 2021, Windsor Salt Ltd. presented to City Council a presentation to describe their request and seek approval for initiating this project. Windsor Salt Ltd. has requested to be allowed to construct a brine wells within part of the Malden Landfill/Park. Access to these additional wells will increase and sustain production of brine salt for Windsor Salt Ltd. for an extended period of time.

Windsor Salt Ltd. and the City of Windsor staff have worked together to determine the exact specifications for the brine wells and the most suitable location for these brine wells within the Park. The brine well specifications and location of the Licensed Lands

will be approved by the Executive Director of Parks & Facilities or designate prior to construction of the brine wells.

CAO approval was obtained two times in 2021 to enter into a consent to enter agreement with the City.

Should the recommendations contained in this report be approved, the License Agreement will include the installation of brine wells to be used by Windsor Salt Ltd. Windsor Salt Ltd. will be responsible for the maintenance and repair of the brine wells and will indemnify the City against any losses or claims in respect of these brine wells.

The License Agreement will also grant a consent to enter to Windsor Salt Ltd. and its contractors to access the Park and the Licensed Lands in order to construct and operate the brine wells at Windsor Salt Ltd.'s sole cost. The term of the consent to enter will be when Windsor Salt Ltd. ceases mining operations on the site.

Windsor Salt Ltd. will be responsible to repair any disturbance of the lands within the Park, including the Licensed Lands, resulting from the construction of the brine wells and its occupation of the Licensed Lands, to the satisfaction of the Executive Director of Parks & Facilities, or designate, acting reasonably.

There is no cost for the consent to enter however, Windsor Salt Ltd. will be responsible for repairing any damage to the lands within the Park or around the Licensed Lands as a result of its construction of the brine wells and/or use of the Licensed Lands.

Should Windsor Salt Ltd. require hydro or any other utility services, the cost for the installation of utility services and any monthly charges therefore will be the responsibility of Windsor Salt Ltd. and the locations for any such installations will be pre-approved by the Executive Director of Parks & Facilities, or designate. All maintenance costs with respect to the Licensed Lands will also be borne by Windsor Salt Ltd.

Windsor Salt Ltd. will be responsible for ensuring the operations are carried out in a manner protective of the environment. Windsor Salt Ltd. will be required to prevent damage to trees and other flora in the Park, prevent any releases of contaminants or harmful substances and work with regulatory authorities to obtain all applicable environmental permits or approvals including those related to invasive species, species at risk and migratory birds.

As the Licensed Lands are within a City park, Windsor Salt Ltd. will only be able to access the Licensed Lands for regular business during regular park hours, in accordance with City By-law No. 131-2019. The recommendation above also grants Windsor Salt Ltd. a non-exclusive license through the Park during the term, strictly for the purpose of accessing the Licensed Lands.

The principals of Windsor Salt Ltd. have reviewed and agreed to the terms and conditions contained in the License Agreement.

Windsor Salt Ltd. is hopeful that that the ECA amendment will be approved by the MECP. The City of Windsor will have to approve and sign-off on the ECA amendment before Windsor Salt Ltd. can initiate their project. In the event, the ECA is not altered from current (in terms of operations), Administration will proceed to report to council via

a communication document, however, if the changes increase our requirements and reporting and ultimately impact resources, Administration will prepare a report for Council direction. Assuming MECP and City of Windsor approvals, Windsor Salt Ltd. anticipates that work on the project will begin in the Fall of 2022.

Risk Analysis:

The Licensed Lands in the Malden Landfill/Park will be solely used by Windsor Salt Ltd. and access through the Park itself is only open to the public during regular park hours. Risk is mitigated by requiring the Licensee to have sufficient liability insurance coverage. Risk will be further mitigated by including a provision in the License Agreement which requires Windsor Salt Ltd. to indemnify the City for any claims arising from the existence or use of the brine wells constructed. In the case of a license with consent to enter agreement for the Licensed Lands, the level of risk is low and the likelihood of a risk associated event occurring is rare.

Climate Change Risks

Climate Change Mitigation:

The License Agreement itself does not result in any climate change risk.

Climate Change Adaptation:

The License Agreement is for the construction of brine wells ancillary to an established brine salt production within Malden Landfill/Park, and, as such, the climate impact is negligible.

Financial Matters:

There is no license fee. All costs associated with the construction, maintenance and operation of the brine wells within the Malden Landfill/Park will be the responsibility of Windsor Salt Ltd. Additionally, any restoration costs related to the lands within the Malden Landfill/Park or the Licensed Lands will be paid by Windsor Salt Ltd. All future maintenance and repair for the brine wells will be the responsibility of Windsor Salt Ltd.

Consultations:

Kevin Webb, Manager Environmental Quality

Wadah Al-Yassiri, Manager Parks Development

James Chacko, Executive Director Parks & Facilities

James Scott, Manager Parks Operations

Karen Cedar, Naturalist and Outreach Coordinator

Tom Prenney, Biodiversity Coordinator

Gaspar Horvath, City Forester / Manager Forestry and Natural Areas

Mark Nazarewich, Senior Legal Counsel

Alexandra Hartley, Senior Legal Counsel

Chris Nepszy, Commissioner of Infrastructure Services

Muntazir Pardhan, Consultant, Dillon Consulting Limited

Conclusion:

Approval of the above recommendation will allow for Windsor Salt Ltd. to access their mineral rights under the City of Windsor property known as Malden Landfill/Park. A signed License Agreement manages the Corporation's liability and clearly sets out the responsibilities of each party.

Planning Act Matters:

N/A

Approvals:

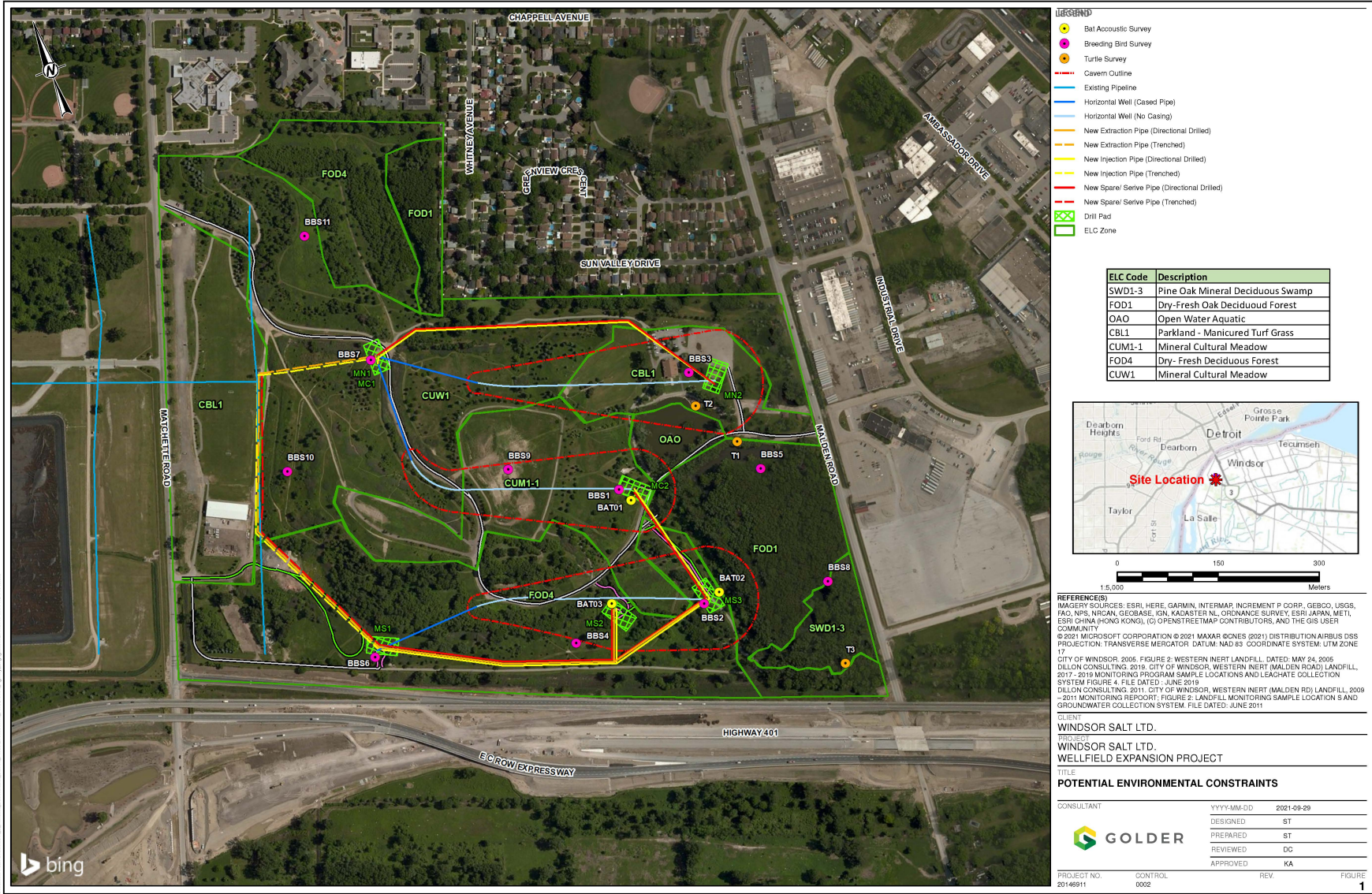
Name	Title
Jake Renaud	Executive Director Pollution Control, Deputy City Engineer
Poorvangi Raval	Manager Performance Measurement & Business Case Development
Chris Nepszy	Commissioner, Infrastructure Services
Ray Mensour	Commissioner, Community Services
Tony Ardovini	Acting Commissioner, Corporate Services CFO / City Treasurer
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
Yasir Anwar	Windsor Salt Ltd.	yanwar@windsorsalt.com

Appendices:

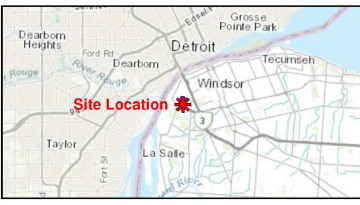
- 1 Appendix - Licensed Lands



LEGEND

- Bat Acoustic Survey
- Breeding Bird Survey
- Turtle Survey
- Cavern Outline
- Existing Pipeline
- Horizontal Well (Cased Pipe)
- Horizontal Well (No Casing)
- New Extraction Pipe (Directional Drilled)
- New Extraction Pipe (Trenched)
- New Injection Pipe (Directional Drilled)
- New Injection Pipe (Trenched)
- New Spare/ Serve Pipe (Directional Drilled)
- New Spare/ Serve Pipe (Trenched)
- Drill Pad
- ELC Zone

ELC Code	Description
SWD1-3	Pine Oak Mineral Deciduous Swamp
FOD1	Dry-Fresh Oak Deciduous Forest
OAO	Open Water Aquatic
CBL1	Parkland - Manicured Turf Grass
CUM1-1	Mineral Cultural Meadow
FOD4	Dry- Fresh Deciduous Forest
CUW1	Mineral Cultural Meadow



REFERENCE(S)
 IMAGERY SOURCES: ESRI HERE, GARMIN, INTERMAP, INCREMENT P CORP., GEBCO, USGS, FAO, NPS, NRCAN, GEBCO, IGN, KADASTER NL, ORDNANCE SURVEY, ESRI JAPAN, METI, ESRI CHINA (HONG KONG), (C) OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY
 © 2021 MICROSOFT CORPORATION © 2021 MAXAR INCORPORATED © 2021 DISTRIBUTION AIRBUS DSS PROJECTION: TRANSVERSE MERCATOR DATUM: NAD 83 COORDINATE SYSTEM: UTM ZONE 17
 CITY OF WINDSOR, 2005. FIGURE 2: WESTERN INERT LANDFILL. DATED: MAY 24, 2005
 DILLON CONSULTING, 2016. CITY OF WINDSOR, WESTERN INERT (MALDEN ROAD) LANDFILL, 2017 - 2018 MONITORING PROGRAM SAMPLE LOCATIONS AND LEACHATE COLLECTION SYSTEM FIGURE 4. FILE DATED: JUNE 2019
 DILLON CONSULTING, 2011. CITY OF WINDSOR, WESTERN INERT (MALDEN RD) LANDFILL, 2009 - 2011 MONITORING REPORT; FIGURE 2: LANDFILL MONITORING SAMPLE LOCATION S AND GROUNDWATER COLLECTION SYSTEM. FILE DATED: JUNE 2011

CLIENT: WINDSOR SALT LTD.
 PROJECT: WINDSOR SALT LTD. WELLFIELD EXPANSION PROJECT
 TITLE: POTENTIAL ENVIRONMENTAL CONSTRAINTS

CONSULTANT	YYYY-MM-DD	2021-09-29
DESIGNED	ST	
PREPARED	ST	
REVIEWED	DC	
APPROVED	KA	

PROJECT NO. 20146911 CONTROL 0002 REV FIGURE 1

BY-LAW NUMBER 71-2022

A PROVISIONAL BY-LAW TO PROVIDE FOR
THE REPAIR AND IMPROVEMENT OF THE
LACHANCE DRAIN

Passed the 25th day of April, 2022.

WHEREAS the Council of The Corporation of the City of Windsor has procured a Drainage Report for the Lachance Drain as prepared by Dillon Consulting Limited, dated April 12, 2022 (“Drainage Report”) which report is attached hereto and forms part of this provisional by-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

WHEREAS the Council of The Corporation of the City of Windsor has procured a Drainage Report for the Lachance Drain as prepared by Dillon Consulting Limited, dated April 12, 2022 (“Drainage Report”) which report is attached hereto and forms part of this provisional by-law;

AND WHEREAS the affected property owners have been given notice of and a public meeting was held on March 14, 2022 to provide the affected property owners an opportunity to comment;

AND WHEREAS the estimated total cost of the drainage works is \$614,000.00;

AND WHEREAS \$581,500.00 is the estimated amount to be contributed by the City of Windsor for the construction of the drainage works in accordance with the Special Benefit in the Schedule of Assessment in the Drainage Report;

AND WHEREAS the Council of The Corporation of the City of Windsor is of the opinion that the repair and improvement of the Lachance Drain is desirable;

THEREFORE the Council of the Corporation of the City of Windsor, pursuant to the provisions of s.45 of the Drainage Act, R.S.O. 1990, hereby enacts as follows:

1. **THAT** the Drainage Report for the New Drain Alignment of a Portion of the Lachance Drain dated April 12, 2022, as prepared by Dillon Consulting Limited, attached hereto as Schedule “A”, is hereby adopted and the drainage works as therein indicated and set forth are hereby approved and shall be completed in accordance therewith.
2. **THAT** The Corporation of the City of Windsor’s share of the cost of the said drainage works in the amount of \$581,500.00 shall be charged against all of the lands in the City of Windsor.

