

City Council Meeting

Date: May 30, 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
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1.	ORDER OF BUSINESS
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1.1.	In the event of the absence of the Mayor, Councillor Francis has been Appointed Acting Mayor for the month of May, 2022 in accordance with By-law 176-2018, as amended.
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2.	CALL TO ORDER - Playing of the National Anthem
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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
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4.	ADOPTION OF THE MINUTES
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5.	NOTICE OF PROCLAMATIONS
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Proclamations

“VON Week” – Sunday, May 22 to Saturday, May 28, 2022

“Bike Month” – June 2022

“Brain Injury Awareness Month” – June 2022

“Dads Matter Month” – June 2022

“Windsor Seniors’ Month” – June 2022

Flag Raising Ceremony

“Windsor Seniors’ Month” – Wednesday, June 1 to Wednesday, June 8, 2022

Illumination

“VON Week” – Sunday, May 22 to Saturday, May 28, 2022

“Windsor Seniors’ Month” – Wednesday, June 1 to Wednesday, June 8, 2022

6.	COMMITTEE OF THE WHOLE
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7. **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)
- 7.2. Pay As You Go (PAYG) Transfer for Eligible 2021 Computer Equipment Related to Expenses - Windsor Police Service (WPS) - City Wide (**CM 6/2022**)
- 7.3. Status Report on Implementation of Audit Recommendations - 2021 Q4 - City Wide (**C 84/2022**)
- 7.4. Disconnecting from Work - City Wide (**C 89/2022**)
- 7.5. CQ 7-2022 - Response to CQ-7-2022 - Expansion of Dog Parks within the City - City Wide (**C 82/2022**)

8. **CONSENT AGENDA**

- 8.1. Animal Control Contract - City Wide (**C 94/2022**)
- 8.2. Cancellation of June 27, 2022 City Council Meeting due to 2022 Ford Fireworks (**C 78/2022**)
- 8.3. Your Quick Gateway (Windsor) Inc. - Annual General Meeting of Shareholder - City Wide (**C 93/2022**)
- 8.4. Award of Tender: 6-22 - Banwell Road, Phase 2 from Palmetto Street to Mulberry Drive / Wildwood Drive Roundabout - Ward 7 (**C 87/2022**)
- 8.5. Request for Proposal (RFP) 55-22 - Cabana/Division Corridor Improvements Phase 5 Consulting Services - Ward 9 (**C 81/2022**)
- 8.6. Tender 59-22 – 2022 Construction of Concrete Sidewalks, Curb and Gutter ---City Wide (**C 90/2022**)

CONSENT COMMITTEE REPORTS

- 8.7. City of Windsor Heritage Recognition 2022 (**SCM 126/2022**) (**S 43/2022**)
- 8.8. Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593]- Wonsch Construction Company Limited - Ward 9 (**SCM 127/2022**) (**S 45/2022**)
- 8.9. Draft Plan of Subdivision Application 0 Liberty Street n/s Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-003/21 [SDN/6630]- 2342046 Ontario Inc. - Ward 9 (**SCM 128/2022**) (**S 47/2022**)
- 8.10. Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22 ZNG/6657 - Ward 7 (**SCM 129/2022**) (**S 41/2022**)

- 8.11. Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670] (**SCM 130/2022**) (**S 49/2022**)
Clerk's Note: Administration submitting the *attached* additional information memo (**AI 8/2022**)
- 8.12. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3) (**SCM 131/2022**) (**S 40/2022**)
- 8.13. Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9 (**SCM 132/2022**) (**S 48/2022**)
- 8.14. Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc. (**SCM 133/2022**) (**S 27/2022**)
- 8.15. Minutes of the International Relations Committee of its meeting held February 2, 2022 (**SCM 134/2022**) (**SCM 82/2022**)
- 8.16. Minutes of the International Relations Committee of its meeting held March 31, 2022 (**SCM 135/2022**) (**SCM 95/2022**)

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

10. **PRESENTATIONS AND DELEGATIONS**

PRESENTATIONS:

- 10.1. Auditor General Annual Internal Audit Plan (**SCM 144/2022**)
- AND**
- 10.2. Internal Audit Summary Report - December 1, 2021 to April 30, 2022 (**SCM 145/2022**)

