CITY OF WINDSOR AGENDA 6/13/2022

Final Consolidated City Council Meeting Agenda

Date: June 13, 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 Bortolin has been Appointed Acting Mayor for the month of June, 2022 in accordance with By-law 176-2018, as amended.

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

READING OF LAND ACKNOWLEDGEMENT
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**

4.1. Minutes of the May 30, 2022 Regular City Council Meeting (**SCM 167/2022**)

5. **NOTICE OF PROCLAMATIONS**

Proclamations
"Recreation & Parks Month" – June 2022
"Garden Day" – Saturday, June 18, 2022
"Longest Day of SMILES®" – Sunday, June 19, 2022
"World Sickle Cell Day" – Sunday, June 19, 2022
"Jennifer Jones Day" – Monday, June 27, 2022
"Father Paul Charbonneau Day" – Sunday, July 3, 2022
"Parachute National Injury Prevention Day" – Tuesday, July 5, 2022

Illumination
"World Blood Donor Day" – Sunday, June 12 to Saturday, June 18, 2022
"World Sickle Cell Day" – Sunday, June 19, 2022
"Parachute National Injury Prevention Day" – Tuesday, July 5, 2022

6. **COMMITTEE OF THE WHOLE**

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

7.1. Correspondence 7.1.1. through 7.1.9. (**CMC 9/2022**)

8. **CONSENT AGENDA**

8.2. Capital Variance Report - March 31, 2022 - City Wide (**C 91/2022**)

8.3. Little River Pollution Control Plant -Sludge Pump House No 01 Upgrades- City Wide (**C 99/2022**)

CONSENT COMMITTEE REPORTS

8.5. Official Plan and Rezoning Amendments – Tunio Development – 3885 & 0 Sandwich Street – OPA 152 OPA [6504] Z-028-21 ZNG [6503] – Ward 2 (**SCM 156/2022**) (**S 65/2022**)

8.9. Request for Partial Demolition of a Heritage Listed Property – 2038 Willistead Crescent, C.E. Platt House (Ward 4) (**SCM 154/2022**) (**S 62/2022**)

8.10. Bill 109, More Homes for Everyone Act, 2022 – Changes to the Planning Act Affecting Site Plan Control Approval, City Wide (**SCM 155/2022**) (**S 57/2022**)

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

10. **PRESENTATIONS AND DELEGATIONS**

PRESENTATION: (10-minute maximum)

10.1. The Essex and Kent Scottish (**SCM 150/2022**)
a) David Woodall and Chief of Police (Ret'd) Glenn Stannard, representing the Essex and Kent Scottish

DELEGATIONS: (5-minute maximum)

11.2. Ward 9 Ditch Survey and Inspection of Private Culverts and Private Catch Basins - Ward 9 (**SCM 120/2022**) (**S 14/2022**)
Clerk's Note: Jayme Lauzon, area resident submitting the chart as a written submission (*previously distributed*). Russ Mann submitting the ***attached*** photos as a written submission.
a) Jayme Lauzon, area resident
LATE:
b) Russ Mann, area resident

8.7. Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Road, between Southwood Lakes Blvd. and HWY 401; File No. SDN-001/21 [SDN/6575]; Applicant – Bellocorp Inc.; Ward 1 (**SCM 157/2022**) (**S 59/2022**)
a) Tosin Bello, applicant; and Chintan Virani, architect
b) Tracey Pillon-Abbs, Principal Planner

8.4. Multi-Residential Interim Control By-law Study – Proposed Official Plan Amendment and Zoning By-law Amendment (**SCM 149/2022**) (**S 64/2022**)
a) Raymond Hoang, resident of Ward 7
b) Jim Dyment, Municipal Planning Consultants; Ron Palmer, The Planning Partnership and Daryl Keleher and Peter Norman, Altus Group Consulting

8.6. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – St. Clair Rhodes Development – 233 Watson Avenue – Ward 6 (**SCM 152/2022**) (**S 55/2022**)
a) Brian Chillman, Solicitor representing applicant St. Clair Rhodes Development

8.8. Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2) (**SCM 153/2022**) (**S 61/2022**)
a) Terry Kennedy, resident of Ward 2