3. **THAT** this By-law shall come into force upon and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - April 25, 2022
Second Reading - April 25, 2022
Third Reading -

DRAINAGE REPORT
FOR THE

NEW DRAIN ALIGNMENT OF A PORTION
OF THE
LACHANCE DRAIN

IN THE
CITY OF WINDSOR &
TOWN OF TECUMSEH



(FINAL)
12 APRIL 2022
MARK D. HERNANDEZ, P.ENG.
DILLON FILE No. 22-3612

Corporation of the City of Windsor
Engineering – Design and Development
350 City Hall Square, Suite 310
Windsor, Ontario
N9A 6S1



Drainage Report for the
NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
In the City of Windsor & Town of Tecumseh

Mayor and Council:

Instructions

The Municipality received a request from Roll No. 090-040-04300 (Pointe East Windsor Ltd.) to repair and improve the Lachance Drain. Council accepted the request under Section 78 of the Drainage Act and on 20 December 2021 appointed Dillon Consulting Limited to prepare a report. The proposed works involves realigning a portion of the existing drain to accommodate a proposed development.

Watershed Description

The Lachance Drain commences along the south side of Intersection Road at Shawnee Road where it flows westerly along a closed channel to approximately the western boundary of Lot 148 where it begins to flow in an open channel until the centre of Lot 140. It then flows southerly for 243 metres. At this point the open channel flows westerly for 797 metres. The open channel drain outlets in to the Little River Drain.

The total length of the drain is approximately 2,442 metres. The watershed area is approximately 82.2 ha (203.1 acres) which consists of approximately 50.9 ha (125.7 acres) within the Town of Tecumseh and 31.3 ha (77.4 acres) within the City of Windsor.

The lands comprising the watershed are under mixed agricultural and residential use. There is little topographic relief. From the Ontario Soil Survey (provided by the Ontario Ministry of Agriculture, Food and Rural Affairs), the principle surficial soil in the study area is described as Brookston Clay. Brookston Clay is characterized as a very slow draining soil type. Most of the agricultural land parcels are systematically tiled.

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

Drain History

The recent history of Engineers' reports for the Lachance Drain follows:

- 3 May 2019 by Mark D. Hernandez, P.Eng.: The report recommended the repair and improvement of the entire drain including brushing, cleaning of existing culverts and the establishment of grass buffer strips.
- 7 September 1988 by Lou Zarlenga, P.Eng.: This report recommends the improvement of the entire drain including the replacement of all culverts. The existing drain including culverts was found to be in disrepair. Further, a proposed residential development at the upstream end of the Lachance Drain required the improvements which were in addition to the maintenance activities. The report included a recommendation that all excess excavated material be trucked away.
- 3 August 1968 by C.G.R. Armstrong, P.Eng.: This report recommended cleaning of the drain to address accumulated sediment.

On-Site Meeting

An on-site meeting was held on 14 March 2022. A record of this meeting is provided in Schedule 'A-1', which is appended hereto.

Survey

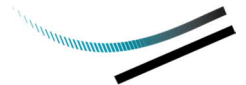
Our survey was carried out on 3 March 2022. The survey is comprised of the recording of topographic data in the location of proposed new drain.

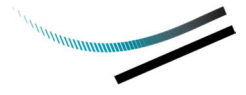
Design Considerations

The Design and Construction Guidelines published by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) recommends that open drainage systems and farm crossings serving farmlands be designed to effectively contain and convey the peak runoff generated from a storm event having a frequency of occurrence of 1 in 2 years. The new open drain has been designed to have the same conveyance capacity as the existing drain.

In addition, we have reviewed the performance of the realigned drain during a 1:100 year storm event and have found that the hydraulic grade lines are reduced by approximately 0.03m. We have also reviewed the Little River Floodplain Mapping Study which is currently being completed and have found that the revised drain alignment does not fall within an existing floodplain.

We believe that these design standards should provide a reasonable level of service, but it should be clearly understood that runoff generated from large storms or fast snow melts may sometimes exceed the capacity of the proposed systems and result in surface ponding for short periods of time.





Allowances

In accordance with Sections 29 and 30 of the Drainage Act, we have made a determination of the amount to be paid for damages to the lands and crops (if any) occasioned by the operation of equipment and the disposal of material excavated from the drain. We have not provided a land allowance since the lands occupied by the abandoned drain when filled will become re-usable and no longer encumbered. Where the existing drain is infilled, the regained land will offset the land used for the new alignment and the grass buffer strips. Therefore, no Section 29 allowances have been provided in this report.

For affected lands which are presently occupied by the abandoned Lachance Drain, we have not provided a damage allowance since the said lands occupied by the abandoned drain when filled in become re-usable and are no longer encumbered. For the lands which may be disturbed during the drain excavation works, we have recommended the restoration to original or better than original conditions in lieu of providing a damage allowance.

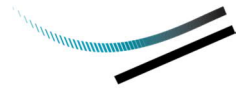
Recommendations and Cost Estimate

We recommend the existing drain segment between Station 0+797 and Station 1+706 be replaced with a new drain alignment to accommodate a new land development. The overall length of the realignment is approximately 1,030 metres comprised of an open channel. The proposed open drain shall have a 1.5 metre bottom width with 1.5:1 side slopes so as not to decrease the habitat footprint that the existing drain currently provides and to promote bank stability.

The drain realignment is to be constructed off-line of the existing drain. The banks of the new open channel shall be fully vegetated and stabilized with stone erosion protection prior to connecting the new alignment and infilling the existing drain.

In regards to existing farm tile drainage, it shall be the responsibility of the landowner to provide for the relocation and extension thereof which presently outlet into the drain section to be abandoned. The new outlets into the realigned drain are entirely at the landowner's expense. Where existing farm tiles are directly crossed by the new drain alignment, the Contractor shall be required to provide a new outlet into the realigned drain.

Based on our review of the history, the information obtained during the site meeting and our examination and analysis of the survey data, we recommend that the New Drain Alignment of a Portion of the Lachance Drain be repaired and improved as described below:



Item	Description	Amount
	<u>OPEN DRAIN WORK</u>	
1.	Brushing within existing drain channel from Station 0+797 to Station 1+706 including disposal by stockpiling and burning on adjacent agricultural lands or by trucking off-site.	\$2,500.00
2.	Strip topsoil full depth (minimum 300 mm thickness) over the entire drain realignment cross section width prior to drain excavation (approximately 11,500 m ²). All topsoil materials shall be deposited on the lands adjacent to the working corridor and kept separate from drain excavation materials.	\$23,000.00
3.	Excavate new open drain along proposed alignment, approximately 1,030 lineal metres, Station 0+788A to Station 1+818A (approximately 17,720 m ³) including trucking to temporary stockpile area on south side of abandoned Lachance Drain.	\$240,000.00
4.	Removal and restoration of existing chainlink fence at Station 0+788A to accommodate drain construction.	\$1,000.00
5.	Remove all vegetation and organic materials from existing drain channel cross section prior to infilling drain. Fill existing drain channel, Station 0+797 to Station 1+706, including compaction (approximately 8,730 m ³).	\$70,000.00
6.	Placement of existing topsoil including fine grading over the following:	
	a) On top of the old drain course at 300 mm depth (approximately 7,800 m ²).	\$15,600.00
	b) On new drain banks at 50 mm depth (approximately 13,600 m ²).	\$27,200.00
7.	Removal and disposal of existing culverts, as follows:	
8.	a) Bridge No. 3-1350 mm diameter, 9.2 m long	\$1,500.00



Item	Description	Amount
	b) Bridge No. 4-1300 mm diameter, 13.9 m long	\$1,500.00
9.	Hydraulic seeding (bonded fibre matrix) of new re-aligned drain channel including 1 metre grass buffer on both sides and full bank slopes from Station 0+788A to 1+818A (approximately 14,630 m ²).	\$102,000.00
10.	Supply and installation of stone erosion protection (minimum 300 mm thickness), as follows:	
	a) Drain bank erosion protection on both banks at Station 0+788A (approximately 135 m ²).	\$10,800.00
	b) Drain bank erosion protection on both banks at bend at Station 1+414A to Station 1+433A (approximately 240 m ²).	\$19,200.00
	c) Drain bank erosion protection on both banks at bend at Station 1+775A to Station 1+818A (approximately 490 m ²).	\$39,000.00
11.	Excavation of a 300 mm deep and 2.0 m wide bottom, refuge stilling pool in the channel below the design gradeline (6 m long) immediately downstream of new drain alignment. Also included is a 300 mm thick stone rip rap lining complete with filter fabric underlay.	\$1,600.00
12.	Temporary silt control measures during construction	\$800.00
	SUB-TOTAL – EXCLUDING SECTION 26 COSTS	\$555,700.00
13.	Survey, report, assessment and final inspection (cost portion)	\$23,500.00
14.	Expenses and incidentals (cost portion)	\$1,500.00
15.	ERCA application, review and permit fee	<u>\$800.00</u>
	TOTAL ESTIMATE – LACHANCE DRAIN	\$581,500.00

The estimate provided in this report excludes applicable taxes and was prepared according to current materials and installation prices as of the date of this report. In the event of delays from the time of filing of the report by the Engineer to the time of tendering the work, it is understood that the estimate of

cost is subject to inflation. The rate of inflation shall be calculated using the Consumer Price Index applied to the cost of construction from the date of the report to the date of tendering.

Assessment of Costs

The individual assessments are comprised of three (3) assessment components:

- i. Benefit (*advantages relating to the betterment of lands, roads, buildings, or other structures resulting from the improvement to the drain*).
- ii. Outlet Liability (*part of cost required to provide outlet for lands and roads*).
- iii. Special Benefit (*additional work or feature that may not affect function of the drain*).

We have assessed the estimated costs against the affected lands and roads as listed in Schedule 'C' under "Value of Special Benefit", "Value of Benefit" and "Value of Outlet." Details of the Value of Special Benefit listed in Schedule 'C' are provided in Schedule 'D'.

Assessment Rationale

Special Benefit assessments shown in Schedule 'C' were derived as follows:

1. As the proposed works are directly a result of the proposed development and the entire drain was repaired and improved in 2019, the realignment costs and all associated construction and engineering costs for preparation and consideration of this report shall be assessed 100% against the landowner (Pointe East Windsor Ltd.) of Roll No. 090-040-04300.

Utilities

It may become necessary to temporarily or permanently relocate utilities that may conflict with the construction recommended under this report. In accordance with Section 26 of the Drainage Act, we assess any relocation cost against the public utility having jurisdiction. Under Section 69 of the Drainage Act, the public utility is at liberty to do the work with its own forces, but if it should not exercise this option within a reasonable time, the Municipality will arrange to have this work completed and the costs will be charged to the appropriate public utility.



Future Maintenance

After completion, the new drain alignment shall be maintained by the City of Windsor for the respective portion of drain located within the municipality at the expense of the lands and road herein assessed in Schedule E," and in the same relative proportions subject, of course, to any variations that may be made under the authority of the Drainage Act. The assessments are based on an arbitrary amount of \$10,000.00.

We recommend that the costs of future works of repair and maintenance of the New Alignment of a Portion of the Lachance Drain be carried out as described below:

1. For tile main outlet repairs including stone erosion protection as required, at the location of the said main tile outlets, the Drainage Superintendent and/or Engineer may direct the contractor to make these repairs at the expense of the landowner. Private tile repairs shall be assessed 100% against the property on which the said tile exists.
2. Bank failure repairs caused by surface water inlets on abutting lands along the drain shall be assessed 100% to the abutting landowner.

Drawings and Specifications

Attached to this report is Schedule 'F', which are specifications setting out the details of the recommended works and Schedule 'G' which represent the drawings that are attached to this report.

Page 1 of 5: Overall Watershed Plan

Page 2 of 5: Detail Plan

Page 3 of 5: Profile

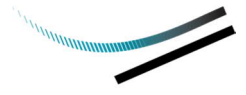
Page 4 of 5: Cross Sections

Page 5 of 5: Miscellaneous Details

Approvals

The construction and/or improvement to drainage works, including repair and maintenance activities, and all operations connected there are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced by the proposed works. Prior to any construction or maintenance works, the Municipality or proponent designated on the Municipality's behalf shall obtain

all required approvals/permits and confirm any construction limitations including timing windows, mitigation/off-setting measures, standard practices or any other limitations related to in-stream works.



Grants

In accordance with the provisions of Sections 85, 86 and 87 of the Drainage Act, a grant in the amount of 33-1/3 percent of the assessment eligible for a grant may be made in respect to the assessment made under this report upon privately owned lands used for agricultural purposes (eligible for farm tax credit). The assessments levied against privately owned agricultural land must also satisfy all other eligibility criteria set out in the Agricultural Drainage Infrastructure Program policies. In this particular circumstance, the entire cost of the work will be levied against Pointe East Windsor Ltd. and therefore, none of the assessed cost is eligible for a grant from the Ministry of Agriculture, Food and Rural Affairs. We are not aware of any lateral drains involved in this work that would not be eligible for a grant. We recommend that application be made to the Ontario Ministry of Agriculture and Food in accordance with Section 88 of the Drainage Act, for this grant, as well as for all other grants for which this work may be eligible.

Respectfully submitted,

DILLON CONSULTING LIMITED

Mark D. Hernandez, P.Eng.

MDH: wlb

Our File: 22-3612



Meeting Minutes

Subject: Realignment of the Lachance Drain
 Date: March 14, 2022
 Location: Virtual Conference Call
 Our File: 22-3612
 Distribution: Distribution

Attendees

Sam Paglia	Drainage Superintendent, Town of Tecumseh
Andrew Dowie	Drainage Superintendent, City of Windsor
Mark Fishleigh	County of Essex
Boro Samcevic	Landowner
Anna Franck	Landowner
Frank Gresch	Landowner
Mark Hernandez	Dillon Consulting Ltd.
Oliver Moir	Dillon Consulting Ltd.

Notes

Item	Discussion	Action by
1.	Andrew Dowie provided a brief introduction to the project.	
2.	Mark Hernandez provided the following information on the project:	
2.1.	The proposed realignment of the drain is to be along Banwell Road and the railway with the purpose of opening the Pointe East lands for development.	
2.2.	The realigned drain will have the same or better performance than the existing drain.	
2.3.	The report will have an expedited timeline. It is anticipated the report will be submitted this month for consideration where notices for the Meeting to Consider along with the report will be sent to landowners.	
2.4.	The survey has been completed.	
2.5.	The report will include drain history, design considerations, a cost estimate of the proposed work, drawings, specifications and details of how the cost of the work and future work will be assessed.	
2.6.	Since the proposed work is for the benefit of Pointe East Windsor Ltd. only, and the drain was just recently maintained and paid for by the watershed, no cost will be assessed to upstream lands.	
2.7.	There will be two (2) assessment schedules, one for capital costs and one for future maintenance.	
2.8.	The future maintenance schedule for the drain will show the proportions of the cost that upstream landowners will be required to pay.	
3.	Mark Hernandez acknowledged there have been many drainage works on the	

Item	Discussion	Action by
4.	Lachance Drain and that it is solely due to timing of landowners requests. Anna Franck commented on lots of flooding on both sides of Banwell Road. What are the plans for stormwater management for future development?	
4.1.	Mark Hernandez responded that additional flows require a stormwater management plan that has to be submitted to the City for review and approval.	
5.	Boro Samcevic asked if this report was for a development?	
5.1.	Mark Hernandez responded 'yes'.	
6.	Boro Samcevic asked if this report was upgrading the drain for the developer's benefit?	
6.1.	Mark Hernandez responded that the relocation of the drain is for the developer's benefit.	
7.	Boro Samcevic asked if we will be receiving more documents and notices of meetings?	
7.1.	Andrew Dowie indicated that the notice for the Meeting to Consider and the final report will be mailed out to landowners prior to the target date of April 26.	
8.	Boro Samcevic asked who pays the future maintenance assessments should the landowner change?	
8.1.	Mark Hernandez identified that all assessments are tied to the property, not the property owner.	