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

- 11.1. Windsor-Canada Utilities Ltd. – Annual General Meeting – City Wide (**C 80/2022**)
- 11.2. Declaration of a Vacant Parcel of Land Municipally Known as 0 Tuscarora Street Surplus and Authority to Offer for Sale - Ward 4 (**C 83/2022**)
- 11.3. Declaration of Vacant Parcel Municipally Known as 0 Provincial Road Surplus and Authority to Offer for Sale - Ward 9 (**C 92/2022**)

11.4. Peace Fountain Replacement – Ward 6 (**C 95/2022**)

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)

12.2. Minutes of the Windsor Licensing Commission of its meeting held April 27, 2022 (**SCM 141/2022**)

12.3. Minutes of the Special Meeting of the Council Compensation Review Committee of its meeting held April 12, 2022 (**SCM 124/2022**)

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

14. **MOVE BACK INTO FORMAL SESSION**

15. **NOTICES OF MOTION**

Moved by Councillor Bortolin, seconded by Councillor _____

Whereas, opioid-related morbidity and mortality have been increasing steadily in Windsor-Essex County over the past several years and are currently at the highest levels ever recorded in the region, and

Whereas, the onset of the COVID-19 pandemic in Ontario in March 2020 have contributed to substantial increases in opioid-related ED visits, opioid and drug overdose-related Emergency Medical Services (EMS) calls, hospitalizations, and deaths, and

Whereas, the majority of opioid and drug overdose cases that present in the emergency department resided in downtown Windsor, and

Whereas, Consumption and Treatment Services (CTS) sites have been established across the province to address opioid overdose and opioid related mortality, and

Whereas, the Windsor-Essex County Health Unit has completed a feasibility study indicating community support for a CTS, and

Whereas, the Windsor-Essex County Health Unit has established a Stakeholder Advisory Committee for the creation of a CTS in the downtown core of the City of Windsor, and

Whereas, the WECHU, in collaboration with partners involved in the WECOSS and the CTS Stakeholder Advisory Committee, has completed a series of comprehensive community consultations (2018-2021) that supported the local feasibility, need, and site-selection for establishing a local CTS site at 101 Wyandotte St E in the City of Windsor, and

Whereas, the WECHU has obtained a local Board of Health resolution in support of proceeding with the federal and provincial application processes for establishing a CTS site at the location of 101 Wyandotte St E, and

Whereas, the application for a CTS to the provincial government requires the WECHU obtain and submit local municipal council support (i.e. council resolution) endorsing the CTS site at 101 Wyandotte St E in the City of Windsor, and

Now Therefore be it resolved that the City of Windsor Council support the WECHU's applications to the Ontario Ministry of Health and Health Canada to operate a Consumption and Treatment Services site at the location of 101 Wyandotte St E in the City of Windsor through a council resolution, and

Be it further resolved that the City of Windsor Council support the WECHU in establishing a CTS site at 101 Wyandotte St E in the City of Windsor post-approval from the provincial and federal governments.

Clerks File: MH/14274

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

17. **PETITIONS**

18. **QUESTION PERIOD**

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Environment, Transportation and Public Safety Standing Committee – **CANCELLED**
Wednesday, May 25, 2022
4:30 p.m., Zoom/Hybrid Platform

Community Services and Parks Standing Committee - **CANCELLED**
Wednesday, June 1, 2022
9:00 a.m., Zoom/Hybrid Platform

Development & Heritage Standing Committee
Monday, June 6, 2022
4:30 p.m., Zoom/Hybrid Platform

21. **ADJOURNMENT**



Council Report: CM 6/2022

Subject: Pay As You Go (PAYG) Transfer for Eligible 2021 Computer Equipment Related Expenses - Windsor Police Service (WPS) - City Wide

Reference:

Date to Council: May 30, 2022

Author: Jocelyn De Luna

Financial Analyst

519-255-6100 ext 6334

jdeluna@citywindsor.ca

Financial Accounting

Report Date: April 26, 2022

Clerk's File #: SP2022

To: Mayor and Members of City Council

Recommendation:

That in compliance with CR 139/2015, City Council **RECEIVE** for information this report confirming that an amount of \$640,958.63 was transferred from the Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. ID 0192616, Class Code 18084, for eligible 2021 computer, printer, phone system upgrades, server and network related expenses.