8.1. Request for Provincial Assistance with Zoning for Automotive Battery Manufacturing Facility located at Banwell Road and EC ROW Avenue East (Ward 9) (**C 86/2022**)
Clerk's Note: CP Proximity Ontario submitting the email dated June 6, 2022 as a written submission (*previously distributed*). ERCA submitting the letter dated June 9, 2022 as a written submission (*previously distributed*). Walpole Island First Nation submitting the email dated June 9, 2022 as a written submission (*previously distributed*). Caldwell First Nation and Chippewas of Kettle and Stony Point First Nation submitting the letter dated June 10, 2022 as a written submission (*previously distributed*). Brian Hillman, Director of Development Services, Town of Tecumseh submitting the ***attached*** letter dated June 10, 2022 as a written submission.
a) Chippewas of Kettle and Stony Point representatives: Chief Jason Henry, Vince George, Lincoln Jackson, Jane Manning, Marshall George, Claire Sault and Jodi George
b) Southwind representatives: Philip Lee, Harvey Manning, Sharman Bressette, Gale George, Tom Milliken, Todd Jardine, Alaina Monkhouse and Alex Li
c) Association of Iroquois and Allied Indians: Grand Chief Joel Abrams
d) Caldwell First Nation representatives: Chief Mary Duckworth, Councillor Ian Duckworth, Councillor Doug Heil, Councillor Larry Johnson, Councillor Nikki vanOrichot and Zack Hamm, Consultation Coordinator CFN
e) Intergovernmental Affairs, Caldwell First Nation: Larry Sault
f) Olthuis, Kleer, Townshend LLP representative: Oliver MacLaren
g) Chippewas of the Thames First Nation: Chief Jackie French, and Jennifer Mills

The following person(s) contacted the Clerk's Office to register as a delegation after the Friday 12:00 o'clock noon deadline. In accordance with Section 10.9 of the Procedure By-law, a simple majority vote of Council is required to hear the delegation(s):

11.1. Charles Clark Square Repairs Versus Replacement at City Hall (Esplanade Project) - Ward 3 (**C 98/2022**)
a) Art Roth, Coordinator, All Saints Church Skate Program

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

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)

13.1. **By-law 86-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR444/2019 dated August 26, 2019

13.2. **By-law 87-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR173/2022 dated April 25, 2022 and CR216/2022 dated May 9, 2022

13.3. **By-law 88-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by By-law 221-1998 dated July 13, 1998 and By-law 199-2001 dated June 4, 2001

13.4. **By-law 89-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 85-18 CITED AS THE "TOWNSHIP OF SANDWICH SOUTH COMPREHENSIVE ZONING BY-LAW" authorized CR254/2018 dated May 7, 2018 and By-law 59-2018 dated May 7, 2018

13.5. **By-law 90-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR175/2022 dated April 25, 2022

13.6. **By-law 91-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR487/2021 dated November 1, 2021

13.7. **By-law 92-2022** A BY-LAW TO ADOPT AMENDMENT NO. 143 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR115/2022 dated March 21, 2022

13.8. **By-law 93-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR115/2022 dated March 21, 2022

13.9. **By-law 94-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR239/2022 dated May 30, 2022

13.10. **By-law 95-2022** A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 1196 IN THE CITY OF WINDSOR authorized by By-law 139-2013 dated August 26, 2013

13.11. **By-law 96-2022** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by By-law 8600 s. 5.4.20

13.12. **By-law 97-2022** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 13th DAY OF JUNE, 2022

14. MOVE BACK INTO FORMAL SESSION

15. NOTICES OF MOTION

15.1. Moved by Councillor Gill, seconded by Councillor _____

Whereas there has been an increase in residential development in the east end of the City of Windsor, particularly in Ward 7, and;

Whereas the grade crossings on Banwell, north of Tecumseh Road East; on Clover, north of Tecumseh Road East; and on Lauzon Road, between Spitfire Way and Tecumseh Road East are located in heavily populated residential areas, and;

Whereas residents regularly call with complaints regarding trains blowing whistles late at night, affecting those who live near these train crossings and ask that train whistling be stopped at night unless absolutely necessary, and;

Whereas the process per Transport Canada to apply to stop train whistling begins with a Citizen or group expressing interest followed by the municipality consulting with the railway company;

THERFORE BE IT RESOLVED that Council **DIRECT** Administration to follow the procedures of Transport Canada and engage with the railway company to initiate the process to request train whistling stop at the following public grade crossings: Banwell, north of Tecumseh Road East; on Clover, north of Tecumseh Road East; and on Lauzon Road, between Spitfire Way and Tecumseh Road East.