Errors and/or Omissions

These minutes were prepared by Oliver Moir who should be notified of any errors and/or omissions.

"SCHEDULE C"
SCHEDULE OF ASSESSMENT
REALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
CITY OF WINDSOR & TOWN OF TECUMSEH

CITY OF WINDSOR

PRIVATELY-OWNED - AGRICULTURAL LANDS

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
090-040-04300	3	Plan 65 Lot 13-18 Pt. Lot 12	44.43	17.98	Pointe East Windsor Limited	\$581,500.00	\$0.00	\$0.00	\$581,500.00
Total on Privately-Owned - Agricultural Lands.....						\$581,500.00	\$0.00	\$0.00	\$581,500.00
TOTAL ASSESSMENT (City of Windsor)						\$581,500.00	\$0.00	\$0.00	\$581,500.00

	(Acres)	(Ha.)
Total Area:	44.43	17.98

"SCHEDULE D"
DETAILS OF SPECIAL BENEFIT
REALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
CITY OF WINDSOR

SPECIAL BENEFIT ASSESSMENT
(AGRICULTURAL LANDS NON - GRANTABLE)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
090-040-04300	Pointe East Windsor Ltd.	Costs associated with realignment of the drain	\$555,700.00	\$25,800.00	\$581,500.00
Total Special Benefit Assessment (Agricultural Lands Non-Grantable).....			\$555,700.00	\$25,800.00	\$581,500.00
OVERALL TOTAL SPECIAL BENEFIT ASSESSMENT					\$581,500.00

"SCHEDULE E"
SCHEDULE OF ASSESSMENT FOR FUTURE MAINTENANCE
REALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
CITY OF WINDSOR & TOWN OF TECUMSEH

CITY OF WINDSOR

MUNICIPAL LANDS:

Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
Banwell Road	2.45	0.99	City of Windsor	\$0.00	\$468.00	\$306.00	\$774.00
Total on Municipal Lands.....				\$0.00	\$468.00	\$306.00	\$774.00

PRIVATELY-OWNED - AGRICULTURAL LANDS (GRANTABLE)

Roll No.	Con.	Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
090-040-04300	3	Plan 65 Lot 13-18 Pt. Lot 12	44.43	17.98	Pointe East Windsor Limited	\$0.00	\$1,018.00	\$1,104.00	\$2,122.00
090-040-03700	3	N. Pt. Lot 141	21.35	8.64	Pointe East Windsor Limited	\$0.00	\$322.00	\$345.00	\$667.00
090-040-03600	3	N. Pt. Lot 140	9.19	3.72	Pointe East Windsor Limited	\$0.00	\$137.00	\$126.00	\$263.00
Total on Privately-Owned - Agricultural Lands (Grantable).....						\$0.00	\$1,477.00	\$1,575.00	\$3,052.00

TOTAL ASSESSMENT (City of Windsor)				\$0.00	\$1,945.00	\$1,881.00	\$3,826.00	
			(Acres)	(Ha.)				
Total Area:			77.42	31.33				

TOWN OF TECUMSEH

MUNICIPAL LANDS:

Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
Block 'A'							
Roads	6.08	2.46	Town of Tecumseh	\$0.00	\$156.00	\$753.00	\$909.00
Lands	18.66	7.55	Town of Tecumseh	\$0.00	\$286.00	\$1,390.00	\$1,676.00
Intersection Road	2.84	1.15	Town of Tecumseh	\$0.00	\$73.00	\$353.00	\$426.00
Total on Municipal Lands.....				\$0.00	\$515.00	\$2,496.00	\$3,011.00

PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
570-45990	2	Pt. Lot 146 RP12A4263 Pt. 1	1.68	0.68	Heather & Daniel Smith	\$0.00	\$12.00	\$59.00	\$71.00
570-46100	3	Pt. Lot 145 RP12R10430 Pt. 2	2.37	0.96	Jean & Alec Fauteux	\$0.00	\$14.00	\$68.00	\$82.00
570-46150	2	Pt. Lot 145 RP12R10430 Pt. 1	0.99	0.40	Emelie & David Pedro	\$0.00	\$10.00	\$49.00	\$59.00
570-46200	3	N. Pt. Lot 144 RP12R11521 Pt. 3	0.82	0.33	Georgeo Ahad	\$0.00	\$10.00	\$48.00	\$58.00
570-46202	3	Pt. Lot 144 RP12R21404 Pts. 1&2	0.59	0.24	Veerpal & Tejpal Sanghera	\$0.00	\$8.00	\$41.00	\$49.00
570-46203	3	Pt. Lot 144 RP12R11521 Pts. 4&5	0.79	0.32	Lisa & John Sisti	\$0.00	\$10.00	\$47.00	\$57.00
570-46205	3	Pt. Lot 144 RP12R11521 Pts. 6&7	0.79	0.32	Dobrivoje Vukovic	\$0.00	\$10.00	\$47.00	\$57.00
570-34700 (Severed Parcel)	3	Pt. Lot 148	0.55	0.22	Clement & Jeannette Lachance	\$0.00	\$8.00	\$39.00	\$47.00
Total on Privately-Owned - Non-Agricultural Lands.....						\$0.00	\$82.00	\$398.00	\$480.00

PRIVATELY-OWNED - AGRICULTURAL LANDS (GRANTABLE)

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
570-45902	2	Lot 147&148 RP12R1064 Pt. 2	6.47	2.62	2034053 Ontario Limited	\$0.00	\$33.00	\$161.00	\$194.00
570-45950	2	Pt. Lot 146 RP12R4263 Pt. 2 RP12R5826 Pts. 1&2	6.00	2.43	1486044 Ontario Limited	\$0.00	\$31.00	\$149.00	\$180.00
570-45930	2	W. Pt. Lot 147 RP12R8571 Pt. 1	6.18	2.50	1486044 Ontario Limited	\$0.00	\$32.00	\$153.00	\$185.00
570-34700	3	Pt. Lot 148	19.22	7.78	Clement & Jeannette Lachance	\$0.00	\$98.00	\$478.00	\$576.00
570-34550	3	Pt. Lot 147 RP12R13756 Pt. 2	16.31	6.60	Clement Lachance	\$0.00	\$83.00	\$405.00	\$488.00
570-34500	3	N. Lot 144 to N. Pt. Lot 147 RP12R13756 Pt. 1	35.38	14.32	Eugene Lachance	\$0.00	\$181.00	\$879.00	\$1,060.00

Roll No.	Con.	Description	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
Total on Privately-Owned - Agricultural Lands (Grantable).....						\$0.00	\$458.00	\$2,225.00	\$2,683.00
TOTAL ASSESSMENT (Town of Tecumseh)						\$0.00	\$1,055.00	\$5,119.00	\$6,174.00
			(Acres)	(Ha.)					
Total Area:			125.72	50.88					
OVERALL TOTAL ASSESSMENT (City of Windsor & Town of Tecumseh).....						\$0.00	\$3,000.00	\$7,000.00	\$10,000.00
			(Acres)	(Ha.)					
Total Area:			203.14	82.21					

"SCHEDULE F"
DRAINAGE REPORT FOR THE
NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
IN THE CITY OF WINDSOR & TOWN OF TECUMSEH

SPECIAL PROVISIONS - GENERAL

1.0 GENERAL SPECIFICATIONS

The General Specifications attached hereto is part of "Schedule F." It also forms part of this specification and is to be read with it, but where there is a difference between the requirements of the General Specifications and those of the Special Provisions which follow, the Special Provisions will take precedence.

2.0 DESCRIPTION OF WORK

The work to be carried out under this Contract includes, but is not limited to, the supply of all labour, equipment and materials to complete the following items:

OPEN DRAIN WORK

- Brushing within existing drain channel from Station 0+797 to Station 1+706 including disposal by stockpiling and burning on adjacent agricultural lands or by trucking off-site.
- Strip topsoil full depth (minimum 300 mm thickness) over the entire drain realignment cross section width prior to drain excavation (approximately 11,500 m²). All topsoil materials shall be deposited on the lands adjacent to the working corridor and kept separate from drain excavation materials.
- Excavate new open drain along proposed alignment, approximately 1,030 lineal metres, Station 0+788A to Station 1+818A (approximately 17,720 m³).
- Removal and restoration of existing chainlink fence at Station 0+788A to accommodate drain construction.
- Remove all vegetation and organic materials from existing drain channel cross section prior to infilling drain. Fill existing drain channel, Station 0+797 to Station 1+706, including compaction (approximately 8,730 m³).
- Placement of existing topsoil including fine grading over the following:
 - On top of the old drain course at 300 mm depth (approximately 7,800 m²).
 - On new drain banks at 50 mm depth (approximately 12,600 m²).

- Removal and disposal of existing culverts, as follows:
 - Bridge No. 3-1350 mm diameter, 9.2 m long
 - Bridge No. 4-1300 mm diameter, 13.9 m long
- Hydraulic seeding of new re-aligned drain channel including 1 metre grass buffer on both sides and full bank slopes from Station 0+788A to 1+833A (approximately 14,630 m²).
- Supply and installation of stone erosion protection (minimum 300 mm thickness), as follows:
 - Drain bank erosion protection on both banks at Station 0+788A (approximately 135 m²).
 - Drain bank erosion protection on both banks at bend at Station 1+414A to Station 1+433A (approximately 240 m²).
 - Drain bank erosion protection on both banks at bend at Station 1+775A to Station 1+818A (approximately 490 m²).
- Excavation of a 300 mm deep and 2.0 m wide bottom, refuge stilling pool in the channel below the design gradeline (6 m long) immediately downstream of new drain alignment. Also included is a 300 mm thick stone rip rap lining complete with filter fabric underlay.
- Temporary silt control measures during construction

3.0 ACCESS TO THE WORK

Access to the existing drain from Station 1+040 to Station 1+706 and the new alignment from Station 0+800A to 1+818A shall be from the west side of Banwell Road (just south of Bridge No. 5). The Contractor shall make his/her own arrangements for any additional access for his/her convenience. All road areas and grass lawn areas disturbed shall be restored to original conditions at the Contractor's expense. From Station 0+720 to Station 0+800 access to the drain shall be through property Roll No. 090-040-03502 (City of Windsor). The Contractor shall limit activity to be within the working corridors. The existing fence is to be temporarily removed and reinstated following the work. Any damage to the fence is to be at Contractor's expense.

4.0 WORKING AREA

For the repair and improvement of the Lachance Drain, the working corridor shall be 12 metres north of the north top of bank from Station 0+788A to Station 1+423A which includes the 1.0 metre grass buffer strip. From Station 1+423A to Station 1+818A the

working corridor shall be 12 metres west of the west top of bank which includes the 1.0 metre grass buffer strip. From Station 1+040 to Station 1+706 on the existing drain the existing 9 metre working corridor on the south side of the drain shall be widened to 25 metres to accommodate the stockpiled material. From Station 0+788 to Station 1+040 on the existing drain the working corridor shall be 9 metres on the east side of the drain on Roll No. 090-040-03600 (Pointe East Windsor Ltd.) to accommodate the filling in of the existing drain. The excess material shall be temporarily stockpiled along the 25 m wide corridor or in an alternative location as agreed to by the Drainage Superintendent and landowner. Banwell Road shall remain open during the construction period and traffic control (found in General Specifications) maintained at all times. Temporary lane closures will only be considered with the approval of the Road Authority.

FROM STA.	TO STA.	PRIMARY (See Note 1)	SECONDARY (See Note 2)
0+788A	1+423A	12 m wide on north side of drain	Sanitary sewer easement on the south side of drain
1+423A	1+818A	12 m wide on west side of drain	Road Conveyance Corridor on east side of drain

Note 1: *Primary working corridor* indicates the access corridor along the side of the drain where excavation and levelling is recommended (unless noted otherwise below and/or in the specifications, as well as all purposes listed for Secondary Working Corridors).

Note 2: *Secondary working corridor* indicates the access corridor alongside the drain where construction equipment may travel for the purpose of trucking, drain bank repairs, tile inlet repairs, surface water inlet repairs, grass buffer strips and other miscellaneous works.

No disposal of fill or levelling of materials shall be permitted within a secondary working corridor. As further specified, use of this secondary working corridor may be further restricted due to site condition. Read all specifications, drawings and/or notes before completing works.

*Note: *In the event that a landowner owns the property on both sides of the drain, the landowner can choose which side of the drain to place the spoil. The landowner should advise the Drainage Superintendent of their preference of spoil placement before improvements to the drain are made so that the Drainage Superintendent can notify the Contractor in advance. If the landowner selects the opposite side from the identified working corridor, the contractor may temporarily use the selected side of the drain. The permanent working corridor will remain as identified in this report until revised through a future report under the Act.*

SPECIAL PROVISIONS – OPEN DRAIN

5.0 BRUSHING

Brushing shall be carried out on the entire drain within the above identified sections of the drain where required and as specified herein. All brush and trees located within the drain side slopes shall be cut parallel to the side slopes, as close to the ground as practicable. Tree branches that overhang the drain shall be trimmed. Small branches and limbs are to be disposed of by the Contractor along with the other brush. Tree stumps, where removed to facilitate the drain excavation and reshaping of the drain banks, may be burned by the Contractor where permitted; otherwise, they shall be disposed of, off the site. The Contractor shall make every effort to preserve mature trees which are beyond the drain side slopes, and the working corridors. If requested to do so by the Drainage Superintendent, the Contractor shall preserve certain mature trees within the designated working corridors (see Section 4.0).

Except as specified herein, all brush and trees shall be stockpiled adjacent to the drain within the working corridors. Stockpiles shall not be less than 100 m apart and shall be a minimum of 2.0 m from the edge of the drain bank. All brush, timber, logs, stumps, large stones or other obstructions and deleterious materials that interfere with the construction of the drain, as encountered along the course of the drain are to be removed from the drain by the Contractor. Large stones and other similar material shall be disposed of by the Contractor off the site.