Executive Summary:

N/A

Background:

On July 20, 2015, City Council approved CR139/2015 as it relates to the annual Pay as You Go Reserve fund transfers for WPS:

“That Council **APPROVE** the Windsor Police Service to follow the same process as the City of Windsor Information Technology Department with respect to managing, tracking and reporting PAYG expenditures to City Council for the annual reserve fund transfer.”

Discussion:

In order to facilitate tracking throughout the year, Class code 18084 WPS-PAYG was created for eligible expenditures to be charged and tracked within the WPS operating fund for department 0192616 (WPS Computer & Tech Services). On an annual basis at year end, these amounts are then funded via a transfer from PAYG Leasing Reserve Fund 170. This is in full compliance with the original plan.

As relates to the annual PAYG Leasing Reserve Fund 170 transfer, WPS is utilizing the same process as the City's Information Technology Department, more specifically it is compliant with:

- The Pay As You Go Plan adopted by City Council in 2002 (B42-2002 and B43-2002).
- The method of tracking and recording the expenses for networking equipment as adopted by City Council in 2006 (CR160/2006).
- The method of tracking and recording the expenses for servers as adopted by City Council in 2006 (CR175/2006),
- The method of reporting as adopted by City Council in 2007 (CR50/2007).

Please refer to the Appendix - February 1, 2022 WPS report for more detailed information. This was approved via the attached February 24, 2022 WPS Board Resolution.

Risk Analysis:

Please see Financial Matters section below and also the attached WPS Board Resolution and related report.

Climate Change Risks

Climate Change Mitigation:

N/A.

Climate Change Adaptation:

N/A.

Financial Matters:

Eligible expenses of \$640,958.63 have been incurred in 2021.

Please refer to the Appendix 1 WPS Board Resolution and related report for further information.

Consultations:

Melissa Brindley, Windsor Police Service, Director of Finance

Conclusions:

The expenses noted in this report and WPS's attached Board Resolution and related report are consistent with the PAYG plan, which was adopted by City Council in 2002.

Approvals:

Name	Title
Dan Seguin	Deputy Treasurer – Financial Accounting and Corporate Controls
Tony Ardovini	(Acting) Commissioner – Corporate Services, Chief Financial Officer/City Treasurer
Joe Mancina	(Acting) Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

Feb 24, 2022 Windsor Police Services Board Resolution BR2022-017

Feb 1, 2022 Windsor Police Service Report to Board



THE CORPORATION OF THE CITY OF WINDSOR

WINDSOR POLICE SERVICES BOARD

Mayor Drew Dilkens
Chair

Mayor Aldo DiCarlo
Vice-Chair

Councillor Rino Bortolin
Member

Mr. Robert de Verteuil
Member

Ms. Denise Ghanam
Member

BR2022-017

February 24, 2022

Chief Pamela Mizuno
Windsor Police Service

Dear Chief Mizuno

RE: Pay As You Go (PAYG) Transfer for Eligible 2022 Computer Equipment Related Expenses – Windsor Police Service (WPS)

The Windsor Police Services Board approved the following resolution relating to the above-captioned matter on February 24, 2022:

RESOLVED THAT	The Windsor Police Services Board RECEIVE for information that \$640,958.63 was transferred from the City of Windsor Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. Id 0192616, Class Code 18084, for eligible 2021 computer, printer, phone system upgrades, server and network related expenses in compliance with <ul style="list-style-type: none"> • the Pay As You Go Plan adopted by City Council in 2002 (B42-2002 and B43-2002), • the method of tracking and recording the expenses for networking equipment as adopted by City Council in 2006 (CR160/2006), • the method of tracking and recording the expenses for servers as adopted by City Council in 2006 (CR175/2006), and • the method of reporting as adopted by City Council in 2007 (CR50/2007), and;
BE IT FURTHER RESOLVED THAT	The Windsor Police Services Board APPROVES this information be provided to City Administration for reporting to City Council in accordance with the above-noted plan and methods as approved by City Council Resolution CR139/2015 (Appendix).