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

By-laws 71-2022 and 86-2022 through 97-2022 (inclusive)

17. **PETITIONS**

18. **QUESTION PERIOD**

18.1. Summary of Outstanding Council Questions as at June 9, 2022 (**SCM 162/2022**)

18.2. Summary of Outstanding Council Directives as of June 13, 2022 **(SCM 161/2022**)

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Property Standards Committee
Tuesday, June 14, 2022
4:00 p.m., Zoom video conference

Housing & Homelessness Advisory Committee
Tuesday, June 21, 2022
10:00 a.m., Zoom video conference

ENWIN Utilities Ltd. Board
Wednesday, June 22, 2022
9:00 a.m.

Windsor Utilities Commission Board
Wednesday, June 22, 2022
11:00 a.m.

ENWIN Energy Ltd. Board / Windsor Canada Utilities Ltd. Board; Annual General Meetings for EWU, WEW and EFS
Wednesday, June 22, 2022
1:00 p.m.

Environment, Transportation & Public Safety Standing Committee
Wednesday, June 22, 2022
4:30 p.m., Zoom/Hybrid Platform

International Relations Committee
Thursday, June 23, 2022
3:30 p.m., Zoom video conference

Regular City Council Meeting - **CANCELLED**
Monday, June 27, 2022
4:00 p.m.

Vision Zero Stakeholder Group
Wednesday, June 29, 2022
10:00 a.m., Zoom video conference

Committee of Management for Huron Lodge
Thursday, June 30, 2022
9:00 a.m., Zoom video conference

Development and Heritage Standing Committee
Monday, July 4, 2022
4:00 p.m., Zoom/Hybrid Platform

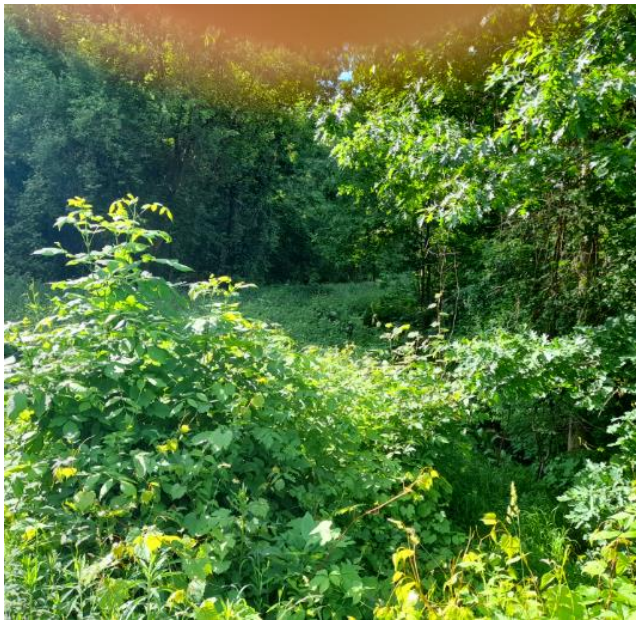
Community Services Standing Committee
Wednesday, July 6, 2022
9:00 a.m., Zoom/Hybrid Platform

21. **ADJOURNMENT**

Re: Ward 9 Ditch Survey and Inspection of Private Culverts and Private Catch Basins

June 13, 2022 Council Mtg
Item 11.2 - Submission
from Russ Mann

Dawson Drainage Path – Woodward Avenue



At corner of Dawson and O’Niel Drain:

O’Neil Drain

Behind Devonshire Mall – Devon and Foster

The Corporation of the Town of Tecumseh

June 10, 2022

Attn: City of Windsor Mayor and Council
(Via Email)

RE: City of Windsor Council Report C86/2022
Request for Provincial Assistance with Zoning for Automotive Battery Manufacturing Facility located at Banwell Road and EC ROW Avenue East (Ward 9)

Dear Mayor Dilkens and Members of City Council,

The Town of Tecumseh acknowledges receipt of the above-noted Council Report that will be considered by City Council its June 13, 2022 Meeting. As you are aware, City staff is recommending that City Council provide support for a Minister's Zoning Order (MZO) in order to expedite the required zoning (Manufacturing District MD2.2) for the proposed EV battery manufacturing facility (Stellantis and LG Energy Solution, (LGES), as recently named NextStar Energy Inc.) to be located on approximately 93 hectares of land located southwest of the Banwell Road and E.C. ROW Avenue East intersection.