Following completion of the work, the Contractor is to trim up any broken or damaged limbs on trees which remain standing, disposing of the branches cut off along with other brush and leaving the trees in a neat and tidy condition. Brush and trees removed from the working area are to be put into piles by the Contractor, in locations where they can be safely burned, and to be burned by the Contractor after obtaining the necessary permits, as required. If, in the opinion of the Drainage Superintendent, any of the piles are too wet or green to be burned, he shall so advise the Contractor to haul away the unburned materials to an approved dump site. Prior to, and during the course of burning operations, the Contractor shall comply with the current guidelines prepared by the Air Quality Branch of the Ontario Ministry of Environment and shall ensure that the Environmental Protection Act is not violated. Since the trees and brush that are cut off flush with the earth surface may sprout new growth later, it is strongly recommended that the Municipality make arrangements for spraying this new growth at the appropriate time so as to kill the trees and brush.

As part of this work, the Contractor shall remove any loose timber, logs, stumps, large stones or other debris from the drain bottom and from the side slopes. Timber, logs, stumps, large stones or other debris shall be disposed of off-site.

6.0 NEW OPEN DRAIN CONSTRUCTION

6.1 Setting Out

Benchmarks are provided on the attached drawings. From these benchmarks, the Contractor will do his own setting out. The setting out by the Contractor shall include but shall not be limited to the preparation of grade sheets, the installation of centreline stakes, grade stakes, offsets, and sight rails.

If, during the setting out, the Contractor finds a discrepancy in the benchmarks provided by the Engineer in the attached drawings, or is uncertain as to the interpretation of the information provided or the work intended, he shall notify the Engineer immediately for additional verification or clarification before proceeding with construction.

The Contractor shall be responsible for the true and proper setting out of the works and for the correctness of the position, levels, dimensions and alignment of all parts of the work. The Contractor shall take every precaution and to ensure that the property limit is clearly and regularly marked and to have its accuracy confirmed by a professional land surveyor prior to constructing any part of the new drain.

If, at any time during the progress of the works, an error shall appear or arise in the position, levels, dimensions or alignment of any part of the works, the Contractor shall, at his own expense, rectify such error to the satisfaction of the Engineer, unless such error is based on incorrect data supplied in writing by the Engineer.

6.2 Profile and Excavation of New Drain Construction

Excavation shall be carried out in accordance with the profile shown on the drawings for the drain relocation. In all cases, the Contractor shall use the benchmarks to establish the proposed grade. However, for convenience, the drawings provide the approximate depth from the surface of the ground and from the existing drain bottom to the proposed grades. The Contractor shall not excavate deeper than the gradelines shown on the drawings.

Should over excavation of the drain bank occur, the Contractor will not be permitted to repair with native material packed into place by the excavator and re-shaped. Should over excavation occur, the Contractor will be required to have a bank repair detail engineered by a Professional Engineer (hired by the Contractor), to ensure long term stability of the bank is maintained. Such repairs shall be subject to approval by the Engineer and will be at no extra cost to the item.

All excavation work shall be done in such a manner as to not harm any vegetation or trees, not identified in this report or by the Drainage Superintendent for clearing. Any damages to trees or vegetation caused by the Contractors work shall be rectified to the satisfaction of the Drainage Superintendent. The Contractor shall exercise caution around existing tile outlets and shall confirm with the property owners that all tiles have been located and tile ends repaired as specified.

6.3 Topsoil Stripping, Salvaging and Re-use on new drain banks

Prior to any drain excavation from Station 0+788A to Station 1+818A, the topsoil shall be stripped across a minimum 12 m width over the proposed new drain location (1,030 m length) and temporarily stockpiled within the designated working corridors. Drain excavation materials shall be stockpiled separately. The salvaged topsoil shall be trucked within the working corridor where it can be later spread and levelled to a minimum 50 mm thickness on the banks of the newly constructed drain alignment and on the existing filled in drain to a minimum 300 mm thickness. It is anticipated that the amount of topsoil stripped will be greater than the amount required to fully dress the banks of the new drain alignment, however if needed, the Contractor may elect to import screened topsoil to complete the work at their expense. Excess topsoil shall not be removed from the site.

6.4 Construction of relocated drain portion offline

The Contractor shall construct the realigned Lachance Drain offline from Station 0+788A continuing upstream to Station 1+818A and stopping short of and without connecting into the abandoned Lachance Drain at Station 0+788. The purpose of the off line drain construction is to fully establish a grass lined channel and stabilize the banks to minimize erosion and sediment transport once the off-line drain is subsequently connected. Over this time period, the abandoned Lachance Drain shall remain open and drainage maintained through the original alignment.

During the construction of the off-line drain, the temporary stockpiled materials along the east and south sides of the abandoned Lachance Drain shall be placed no closer than 2 m from the edge of the drain. Openings to be provided within the stockpiled windrow where necessary to ensure surface drainage is maintained. Prior to constructing the off-line drain, the rock flow check dam shall be installed across the bottom of the drain in accordance with specification OPSD 219.211.

6.5 Stone erosion protection on new drain banks

Stone erosion protection at the drain bend locations, where specified, shall be constructed at same time as the new channel excavation between Station 0+788A and Station 1+818A.

6.6 Filling and Levelling of Abandoned Lachance Drain

Native soil materials excavated from the new Lachance Drain alignment shall be used to fill the portion of the abandoned Lachance Drain original alignment. The work may proceed once approval has been given to connect the offline relocated Lachance Drain at Station 1+818A. Prior to the infilling of the open drain, the Contractor shall remove all vegetation, organic debris and topsoil from the existing drain. The native materials used to fill the drain shall be placed in maximum 250 mm loose lifts and compacted with a sheepsfoot type compaction equipment capable of achieving 95% of the maximum standard proctor density or better. For any existing lateral and main tile outlets that may exist within abandoned Lachance Drain, the Contractor shall mark them for future relocation. The relocation of lateral drain tiles is the responsibility of the landowner.

7.0 STONE EROSION PROTECTION (SEP)

The Contractor shall supply and install the required quantities of graded stone rip-rap erosion protection materials where specified. All stone to be used for erosion protection shall be 125 - 250 mm clear quarried rock or OPSS 1001 placed over a non-woven filter fabric Terrafix 270R or approved equivalent. Concrete rip-rap will not be permitted.

The minimum thickness requirement of the erosion stone layer is 300 mm with no portion of the filter fabric to be exposed.

8.0 ROCK CHECK DAM

Rock check dam shall be installed at the downstream end of the proposed works prior to commencing construction. The location and exact dimensions of the rock check dam will be confirmed with the Drainage Superintendent prior to installation. Installation shall be in accordance with OPSD 219.211 with the modifications to size as discussed with the Drainage Superintendent.

The rock check dam will not be removed until vegetation is established in the new channel or as directed by the Drainage Superintendent.

9.0 HYDRAULIC SEEDING OF DRAIN BANKS ON NEW DRAIN CHANNEL

The newly established drain banks and all existing grassed areas disturbed by construction shall be hydraulic mulch seeded as specified herein. The surface shall be predominantly fine and free from weeds and other unwanted vegetation. All other loose surface litter shall be removed and disposed of.

Bonded Fibre Matrix shall consist of thermally refined wood fibers and 10% cross-linked hydro-colloidal tackifiers. It should be 100% biodegradable. The curing period shall be not more than 48 hours. Bonded Fibre Matrix shall be hydraulically applied and after application be capable of adhering to the soil. In a dry state, shall be comprised of not

less than 70% by weight of long, stranded wood fibres held together by organic or mineral bonding agents or both.

Bonded Fibre Matrix shall be applied at a minimum rate of 3,700 kg of dry product per 10,000 m². It shall be thoroughly mixed with water in a hydraulic seeder and mulcher at a rate of 20-30 kg of dry product to 500-600 litres of water to form a homogeneous slurry. Refer to OPSS.PROV 804 for specifications.

Seeding and mulching shall be a one step process in which the seed, fertilizer and hydraulic mulch are applied simultaneously in a water slurry via the hydraulic seeder/mulcher. The materials shall be added to the supply tank while it is being loaded with water. The materials shall be thoroughly mixed into a homogeneous water slurry and shall be distributed uniform, cohesive mat over the prepared surface. The materials shall be measured by mass or by a mass-calibrated volume measurement, acceptable to the Drainage Superintendent.

The hydraulic seeder/mulcher shall be equipped with mechanical agitation equipment capable of mixing the materials into a homogenous state until applied. The discharge pumps and gun nozzles shall be capable of applying the material uniformly. Grass seed shall be Canada No. 1 grass seed mixture meeting the requirements of a Waterway Slough Mixture as supplied by Growmark or approved equal, as follows:

Creeping Red Fescue	20%
Meadow Fescue	30%
Tall Fescue	30%
Timothy	10%
White Clover	10%

Bags shall bear the label of the supplier indicating the content by species, grade and mass. Seed shall be applied at a rate of 200 kg per 10,000 m². Fertilizer shall be 8-32-16 applied at 350 kg per 10,000 m². It shall be in granular form, dry, free from lumps and in bags bearing the label of the manufacturer, indicating mass and analysis. The hydraulic seeding shall be deemed "Completed by the Contractor" when the seed has established in all areas to the satisfaction of the Engineer. Re-seeding and/or other methods required to establish the grass will be given consideration to achieve the end result and the costs shall be incidental to the works.

GENERAL SPECIFICATIONS

1.0 AGREEMENT AND GENERAL CONDITIONS

The part of the Specifications headed "Special Provisions" which is attached hereto forms part of this Specification and is to be read with it. Where there is any difference between the requirements of this General Specification and those of the Special Provisions, the Special Provisions shall govern.

Where the word "Drainage Superintendent" is used in this specification, it shall mean the person or persons appointed by the Council of the Municipality having jurisdiction to superintend the work.

Tenders will be received and contracts awarded only in the form of a lump sum contract for the completion of the whole work or of specified sections thereof. The Tenderer agrees to enter into a formal contract with the Municipality upon acceptance of the tender. The General Conditions of the contract and Form of Agreement shall be those of the Stipulated Price Contract CCDC2-Engineers, 1994 or the most recent revision of this document.

2.0 EXAMINATION OF SITE, PLANS AND SPECIFICATIONS

Each tenderer must visit the site and review the plans and specifications before submitting his/her tender and must satisfy himself/herself as to the extent of the work and local conditions to be met during the construction. Claims made at any time after submission of his/her tender that there was any misunderstanding of the terms and conditions of the contract relating to site conditions, will not be allowed. The Contractor will be at liberty, before bidding to examine any data in the possession of the Municipality or of the Engineer.

The quantities shown or indicated on the drawings or in the report are estimates only and are for the sole purpose of indicating to the tenderers the general magnitude of the work. The tenderer is responsible for checking the quantities for accuracy prior to submitting his/her tender.

3.0 MAINTENANCE PERIOD

The successful Tenderer shall guarantee the work for a period of one (1) year from the date of acceptance thereof from deficiencies that, in the opinion of the Engineer, were caused by faulty workmanship or materials. The successful Tenderer shall, at his/her own expense, make good and repair deficiencies and every part thereof, all to the satisfaction of the Engineer. Should the successful Tenderer for any cause, fail to do so, then the Municipality may do so and employ such other person or persons as the Engineer may deem proper to make such repairs or do such work, and the whole costs,

charges and expense so incurred may be deducted from any amount due to the Tenderer or may be collected otherwise by the Municipality from the Tenderer.

4.0 GENERAL CO-ORDINATION

The Contractor shall be responsible for the coordination between the working forces of other organizations and utility companies in connection with this work. The Contractor shall have no cause of action against the Municipality or the Engineer for delays based on the allegation that the site of the work was not made available to him by the Municipality or the Engineer by reason of the acts, omissions, misfeasance or non-feasance of other organizations or utility companies engaged in other work.

5.0 RESPONSIBILITY FOR DAMAGES TO UTILITIES

The Contractor shall note that overhead and underground utilities such as hydro, gas, telephone and water are not necessarily shown on the drawings. It is the Contractor's responsibility to contact utility companies for information regarding utilities, to exercise the necessary care in construction operations and to take other precautions to safeguard the utilities from damage. All work on or adjacent to any utility, pipeline, railway, etc., is to be carried out in accordance with the requirements of the utility, pipeline, railway, or other, as the case may be, and its specifications for such work are to be followed as if they were part of this specification. The Contractor will be liable for any damage to utilities.

6.0 CONTRACTOR'S LIABILITY

The Contractor, his/her agents and all workmen or persons under his/her control including sub-contractors, shall use due care that no person or property is injured and that no rights are infringed in the prosecution of the work. The Contractor shall be solely responsible for all damages, by whomsoever claimable, in respect to any injury to persons or property of whatever description and in respect of any infringement of any right, privilege or easement whatever, occasioned in the carrying on of the work, or by any neglect on the Contractor's part.

The Contractor, shall indemnify and hold harmless the Municipality and the Engineer, their agents and employees from and against claims, demands, losses, costs, damages, actions, suits, or proceedings arising out of or attributable to the Contractor's performance of the contract.

7.0 PROPERTY BARS AND SURVEY MONUMENTS

The Contractor shall be responsible for marking and protecting all property bars and survey monuments during construction. All missing, disturbed or damaged property bars and survey monuments shall be replaced at the Contractor's expense, by an Ontario Land Surveyor.

8.0 MAINTENANCE OF FLOW

The Contractor shall, at his/her own cost and expense, permanently provide for and maintain the flow of all drains, ditches and water courses that may be encountered during the progress of the work.

9.0 ONTARIO PROVINCIAL STANDARDS

Ontario Provincial Standard Specifications (OPSS) and Ontario Provincial Standard Drawings (OPSD) shall apply and govern at all times unless otherwise amended or extended in these Specifications or on the Drawing. Access to the electronic version of the Ontario Provincial Standards is available online through the MTO website, free of charge to all users. To access the electronic standards on the Web, go to <http://www.mto.gov.on.ca/english/transrd/>. Under the title Technical Manuals is a link to the Ontario Provincial Standards. Users require Adobe Acrobat to view all pdf files.

10.0 APPROVALS, PERMITS AND NOTICES

The construction of the works and all operations connected therewith are subject to the approval, inspection, by-laws and regulations of all Municipal, Provincial, Federal and other authorities having jurisdiction in respect to any matters embraced in this Contract. The Contractor shall obtain all approvals and permits and notify the affected authorities when carrying out work in the vicinity of any public utility, power, underground cables, railways, etc.

11.0 SUBLETTING

The Contractor shall keep the work under his/her personal control, and shall not assign, transfer, or sublet any portion without first obtaining the written consent of the Municipality.

12.0 TIME OF COMPLETION

The Contractor shall complete all work on or before the date fixed at the time of tendering. The Contractor will be held liable for any damages or expenses occasioned by his/her failure to complete the work on time and for any expenses of inspection, superintending, re-tendering or re-surveying, due to their neglect or failure to carry out the work in a timely manner.