Sincerely,



Sarah Sabihuddin, Administrative Director

*Cc: Deputy Chief Operational Support Frank Providenti
Director, Finance Melissa Brindley*



WINDSOR POLICE SERVICE OPERATIONAL SUPPORT DIVISION

Author's Name: Director of Finance, Melissa Brindley

Author's Phone: (519) 255-6700 ext. 4482

Date of Report: February 1, 2022

Author's Email: mbrindley@windsorpolice.ca

Date to Board: February 24, 2022

TO: Members of the Windsor Police Services Board (WPSB)

SUBJECT: Pay As You Go (PAYG) Transfer for Eligible 2022 Computer Equipment Related Expenses – Windsor Police Service (WPS)

1. RECOMMENDATIONS - RESOLUTIONS:

THAT the Windsor Police Services Board **RECEIVE** for information that **\$640,958.63** was transferred from the City of Windsor Pay As You Go (PAYG) Leasing Reserve Fund 170 to the Windsor Police Service operating account Dept. Id 0192616, Class Code 18084, for eligible 2021 computer, printer, phone system upgrades, server and network related expenses in compliance with

- the Pay As You Go Plan adopted by City Council in 2002 (B42-2002 and B43-2002),
- the method of tracking and recording the expenses for networking equipment as adopted by City Council in 2006 (CR160/2006),
- the method of tracking and recording the expenses for servers as adopted by City Council in 2006 (CR175/2006), and
- the method of reporting as adopted by City Council in 2007 (CR50/2007), and

Further THAT the Windsor Police Services Board **APPROVES** this information be provided to City Administration for reporting to City Council in accordance with the above-noted plan and methods as approved by City Council Resolution CR139/2015 (Appendix).

2. EXECUTIVE SUMMARY: N/A

3. BACKGROUND:

In May 2002, City Council passed Resolution 841-2002, which restricted lease financing in favor of a Pay As You Go (PAYG) purchase replacement program for equipment such as computers, vehicles, radios etc. It also defined PAYG funding sources as those amounts from expired leases.

Resolutions B42-2002 and B43-2002, also passed in May 2002, provided some fundamental guidelines for the PAYG reserve program, including extending the life expectancy of computer equipment and other assets, which were previously leased. The

Resolutions also provided some start-up funding for the program and an annual operating budget savings resulting from Pay As You Go program.

Council Resolution CR160/2006 added networking equipment to the PAYG Plan and Council Resolution CR175/2006 added servers to the PAYG plan as the relevant leases expired. A portion of that lease funding was transferred to PAYG. Additionally, Windsor Police Service has annually contributed to the PAYG reserve fund since 2003 based on the number of personal computers (PC's), printers, servers, and phone systems being used. When Information Technology Services makes PAYG procurements for the Windsor Police Service, the purchases are undertaken in compliance with the City's Purchasing Bylaw and the Pay As You Go Plan.

Council Resolution CR 139/2015 (Appendix) approved the Windsor Police Service to follow the same process as the City of Windsor Information Technology Department with respect to managing, tracking and reporting PAYG expenditures to City Council for the annual reserve fund transfer. It further approved that all current and eligible Windsor Police Service PAYG expenditures continue to be funded from the PAYG Leasing Reserve Fund # 170, with the understanding that some flexibility may be required as business and technology evolve.

4. DISCUSSION:

In order to facilitate tracking throughout the year, a PAYG operating class code was created so that PAYG eligible expenses could be charged and accounted for in the Windsor Police Service operating fund. The eligible expenses are as follows:

- Replacement PC's (desktop PC's, laptop PC's, CAD workstations, monitors)
- Printers, phone system upgrades
- Parts and maintenance for out-of-warranty PC's
- Networking and Server lifecycle management (maintaining, replacing infrastructure using evolving technology to improve efficiency and total cost of ownership)
- Other technology equipment that may be required as business and technology evolve

Annually, at year-end, this PAYG operating class code is funded from the PAYG reserve in compliance with the original plan.

In 2021, the Windsor Police Service purchased the e911 NG911 compliant telephone system.

5. RISK ANALYSIS: N/A

6. FINANCIAL MATTERS:

The amount of the transfer from the PAYG reserve fund to the WPS PAYG operating account for the eligible 2021 expenses was **\$640,958.63** (net HST included). Projections for technology purchases from the PAYG Leasing Reserve Fund are straight-line calculations over several years. These projections were initially calculated when technology items were added to the PAYG plan and have been regularly assessed by City Administration, WPS I/T and Finance. In most years since the above items were added to the PAYG plan, the actual expenditures for the Windsor Police Service were significantly less than

the projections. As a result, the fund maintains a healthy balance that will be able to accommodate future periods of higher technology requirements.