We applaud the City's efforts in attracting the NextStar Energy Inc. facility and acknowledge the significant benefits that the proposed EV battery manufacturing facility will bring to the City, the Town and the broader region. With that being said, we believe there is mutual benefit in ensuring that the proposed use is properly integrated into our respective communities and thank you for the opportunity to provide comments on this process.

In order to offer comments on this recommendation, we believe it is important to note that a secondary planning process is underway with respect to approximately 230 hectares of developable land in Tecumseh, a significant portion of which is located directly across from the subject property on the east side of Banwell Road. Significant stakeholder consultation has occurred to date (including meetings with City staff) with respect to the Town's secondary plan and in particular in relation to the City's Municipal Class EA process that was completed for this segment of Banwell Road. The draft secondary plan currently envisions a commercial node at a future intersection of Maisonneuve Avenue and Banwell Road with the balance of the secondary plan lands proposed for a range of residential uses. Further, in addition to these planned uses in the immediate vicinity of the subject property, there is existing residential development immediately across Banwell Road at Intersection Road as well as existing residential neighbourhoods farther to the east.

In consideration of the foregoing context, we offer the following administrative comments for consideration by City Council and the Province during the MZO process:

1. In light of the existing and proposed residential uses on the east side of Banwell Road within the Town, it is requested that the zoning establish an appropriate setback for the industrial component of the proposal in accordance with the MECC D-6 Provincial Guidelines, which address setbacks between industrial uses and sensitive land uses. We believe this setback could be accommodated through the introduction of certain ancillary uses, such as a parking lot and/or associated office space, adjacent to Banwell Road, with the more intensive industrial buildings being situated farther to the west on the subject property. We note from the Council Report that the two large main industrial buildings are to be located "in the centre of the site", however no further details have been provided with respect to specific setbacks from lot lines. Given the MD2.2 zone only establishes a 6-metre lot line setback, we believe there is an

opportunity to apply a greater setback along the easterly lot line, with such setback being guided by the application of the D-6 Provincial Guideline. This will assist in ensuring compatibility between the industrial uses on the subject property and the sensitive land uses to the east;

2. In the absence of substantive details and subject to incorporation of an appropriate setback for the industrial use as discussed above, we would like to request that appropriate consideration be given to the incorporation of visual buffering features (i.e. combination of trees/landscaping/berming) combined with ancillary office buildings be situated along Banwell Road through the site plan control process as a further means to addressing compatibility issues in relation to the sensitive uses on the east side of Banwell Road. We note that the City very effectively implemented these types of features for the Ford Engine Plant on the west side of Lauzon Parkway;

3. The Staff Planning Report noted that truck traffic would primarily access the site via Twin Oaks Drive to the west of the site while employees would access the site from Banwell Road. We support this transportation strategy. It also indicated that a Transportation Impact Assessment is being completed for the proposed development. The Town requests the opportunity to review the TIA when completed. We are particularly interested in the scope of the proposed traffic improvements – both interim and final – as well as the proposed timing of these improvements. The Town worked closely with the City during the completion of its Municipal Class EA process for Banwell Road, which ultimately identified preferred future road intersection locations. The Town has a shared interest with the City to see that the traffic generated along this corridor is accommodated to ensure efficient mobility of all users.

The Town looks forward to working with the City to achieve proper coordination and integration of land use along our mutual border for the long-term benefit of both communities. We are available to discuss our comments with the City and the Province throughout the MZO and local planning processes.

Sincerely,

Brian Hillman, MA, MCIP, RPP
Director Development Services

cc. Mayor McNamara and Town Council
Marg Misek-Evans, Chief Administrative Officer
Phil Bartnik, Director Public Works & Engineering Services
Jennifer Alexander, Acting Clerk