13.0 TRAFFIC CONTROL

The Contractor will be required to control vehicular and pedestrian traffic along roads at all times and shall, at his/her own expense, provide for placing and maintaining such barricades, signs, flags, lights and flag persons as may be required to ensure public safety. The Contractor will be solely responsible for controlling traffic and shall appoint a representative to maintain the signs and warning lights at night, on weekends and

holidays and at all other times that work is not in progress. All traffic control during construction shall be strictly in accordance with the Occupational Health and Safety Act and the current version of the Ontario Traffic Manuals. Access to the electronic version of the Ontario Traffic Manual is available online through the MTO website, free of charge to all users. To access the electronic standards on the Web, go to <http://www.mto.gov.on.ca/english/transrd/>, click on "Library Catalogue," under the "Title," enter "Ontario Traffic Manual" as the search. Open the applicable "Manual(s)" by choosing the "Access Key," once open look for the "Attachment," click the pdf file. Users require Adobe Acrobat to view all pdf files.

Contractors are reminded of the requirements of the Occupational Health and Safety Act pertaining to Traffic Protection Plans for workers and Traffic Control Plan for Public Safety.

14.0 SITE CLEANUP AND RESTORATION

As part of the work and upon completion, the Contractor shall remove and dispose of, off-site any loose timber, logs, stumps, large stones, rubber tires, cinder blocks or other debris from the drain bottom and from the side slopes. Where the construction works cross a lawn, the Contractor shall take extreme care to avoid damaging the lawn, shrubs and trees encountered. Upon completion of the work, the Contractor shall completely restore the area by the placement and fine grading of topsoil and seeding or sodding the area as specified by the Engineer or Drainage Superintendent.

15.0 UTILITY RELOCATION WORKS

In accordance with Section 26 of the Drainage Act, if utilities are encountered during the installation of the drainage works that conflict with the placement of the new culvert, the operating utility company shall relocate the utility at their own costs. The Contractor however will be responsible to co-ordinate these required relocations (if any) and their co-ordination work shall be considered incidental to the drainage works.

16.0 FINAL INSPECTION

All work shall be carried out to the satisfaction of the Drainage Superintendent for the Municipality, in compliance with the specifications, drawings and the Drainage Act. Upon completion of the project, the work will be inspected by the Engineer and the Drainage Superintendent.

Any deficiencies noted during the final inspection shall be immediately rectified by the Contractor.

Final inspection will be made by the Engineer within 20 days after the Drainage Superintendent has received notice in writing from the Contractor that the work is completed, or as soon thereafter as weather conditions permit.

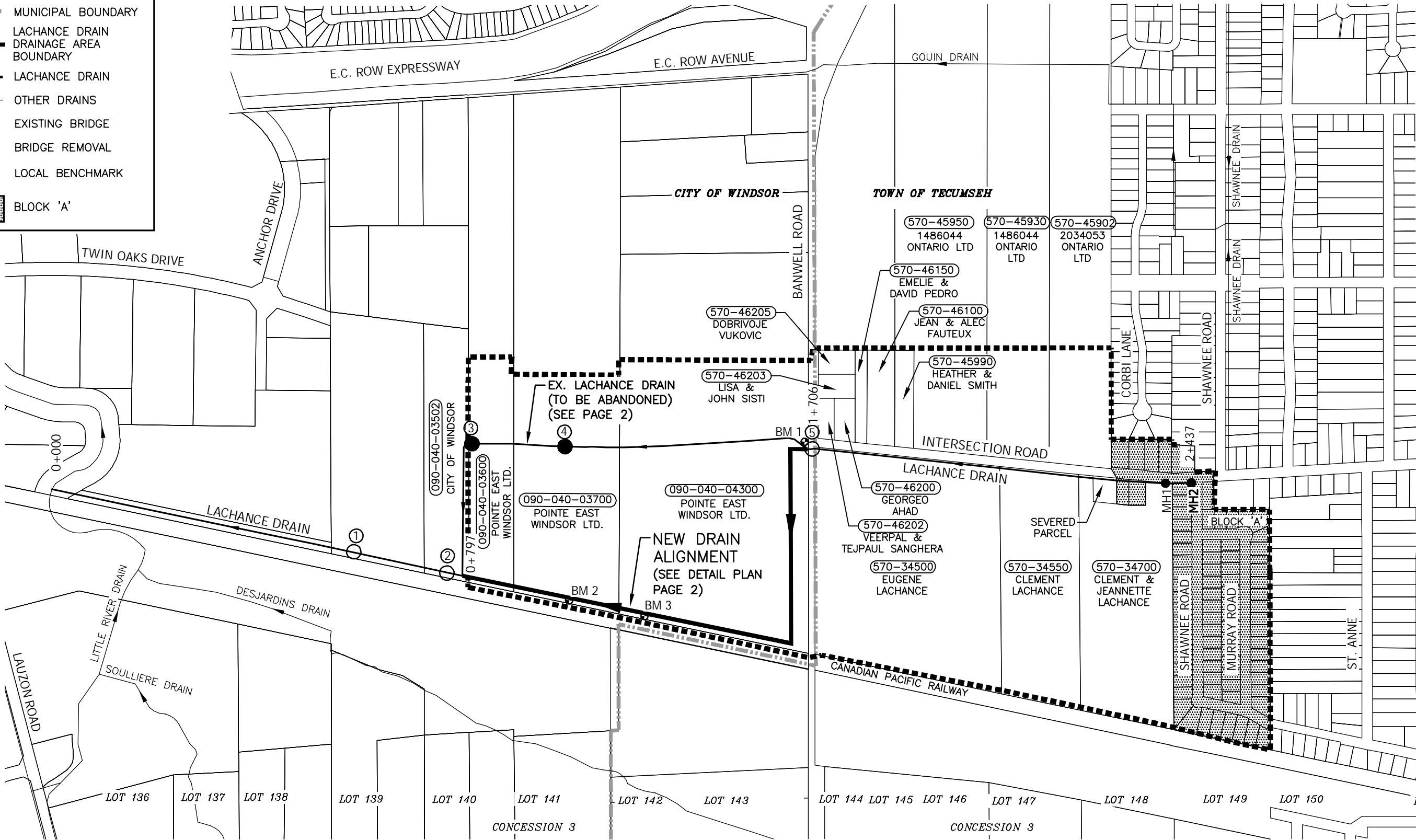
17.0 FISHERIES CONCERNS

Standard practices to be followed to minimize disruption to fish habitat include embedment of the culvert a minimum 10% below grade, constructing the work 'in the dry' and cutting only trees necessary to do the work (no clear-cutting). No in-water work is to occur during the timing window unless otherwise approved by the appropriate authorities.

Apr 12, 2022 - 1:28pm C:\pwworking\directory\projects\2022\dillon_33\wb\dms08904\223612-03-DRN-CON.dwg

LEGEND

- MUNICIPAL BOUNDARY
- - - LACHANCE DRAIN DRAINAGE AREA BOUNDARY
- LACHANCE DRAIN
- OTHER DRAINS
- EXISTING BRIDGE
- BRIDGE REMOVAL
- ⊕ LOCAL BENCHMARK
- ▨ BLOCK 'A'



WATERSHED PLAN
SCALE=1:7,500

'SCHEDULE G'



Conditions of Use

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Do not scale dimensions from drawing.

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DESIGN	MDH	REVIEWED BY	CDP
DRAWN	WLB	CHECKED BY	TRO
DATE	April 12, 2022		
SCALE	AS SHOWN		
No.	Consolidated Agenda City Council Meeting April 25, 2022		

PROJECT NO.	22-3612
DRAWING SCALES BASED ON	ON A 11" X 17" SHEET

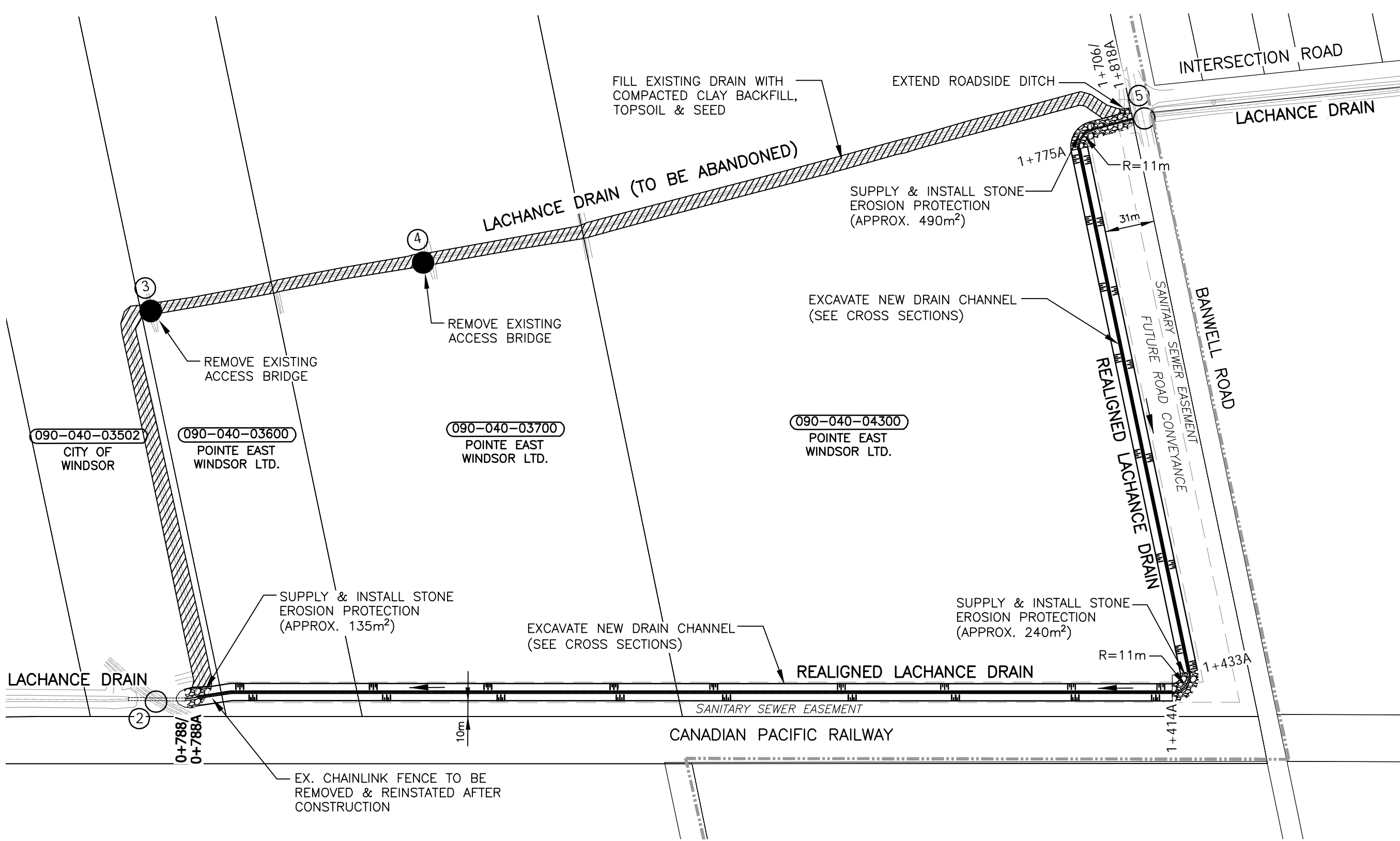


Drainage Report for the
NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
City of Windsor & Town of Tecumseh

SHEET TITLE
OVERALL WATERSHED PLAN

PAGE NO.
1 of 5

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DETAIL
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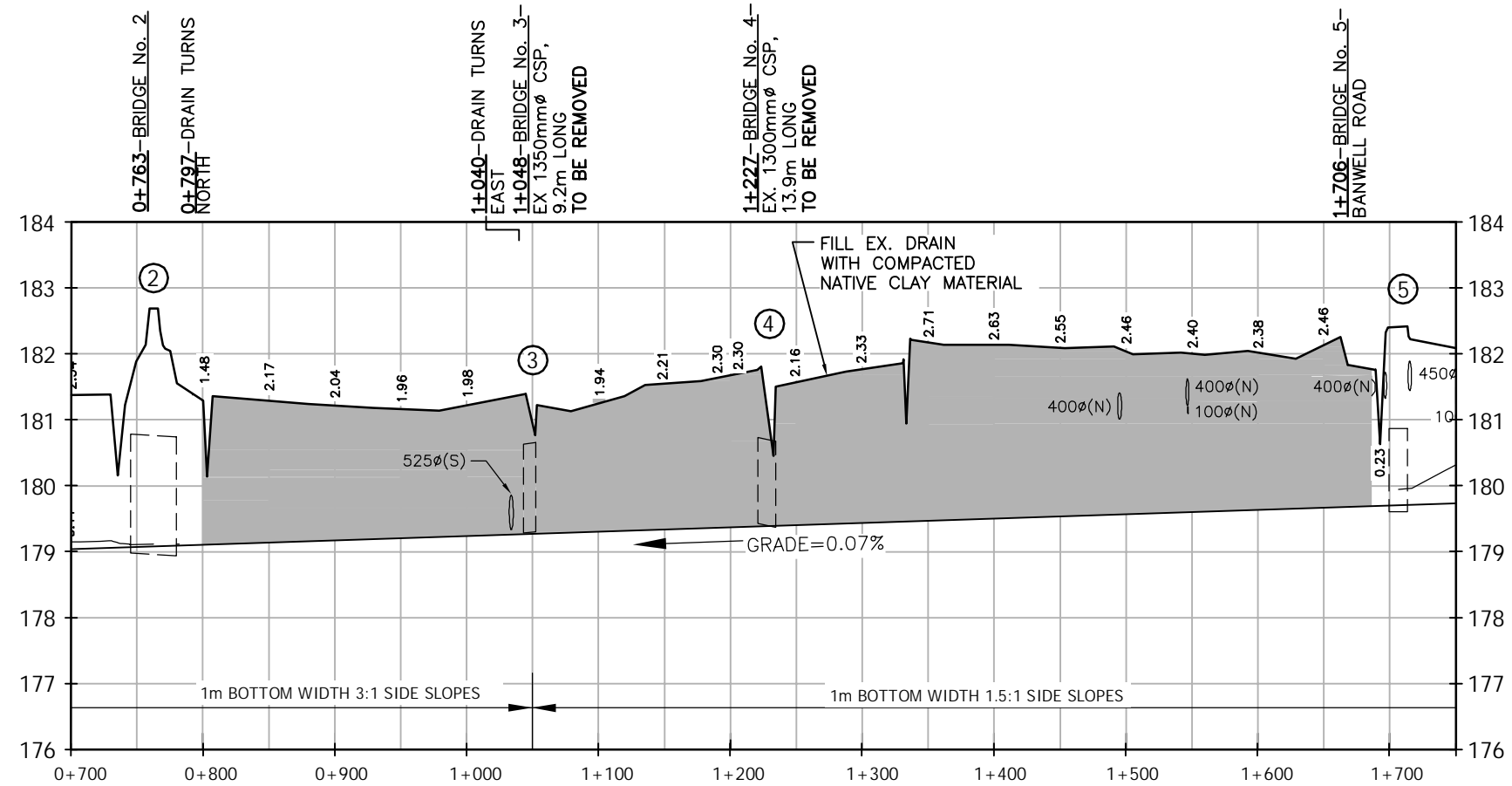
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No.	1	FINAL REPORT SUBMISSION	APR. 12/22	MDH
Consolidated Agenda - City Council Meeting April 25, 2022				