7. CONSULTATIONS:

Matt Caplin, Director of Technology Services, Windsor Police Service, was consulted with respect to the computer-related equipment and expenditures in 2021.

8. CONCLUSION:

The expenses noted in this report are consistent with the PAYG plan, which was adopted by City Council in 2002.

9. APPENDICES:

City Council Resolution CR139/2015, July 20, 2015

10. APPROVALS:

Name	Title
Pam Mizuno	Chief of Police

Copies to:

Deputy Chief Providenti – Operational Support; Superintendent Dodd – Corporate Services, Director Caplin - Technology Services

11. NOTIFICATIONS: N/A

**Council Report: C 84/2022****Subject: Status Report on Implementation of Management Action Plans
- 2021 Q4 - City Wide****Reference:**

Date to Council: 5/30/2022

Author: Marco Aquino

Executive Initiatives Coordinator

519-255-6100 ext 6477

maquino@citywindsor.ca

City Treasurer

Report Date: 5/5/2022

Clerk's File #: AF/14041

To: Mayor and Members of City Council

Recommendation:

THAT City Council **RECEIVE FOR INFORMATION** the Status Report on Implementation of Management Action Plans as of 2021 Q4.

Executive Summary:

N/A

Background:

PricewaterhouseCoopers LLP (PwC), as the City's internal audit service provider, has conducted and completed many audit projects during its contracted term, which began in April 2013. Since this date, PwC has completed more than fifty audit projects.

On September 23, 2019, by CR 485/2019, City Council approved the establishment of an Independent Auditor General. The approval adopted a fully outsourced Auditor General's Office and appointed a designated person as the Auditor General being Christopher O'Connor, Partner, PricewaterhouseCoopers LLP (PwC). Internal Audit personnel from PwC reports to the Auditor General, and supports the Auditor General in executing the mandates within the City of Windsor Auditor General Charter, approved on January 20, 2020 by CR 35/2020.

Over the past two years, these projects included:

- Planning and Development (February 24, 2020)
- VFM: Purchased Services - Winter Road Clearing (May 25, 2020)
- Security Incident Prevention and Mitigation (May 25, 2020)
- Fraud Risk Mitigation Review (Sprint 1 & 2) (December 7, 2020)

- COVID-19 Health & Safety – Reopening of Workplace and Facilities (Sprint 1) (December 7, 2020)
- Liquidity Management Review (Sprint 1 & 2) (June 7, 2021)
- COVID-19 Health & Safety – Reopening of Workplace and Facilities (Sprint 2) (June 7, 2021)

Final reports for these projects were received by City Council on the dates indicated in parentheses above. Further, City Council accepted all the audit recommendations for each report and directed administration to proceed with implementation of the management action items in the timeframes identified.

It should be noted that other projects have recently been completed by PwC and will be reported to City Council on May 30, 2022. Since they have not been formally received by Council, they have not been included in the list above.

Discussion:

Since the beginning of PwC’s contract as outsourced internal auditor in April 2013, there have been two hundred sixty-three (263) audit recommendations accepted by City Council. As at December 31, 2021 Administration has successfully implemented two hundred forty-six (246) management action plans (this represents an implementation rate of approximately 94%). Despite the impacts of the pandemic on municipal operations, as indicated in PWC’s report “Management is showing strong progress on most open action plans as this year, the total open action plans is the second lowest it has been in 9 years.”

The status summary report for all outstanding audit recommendations is attached as Appendix A and is as of December 31, 2021. As of that date, management is tracking the status of seventeen (17) audit recommendations, of which sixteen (16) audit recommendations are considered open and delayed. Audit recommendations are considered delayed when the original completion date has been retargeted. While one (1) action item was retargeted for the first time, eleven (11) items were retargeted for the second time or more. This delay has resulted in an overall final conclusion as to the follow up rating scale of “Not Controlled”. In other words, less than 50% of the audit recommendations due to be implemented in the current period were completed. It is fully understood that until an action item is closed, the specific risk is implicitly being accepted or tolerated.

Subsequent to PwC’s review, four (4) of the seventeen (17) audit recommendations have been completed, and as such will be included in the closed count of next years report. Many of the open action items have made significant progress over the past year and are expected to be ready for the next validation review by PwC early in 2023. Management is confident that these final remaining open action items will ultimately be addressed however it is important to note that they represent a very small fraction of the overall recommendations made by PwC since 2013 and pose no significant or immediate risks to the corporation.

The management action plans that accompany each PwC audit report establish timelines for the implementation of each item. Given that these timelines are often

estimates and other business issues and priorities compete for management attention, it is not unexpected that occasional minor delays will occur. In some cases, a minor delay is preferable to allow the recommendation to be properly and fully implemented with adequate resources.

Risk Analysis:

The tracking of the implementation status of all audit recommendations was a key risk mitigation strategy for all of the management action plans submitted with each PwC audit report. The Executive Initiatives Coordinator in the Office of the Commissioner of Corporate Services, CFO/City Treasurer liaises directly with both PwC and the assigned operating department to ensure that the implementation of audit recommendations is kept top of mind and on schedule. PwC also follows up annually to verify and test that audit recommendations have been appropriately implemented.

When an audit recommendation is retargeted there is a risk that there is continued exposure to the department or, the recommendation becomes outdated and no longer applicable to the issue or concern and/or, the delay has allowed for adequate resources to be put into place that addresses the concern.

Climate Change Risks

N/A

Financial Matters:

Following each audit by PwC and direction from City Council, City management proceeds with the implementation of each recommendation within existing operational budgets. In cases where additional funds may be required, the affected operating department would submit a request to City Council. No additional funding is being requested at this time.

Consultations:

PricewaterhouseCoopers LLP

Conclusion:

City administration monitors the status of all audit recommendations following the acceptance by City Council of each PwC audit report and the direction by Council to proceed with implementation. The management action plan that accompanies each PwC audit report establishes timelines for the implementation for each item, though occasional variances from these timelines occur for a variety of reasons. Administration is pleased with the overall level of implementation achieved by the corporation and will continue to monitor those actions items which have been retargeted in order to ensure they are addressed in a timely manner and that future action items are reflective of risk tolerances so as to mitigate the need for future retargeting.

Planning Act Matters:

N/A

Approvals:

Name	Title
Marco Aquino	Executive Initiatives Coordinator
Janice Guthrie	Chief Financial Officer & City Treasurer (A)
Joe Mancina	Chief Administrative Officer (A)

Notifications:

Name	Address	Email
Christopher O'Connor, Partner, Site Leader – Risk Assurance Services, Southwestern Ontario- Pricewaterhouse Coopers LLP	95 King Street South, Suite 201, Waterloo ON N2J 5A2	christopher.w.oconnor@pwc.com
David Deluzio, General Manager, Roseland	455 Kennedy Dr Windsor, ON N9G 1S8	ddeluzio@citywindsor.ca
Mark Galvin Chief Executive Officer YQG Inc. (Windsor International Airport)	3200 County Road 42, Unit 200 Windsor, Ontario N8V 0A1	mgalvin@yqg.ca
Carolyn Brown, CEO- Windsor Detroit Tunnel Corporation	350 City Hall Square West - Suite 520, Windsor, ON N9A 6S1	cbrown@citywindsor.ca

Appendices:

1 APPENDIX A - City of Windsor Audit Recommendation Tracking Summary –
December 31, 2021

APPENDIX A - City of Windsor Audit Recommendation Tracking Summary -December 31, 2021

Closed Action Plans in 2021	20	Open Action Plans in 2021	37
Open & Delayed Action Plans	16	Closed Action Plans by PwC in 2021	20
Open & On Track Action Plans	1	Open action plans at December 31, 2021	17
Total Action Plans in 2021	<u>37</u>	Action plans completed year to date in 2022	4
		Action plans expected to be completed in 2022	13
		Projected balance at December 31, 2022*	<u>0</u>
		<i>*Does not include any additions in the period</i>	