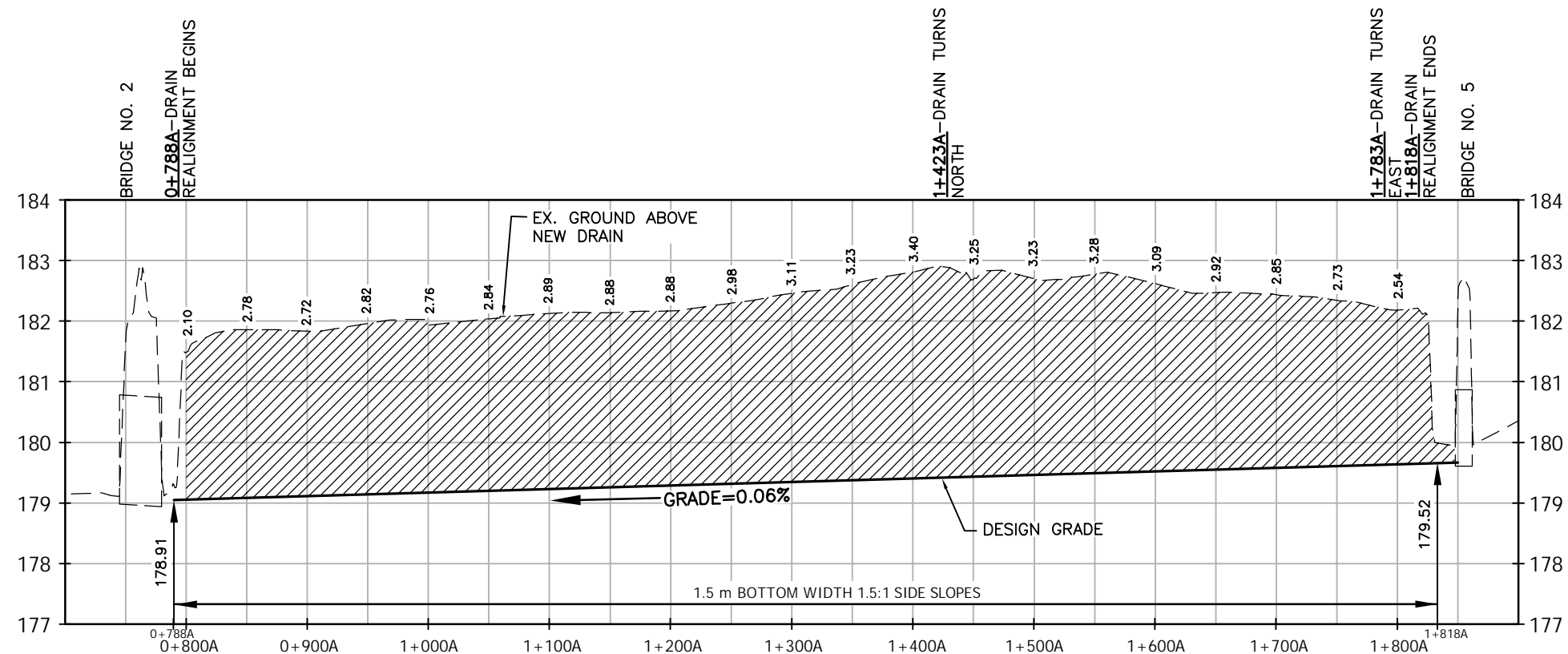
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DRAWN	WLB	CHECKED BY	TRO
DATE	April 12, 2022		
SCALE	AS SHOWN		

PROJECT NO. 22-3612
DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G' Drainage Report for the NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN City of Windsor & Town of Tecumseh	
SHEET TITLE	DETAIL PLAN
PAGE NO.	2 of 5



EXISTING PROFILE
SCALE-HORIZ.=1:5,000
VERT.=1:100



PROPOSED REALIGNED PROFILE
SCALE-HORIZ.=1:5,000
VERT.=1:100

'SCHEDULE G'



Conditions of Use

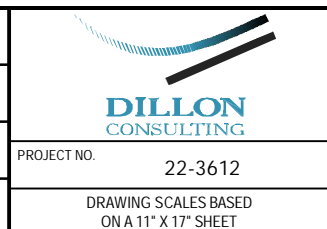
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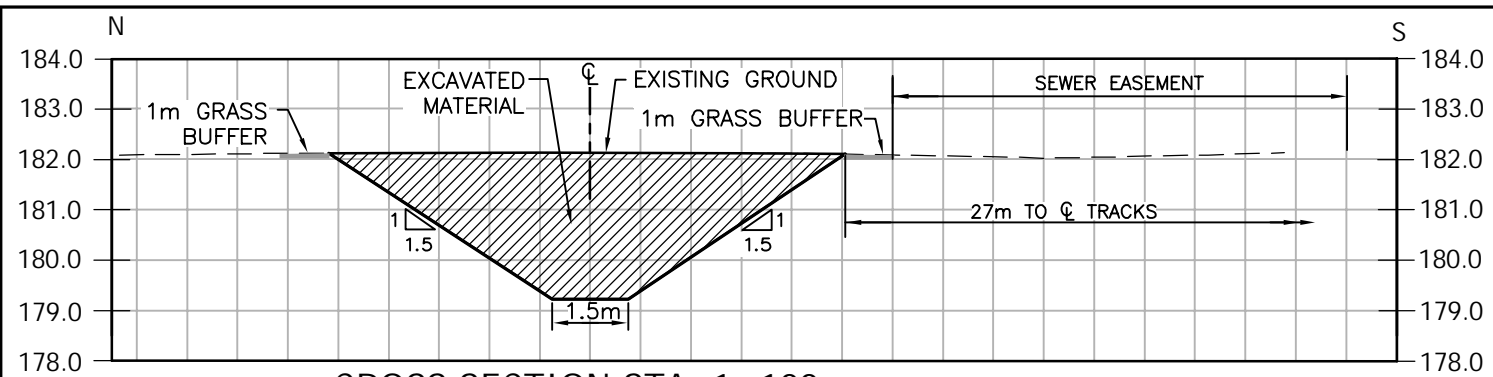
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Consolidated Agenda		City Council Meeting April 25, 2022	

PROJECT NO.	22-3612
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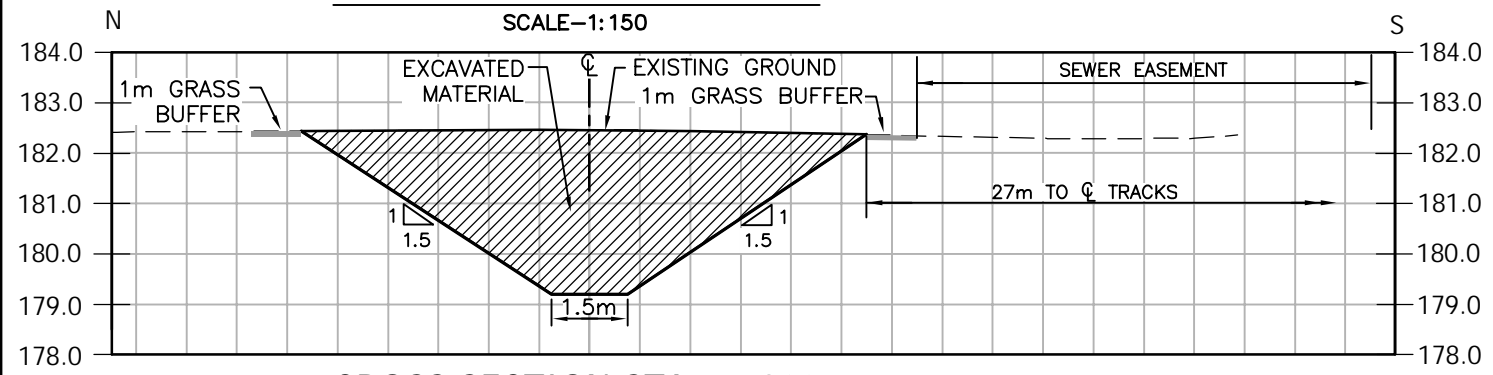


Drainage Report for the NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN City of Windsor & Town of Tecumseh	
SHEET TITLE PROFILE	
PAGE NO.	3 of 5



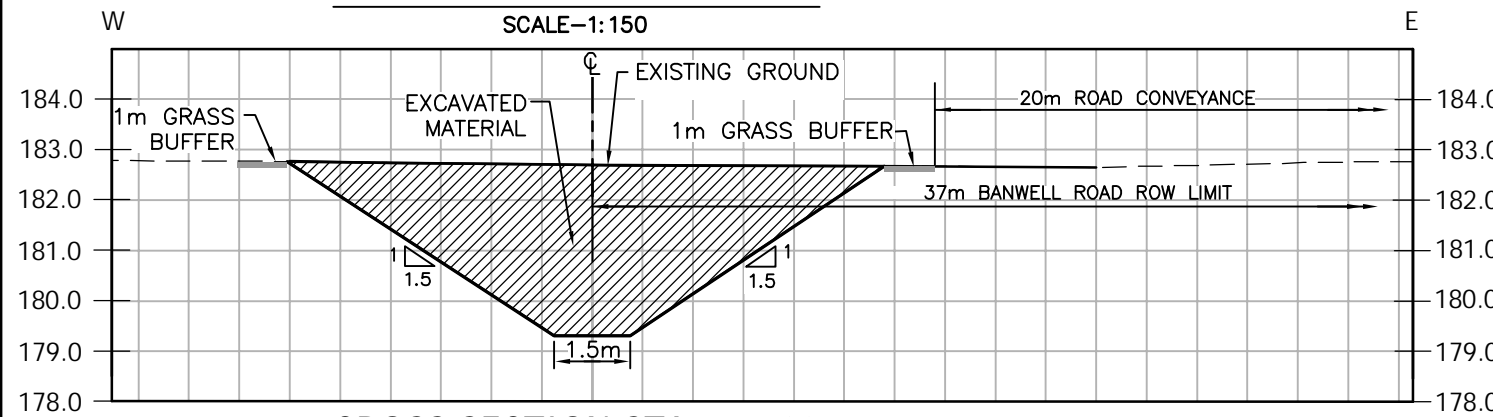
CROSS SECTION STA. 1+100

SCALE-1:150



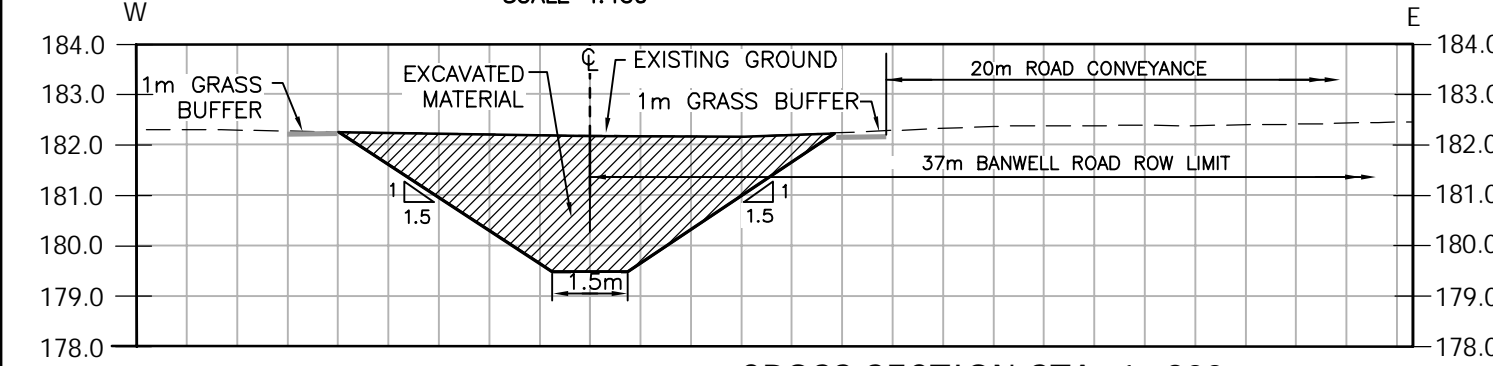
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SCALE-1:150



CROSS SECTION STA. 1+500

SCALE-1:150



CROSS SECTION STA. 1+800

SCALE-1:150

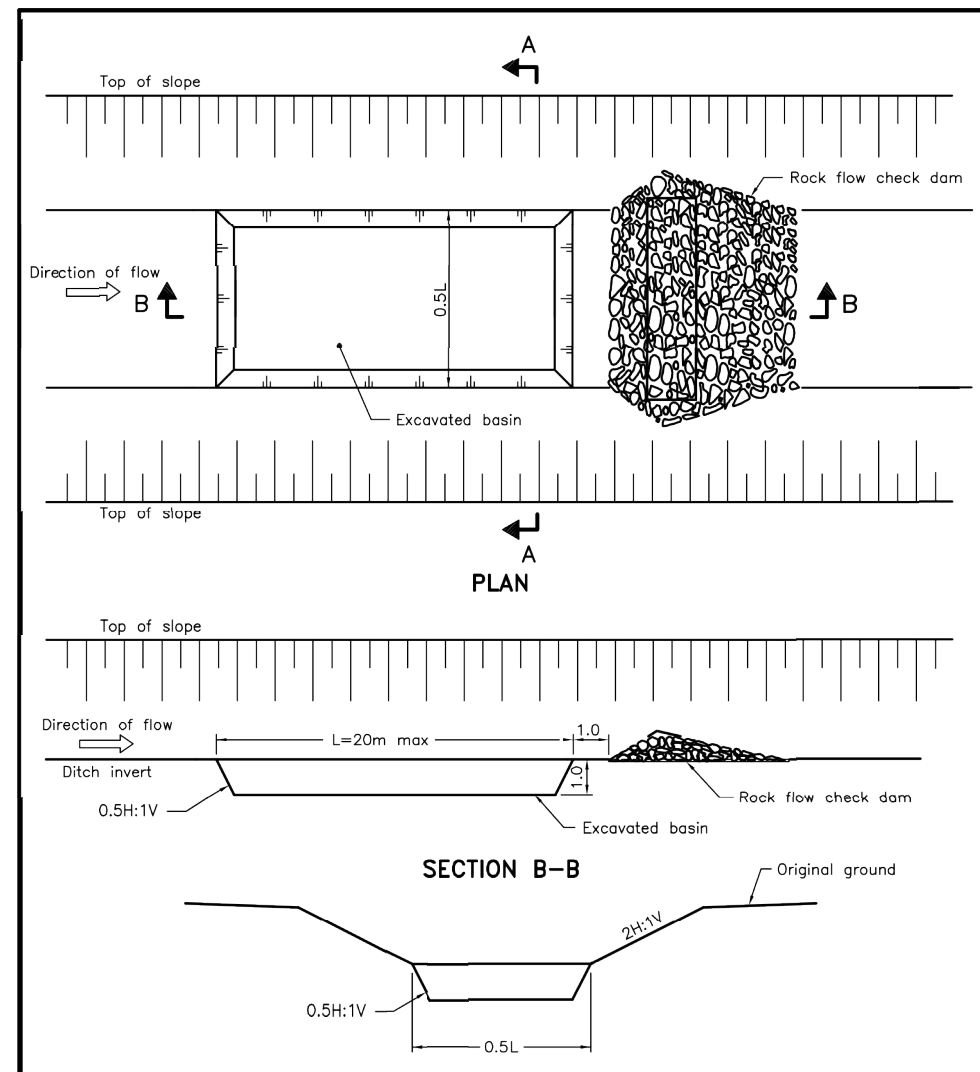
SITE BENCHMARKS

BM1-PKNAIL IN TOP OF CONCRETE MANHOLE ON WEST SIDE OF BANWELL ROAD AT INTERSECTION ROAD. PKNAIL IS 0.4M WEST OF THE EDGE AND 0.7M SOUTH OF THE NORTH EDGE AT APPROXIMATELY STA. 1+690
ELEVATION=182.774m

BM2- TOP OF SANITARY MANHOLE RIM AT APPROX. STA. 1+000A IMMEDIATELY SOUTH OF NEW DRAIN ALIGNMENT. ELEVATION=182.54m

BM3- TOP OF SANITARY MANHOLE RIM AT APPROX. STA. 1+150A IMMEDIATELY SOUTH OF NEW DRAIN ALIGNMENT. ELEVATION=182.62m

NOTE: CONTRACTOR TO VERIFY BENCHMARKS PRIOR TO CONSTRUCTION.



NOTES:

A Ditch cross-section upstream or downstream of sediment trap may be flat bottom or V-shaped. Flat bottom shown.

B This OPSD shall be read in conjunction with OPSD 219.210 or 219.211.

C All dimensions are in metres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING		Nov 2015	Rev 2	
SEDIMENT TRAP IN DITCH		OPSD 219.220		



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DATE	April 12, 2022		
SCALE	AS SHOWN		
No.	1	FINAL REPORT SUBMISSION	APR. 12/22
		Consolidated Agenda of City Council Meeting April 25, 2022	MDH

PROJECT NO. 22-3612

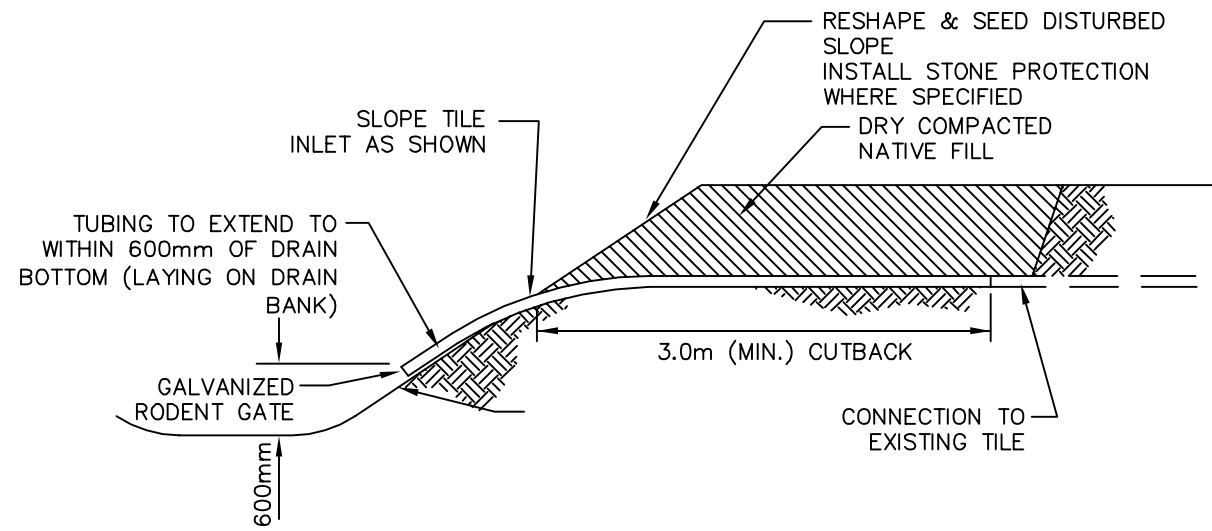
DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'

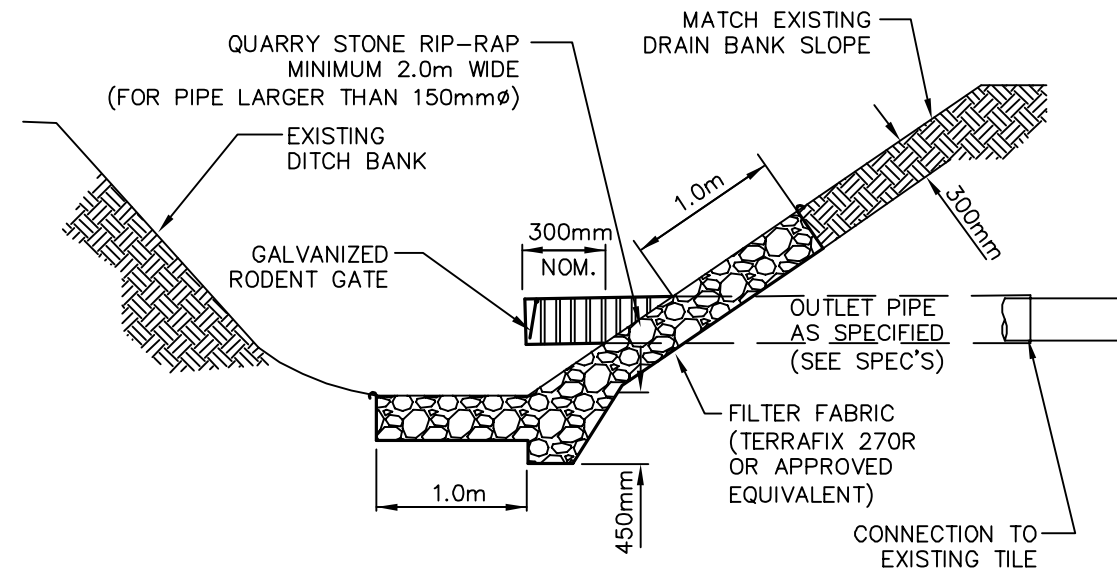
Drainage Report for the
NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN
City of Windsor & Town of Tecumseh

SHEET TITLE
CROSS SECTIONS

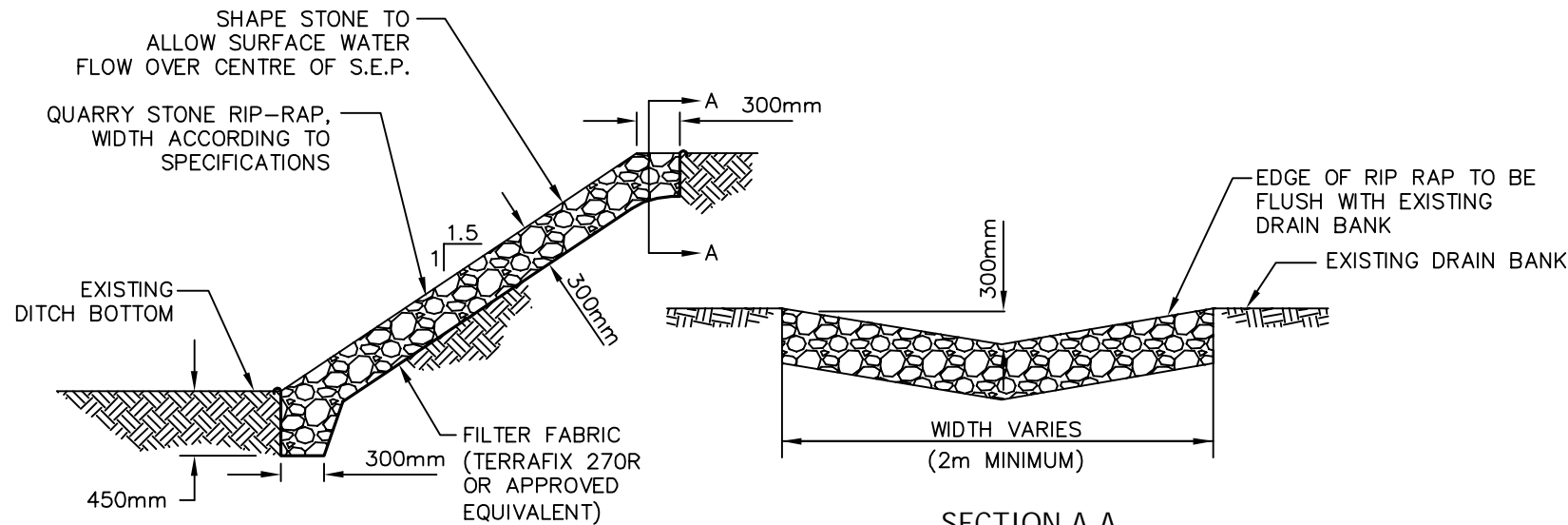
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4 of 5



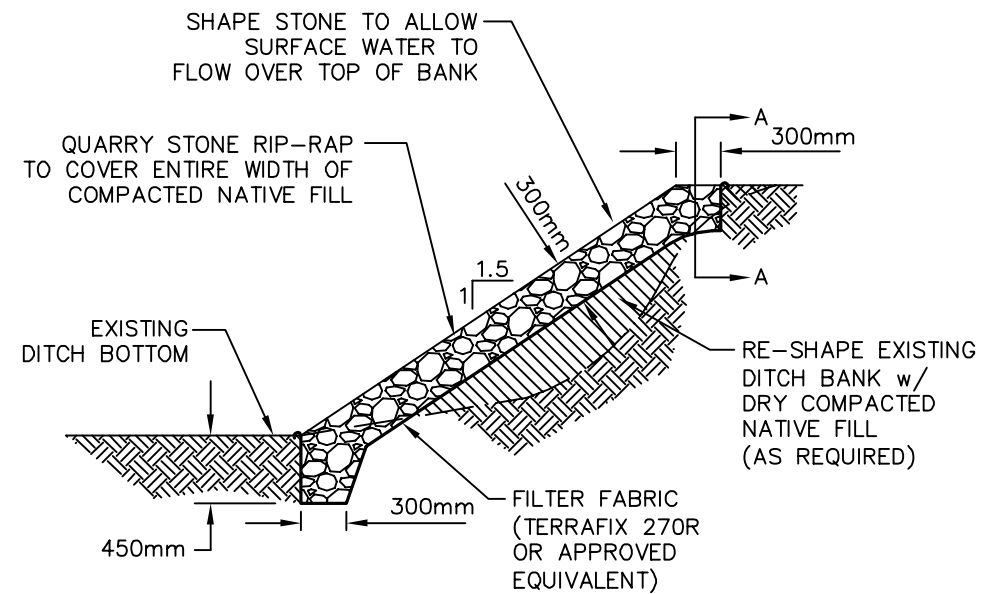
**TYPICAL DRAINAGE TUBING TILE INLET
REPLACEMENT DETAIL
(FOR TILES 150mmØ OR SMALLER)
NOT TO SCALE**



**TYPICAL CSP TILE INLET
REPLACEMENT DETAIL
NOT TO SCALE**



**TYPICAL DITCH BANK WASHOUT
DETAIL w/ RIP-RAP
NOT TO SCALE**



**TYPICAL DITCH BANK WASHOUT
DETAIL w/ BACKFILLING & RIP-RAP
NOT TO SCALE**

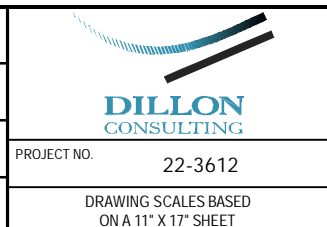


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Consolidated Agenda City Council Meeting April 25, 2022			

PROJECT NO.	22-3612
DRAWING SCALES BASED ON A 11" X 17" SHEET	



'SCHEDULE G'	
Drainage Report for the NEW DRAIN ALIGNMENT OF A PORTION OF THE LACHANCE DRAIN City of Windsor & Town of Tecumseh	
SHEET TITLE	MISCELLANEOUS DETAILS
PAGE NO.	5 of 5

BY-LAW NUMBER 72-2022

**A BY-LAW TO ADOPT AMENDMENT NO. 155
TO THE OFFICIAL PLAN OF THE CITY OF
WINDSOR**

Passed the 25th day of April, 2022.

WHEREAS pursuant to the provisions of Section 17(1) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, the Minister of Municipal Affairs and Housing (Minister) is the approval authority in respect of the approval of a plan as an official plan.

AND WHEREAS Section 17(9) of the said *Planning Act* provides that the Minister may by order exempt a proposed official plan amendment from his approval under Section 17(1) of the said Act.

AND WHEREAS pursuant to the provisions of Ontario Regulation 525/97 all amendments to the official plan of the City of Windsor commenced after January 19, 1998 are exempt from the approval of the said Minister.

THEREFORE the Council of the Corporation of the City of Windsor in accordance with the provisions of the said *Planning Act* hereby enacts as follows:
1. That Amendment No. **155** to the Official Plan of the City of Windsor, attached hereto, is hereby adopted.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - April 25, 2022
Second Reading - April 25, 2022
Third Reading - April 25, 2022

AMENDMENT NO. 155
TO THE
OFFICIAL PLAN
CITY OF WINDSOR

Part D (Details of the Amendment) of the following text and attached map (Schedule A) of the City of Windsor Official Plan constitute Amendment No. 155.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background and Implementation of the Amendment, Appendix I (Results of Public Involvement).

A. PURPOSE:

The purpose of this amendment is to provide a site-specific policy that notwithstanding the “Commercial Corridor” designation on Schedule D: Land Use in Volume I: The Primary Plan and the “Business Park” designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, “dwelling units located at grade and/or above commercial uses in a combined use building” and “multiple dwelling” shall be additional permitted uses.

B. LOCATION:

The amendment applies to the land described as Part of Lot 13, Concession 6 and designated as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.

C. BACKGROUND:

The Applicant is requesting amendments to the City of Windsor Official Plan and Zoning By-law 8600 to allow the development of a combined-use dwelling with non-residential and residential uses at grade and a multiple dwelling.

The Applicant is proposing to construct one combined use building with a building height of 22.4 m with 6-storeys and 101 dwelling units and 468 m² of commercial gross floor area, and one multiple dwelling with a building height of 22.4 m with 6 storeys and 70 dwelling units, for a total of 171 dwelling units. On-site parking consisting of 213 spaces for the dwelling units and 21 spaces for the commercial GFA, for a total of 234 parking spaces and four loading spaces will be provided. Vehicular access will be from Ducharme Street.

An amendment to the Official Plan by adding a special policy area and an amendment to Zoning By-law 8600 by changing the zoning from CD2.1 to CD2.2 and by adding a site-specific exception, to allow “dwelling units located at grade and/or above commercial uses in a combined use building” and a “multiple dwelling” as an additional permitted uses is required. The proposed development is subject to site plan control.

The City of Windsor Official Plan currently designates the site Commercial Corridor” designation on Schedule D: Land Use in Volume I: The Primary Plan and the “Business Park” designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas and a combined-use building and multiple dwelling are not permitted.

The special policy area will maintain the existing land use designations while allowing the residential uses. When Official Plan Amendment 155 is approved, the requested zoning amendment will conform to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3 of the Official Plan and conform to the general direction of the Official Plan.

D. DETAILS OF THE AMENDMENT:

- 1) That Schedule “A” of Volume 1: The Primary Plan of the City of Windsor Official Plan BE AMENDED by applying a Specific Policy Area to Part of Lot 13, Concession 6, designated as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.

- 2) That Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan BE AMENDED by adding a Special Policy Area, replacing the symbol X with the next available section number, as follows:
 - 1.X **Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)**
 - 1.X.1 The property described as Part of Lot 13, Concession 6, designated as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;

 - 1.X.2 Notwithstanding the “Commercial Corridor” designation on Schedule D: Land Use in Volume I: The Primary Plan and the “Business Park” designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, “dwelling units located at grade and/or above commercial uses in a combined use building” and “multiple dwelling” shall be additional permitted uses.

E. IMPLEMENTATION:

- i. This amendment is to be implemented by an amendment to Zoning By-law 8600 as recommended in Report Number SCM 73/2022 & S 23/2022 (Z-050/21; ZNG/6591).

- ii. The proposed development will be deemed a development per Section 41 (1) of the Planning Act and therefore, Site Plan Control shall be an additional tool for the implementation of this amendment

APPENDIX A

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan Amendment and the associated rezoning amendment.

DEVELOPMENT & HERITAGE STANDING COMMITTEE (DHSC):

A meeting of the DHSC was held on March 7, 2022 to consider the applications (Z-040/21 ZNG/6591 & OPA 155 OPA/6592) and Staff Report S 23/2022. This is the statutory public meeting required by the Planning Act. Below is an extract from the minutes of the DHSC meeting:

7.5 Z-040/21 [ZNG/6591] & OPA 155 [OPA/6592] – 1741078 Ontario Inc, 115664 Ontario Inc & Abdul Karim Habib - 4845 Walker Rd – Rezoning & Official Plan Amendment - Ward 9

Adam Szymczak (author), Planner III – Zoning

Zak Habib (applicant) and Tracey Pillon-Abbs (agent) available for questions

Moved by: Member Rondot

Seconded by: Councillor Sleiman

Decision Number: **DHSC 375**

RECOMMENDATIONS

1. THAT Schedule “A” of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.
2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
 - 1.X **Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)**
 - 1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
 - 1.X.2 Notwithstanding the “Commercial Corridor” designation on Schedule D: Land Use in Volume I: The Primary Plan and the “Business Park” designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, “dwelling units located at grade and/or above commercial uses in a combined use building” and “multiple dwelling” shall be additional permitted uses.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

- a) Main Building Height – maximum 22.4 m
- b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building, dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
 - A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.
5. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
 - A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
 - B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
 - C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
 - D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
 - E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

6. THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:
 - A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
 - B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.
7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Motion CARRIED UNANIMOUSLY

Report Number: S 23/2022

Clerk's File: Z/14269 & Z/14268

CITY OF WINDSOR COUNCIL MEETING:

A meeting of City Council was held on March 21, 2022, at which time the recommendations (SCM 73/2002) of the Development & Heritage Standing Committee and the Staff Report (S 23/2022) were considered. The agent for the applicant was available for questions. Council approved the recommendations of DHSC (CR119/2022 DHSC 375).

BY-LAW NUMBER 73-2022

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the 25th day of April, 2022.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendme nt Number	5. Zoning Symbol	6. New Zoning Symbol
1	13	Part of Lot 13, Concession 6, designated as Part 1, Plan 12R-17667 (known municipally as 4845 Walker Road; Roll No. 070-150-00270; situated at the southwest corner of Walker Road and Ducharme Street)	155	CD2.1	CD2.2

2. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, designated as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

- a) Main Building Height – maximum 22.4 m
- b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building, dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

3. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendme nt Number	5. Zoning Symbol
1	13	Part of Lot 13, Concession 6, designated as Part 1, Plan 12R- 17667 (known municipally as 4845 Walker Road; Roll No. 070-150- 00270; situated at the southwest corner of Walker Road and Ducharme Street)	155	S.20(1)440

DREW DILKENS, MAYOR

CITY CLERK

First Reading - April 25, 2022
 Second Reading - April 25, 2022
 Third Reading - April 25, 2022

BY-LAW NUMBER 74-2022

A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 25th DAY OF APRIL, 2022

Passed the 25th day of April, 2022.

WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Windsor at this meeting be confirmed and adopted by by-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. The action of the Council of The Corporation of the City of Windsor in respect to each recommendation contained in the Report/Reports of the Committees and the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of The City of Windsor at this special meeting is hereby adopted and confirmed as if all such proceedings were expressly in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Windsor are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Windsor referred to in the preceding section hereof.
3. The Mayor and the City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Windsor.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - April 25, 2022
Second Reading - April 25, 2022
Third Reading - April 25, 2022

From: Alan Richardson, Ward 2 resident homeowner
To: Council Agenda Coordinator

April 22, 2022

Subject: Comments on Report #: C 54/2022, Residential Rental Licensing By-law—Wards 1 & 2
For consideration by Windsor City Council meeting on April 25, 2022 (Agenda Item 8.5)

Proposed text revisions are underlined below, proposed deletions are ~~struck through~~.

Policy issues

A. How is Section 3.2 (b) enforced? How are claims of exemption investigated? I propose that any owner claiming exemption from licensing be required to file with the city an attestation of the reason for exemption. This would be a one-time no-cost document to remain in force while the exempt circumstance applies. Such attestation to be posted near the main entrance, as would a rental license. Exemption would be noted for each property in the published list of licenced rental units. Basic premise of governance: If you rent a residential property, your property is either licenced or exempt, and the status is on the public record.

B. Section 6.8 should be amended so the licence mandate and expiration dates are evenly spread throughout the year to avoid a needless backlog of applications every year. One method would be to use the last digit of the property address to indicate the month when a licence is first required.

C.

Public List Of Licensed Properties

8.4 City administration shall maintain a list of currently licensed and exempt properties, update it monthly, and post it on the city website for viewing or download.

D.

Schedule 2 – Required Supporting Documentation REQUIREMENTS FOR ALL APPLICATIONS

S2.1 Every application to obtain or renew a Residential Rental Licence shall include:

(n) Floor plan of the rental property including, for each room, its dimensions and proposed use, clearly indicating the location and number of bedrooms, the emergency evacuation routes and location of required smoke alarms and CO2 detectors. (Required for display)

Such floor plan to be posted with license near rental unit entrance as mandated by Section 7.3.

E. Retain POA penalties but add AMP penalties

Thorold uses administrative penalties for over a dozen by-laws, with a noticeably beneficial effect for RRL licensing.

From Thorold By-Law No. 148-2019 Administrative Penalties

“4. PENALTY NOTICE

(1) Every Person who contravenes a provision of a Designated By-law shall be liable, upon issuance of a Penalty Notice, to pay an Administrative Penalty in an amount

specified by the Designated By-law, for each Day or part of a Day on which the contravention continues.”

From my conversation with Jason Simpson, Chief Building Official, Thorold 22 October 2020

[Mr. Simpson] also noted a significant increase in compliance and the number of licensed rental units after Thorold council authorized administrative penalties for many city by-laws [including residential rental licensing] in December 2019.

TABLE 1: DESIGNATED BY-LAW NO. 109-2017 RESIDENTIAL RENTAL LICENSING BY-LAW		
BY-LAW REFERENCE	SHORT FORM WORDING	SET PENALTY
3.1.1.	No License – Carry on a Residential Rental Business	\$500
3.1.2.	No License – Permit a Person to carry on a Residential Rental Business	\$500
3.1.3.	No License – Collect Rent or permit Rent to be collected for a Rental Unit	\$500
3.1.4.	No License – Hold themselves out as being licensed to carry on a Residential Rental Business	\$500
3.2.	Fail to Comply with term or condition of License	\$500
3.4.	Provide false or misleading information to City	\$500
15.3.	Hinder or obstruct Officer in carrying out duties under By-law	\$500

Under Thorold’s Residential Rental Licensing By-Law 109-2017, the maximum fines from a court conviction are very much higher and remain available in addition to administrative penalties.

“16 PENALTIES

16.1 Every Person who contravenes any provision of this By-Law is guilty of an offence.

16.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-Law is guilty of an offence.

16.3 Every Person, excluding a corporation, who is convicted of an offence under this By-Law is liable to a maximum fine of \$25,000.00 for the first offence and a maximum fine of \$50,000.00 for any subsequent offence.

16.4 Every corporation who is convicted of an offence is liable to a maximum fine of \$50,000.00 for a first offence and a maximum fine of \$100,000.00 for any subsequent offence.”

Editing for clarity

6 Licensing Requirements

APPLYING TO OBTAIN OR RENEW A LICENCE

6.11 Despite section 6.10, a Licence that has not lapsed by more than ~~356~~ 365 days from the date of the renewal deadline may still be renewed and the Applicant shall be liable to pay the licence fee established by this By-law together with the penalty of 50% over the base fee.

9 Enforcement

POWERS OF ENTRY AND INSPECTION

9.9 Officers are authorized, for the purposes of an inspection to determine and enforce compliance with the By-law, to:

(a) direct an Owner or Operator to provide a Tenant with notice in accordance with the Residential Tenancies Act, 2006 to allow entry into the unit to carry out an inspection;

(b) (1) enter, at any reasonable time, onto any property, other than an occupied Dwelling Unit;

(b) (2) enter, at any reasonable time, a Dwelling Unit if authorized by the occupier of such Dwelling Unit or under the authority of a warrant issued by a court of competent jurisdiction;

Memo

To: Council Members, City of Windsor
From: Amy Farkas, Dillon Consulting Limited
cc: Architectural Design Associates Inc., Wyandotte Developments Inc.
Date: April 22, 2022
Subject: ZNG/6499 Z-025/21- Amendment to Additional Height Request
Our File: 21-1594

Dillon Consulting Limited (Dillon) has been retained by Wyandotte Developments Inc. (the Applicant), to assist with a professional planning opinion in support of the Zoning By-law Amendments to allow for the development of a 6 storey multiple dwelling residential building. The proposed development is located at 0 Wyandotte Street East, on the south side of Wyandotte Street East between Watson Avenue to the West and Isack Drive to the East (Subject Lands). This addendum has been prepared to request additional relief related to maximum building height.

City of Windsor Zoning By-law 8600

On April 4th, 2022, the Development and Heritage Standing Committee recommended approval of a site specific Zoning By-law Amendment for the Subject Lands, which included the following provisions

- Removal of the site specific provisions requiring a minimum unit site of 140 m²;
- An increase in maximum lot coverage of 40%; and
- An increase in maximum building height from 18 m to 20 m.

Due to changes in the construction method throughout the planning approval process and a secondary review of the zoning bylaw height definition, it was determined that a portion of the building exceeded the 20 m that had been requested as part of the zoning by-law amendment application. The top of structure has been measured at 21.5 m. As indicated in the attached Figure, the relief being requested is for an additional 1.5 m to accommodate updates to the structural system which accounts for 0.9 m in height and an additional 0.6 m due to the requirement of building height measured from the crown of the road, for a total of 1.5m.

The proposed change is not anticipated to have an impact on the adjacent or nearby land uses. The 6th storey is setback 4.5 m from the building edge and it is not anticipated that the height increase resulting from the 6th floor will have an impact the building massing or experience for the adjacent land uses.

The Applicant is requesting that Council consider this increase in relief for building height to 21.5 m. We are also requesting that Council give consideration to an exemption from Section 45(1.3) of the *Planning Act* related to the tow-year prohibition on applications to the Committee should additional adjustments to the site plan be required during the Site Plan Control process.

The proposed development has given consideration to the potential impact of the built form in relation to the existing residential, commercial, and institutional uses, and is a complimentary and efficient use of the land. The proposed infill intensification and development will provide an increased diversity of housing types, options for affordable housing and an opportunity for the completion of a neighbourhood-orientated site. The intent of the design is to provide a residential living experience not presently available in the area.

The proposed infill intensification and development is compatible with the surrounding area in terms of scale, massing, architectural proportions, siting, orientation, setbacks, parking and landscaped areas.

Conclusion

We are of the opinion that the Zoning By-law Amendment is reasonable for the subject site, and can be designed to be compatible and complementary to surrounding residential uses.



Amy Farkas, MCIP, RPP
Associate

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Fazio Giorgi LLP
Barristers & Solicitors

April 25, 2022 Council Agenda
Item 11.3 - Written Submission

Frank F. Fazio
B.A., LL.B.
E-mail: ffazio@faziogiorgi.com

The Corporation of the City of Windsor
350 City Hall Square
Room 530
Windsor, Ontario N9A 6S1
ATTENTION: Steve Vlachodimos

April 19, 2022

FILE #2022-161

Dear Sir,

We represent Jayesh and Nivedita Bhatt the owners of 3455 Banwell Road and confirm receipt of the Notice that City Council will consider the request for expropriation of their home/property at its regular meeting of April 25 next.

We ask that you provide Council members a copy of this correspondence.

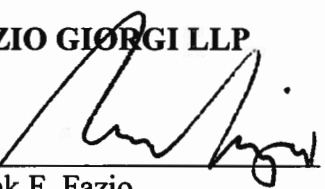
Our clients are saddened to learn that they have to vacate their home which contains all of the comfort and amenities which their family require and now enjoy. Our clients are also apprehensive since it will be difficult to find a replacement property. It is not likely that, in today's market, our clients will be able to find a five thousand square foot home on an acre and a half of land within ten minutes of their place of business. Our clients are also aware that most properties are now selling for well over their appraisal value and in some cases, property sold for twice the appraisal value. Mr. and Mrs. Bhatt, however, do take some comfort knowing that the taking of their property will bring substantial economic benefit to the City of Windsor and the County of Essex.

We will work in good faith with the City representatives in an effort to fully compensate Mr. and Mrs. Bhatt. We also request that the City allow as much occupancy time as possible in an effort to assist our clients to find suitable alternate property.

On behalf of our client, we wish the City much success with the proposed new project.

Best Regards,

FAZIO GIORGI LLP

Per: 
Frank F. Fazio
FFF/jn

CC: Patrick Brode, Mayor Drew Dilkens, Jayesh & Nivedita Bhatt