Item Number	Finding Status	Finding Number	Recommendation/Topic	CLT Member Responsible	Assigned to	Audit Report/Source	Audit Unit/Firm	Date Issued	Target Date for Implementation	Status (December 31, 2021)
1	Open & Delayed	51a	Documented strategic plan	WDTC Chief Executive Officer	WDTC Chief Executive Officer	WDTC	PwC	July 27, 2015	2016 Q4	Item retargeted to 2022 Q2
		51b	Evidence of Board review and approval	WDTC Chief Executive Officer	WDTC Chief Executive Officer	WDTC	PwC	July 27, 2015	2016 Q4	Item retargeted to 2022 Q2
2	Open & Delayed	101	Evidence of contract review with the County of Essex to consider: a) Outlining oversight responsibilities, contract ownership and expectations regarding Blue Box collection, and b) Flow though of expenses from the City to the Authority and the terms of the other shared finance services provided by the City.	CAO - City of Windsor	Chief Administrative Officer	EWSWA	PwC	January 26, 2016	2016 Q2	Item retargeted to 2022 Q4
3	Open & Delayed	159	Develop a procedure around the use of the VMS in accordance with the Purchasing By-Law 93-2012.	Commissioner of Legal & Legislative Services	Purchasing Department	Service Provider and Outsourced Services Governance and Management	PwC	August 8, 2017	2018 Q2	Item retargeted to 2022 Q1
4	Closed (risk accepted)	165	Document a reporting and services agreement between the City & RGCC	GM, Roseland	GM, Roseland	Roseland Golf & Curling Club	PwC	October 23, 2017	2018 Q2	Finding closed as a risk accepted item
5	Closed	200	Enhance annual training planning and documentation for monitoring	Commissioner of Legal & Legislative Services	Chief Training Officer	Fire Rescue Compliance	PwC	August 27, 2018	2020 Q2	Closed
6	Open & Delayed	205	Enhance purchasing policy and document inventory and asset management procedures	CEO - Your Quick Gateway	YQG - Director of Operations	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2019 Q2	Item retargeted to 2022 Q3
7	Closed	206	Review and document current inventory/asset management systems and processes	CEO - Your Quick Gateway	YQG - Director of Operations	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2019 Q1	Closed
8	Open & Delayed	207	Enhance key vendor management controls	CEO - Your Quick Gateway	YQG - Director of Finance	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2018 Q4	Item retargeted to 2022 Q3
9	Open & Delayed	209	Enhance compensating controls to address potential segregation of duties	CEO - Your Quick Gateway	YQG - Director of Finance	YQG - Managing Inventory, Repairs and Maintenance	PwC	August 27, 2018	2018 Q4	Item retargeted to 2022 Q3
10	Open & Delayed	211	Enhance project classification and expectation guidelines	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Item retargeted to 2022 Q4
11	Open & Delayed	212	Enhance considerations for project risk assessments	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Item retargeted to 2022 Q4
12	Open & Delayed	213	Formalize detailed Project Implementation Plan	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Item retargeted to 2022 Q4

APPENDIX A - City of Windsor Audit Recommendation Tracking Summary -December 31, 2021

Item Number	Finding Status	Finding Number	Recommendation/Topic	CLT Member Responsible	Assigned to	Audit Report/Source	Audit Unit/Firm	Date Issued	Target Date for Implementation	Status (December 31, 2021)
13	Open & Delayed	214	Enhance approach to pre/post go-live feedback collection and aggregation	CAO - City of Windsor	Executive Initiatives Coordinator - CAO's Office	Managing Transition of Projects into Operations	PwC	November 5, 2018	2019 Q3	Item retargeted to 2022 Q4
14	Closed	218a	Define service standards and metrics to evaluate performance	Commissioner of Infrastructure Services	Senior Manager, Facilities	Facilities Operations	PwC	February 4, 2019	2020 Q2	Closed
		218b	Review of priorities assigned to work orders	Commissioner of Infrastructure Services	Manager, Facility Operations	Facilities Operations	PwC	February 4, 2019	2019 Q4	Closed
		218c	Establish goals and targets, and develop metrics to assist in measuring and evaluating progress towards goals.	Commissioner of Infrastructure Services	Manager, Assets & Projects	Facilities Operations	PwC	February 4, 2019	2020 Q4	Closed
		218d	Establish service level agreements/statements to define the expectations	Commissioner of Infrastructure Services	Manager, Assets & Projects and Manager, Facility Operations	Facilities Operations	PwC	February 4, 2019	2020 Q4	Closed
15	Closed	219	Enhance Management Discussions	Commissioner of Infrastructure Services	Manager, Assets & Projects and Manager, Facility Operations	Facilities Operations	PwC	February 4, 2019	2019 Q4	Closed
16	Closed	220a	Develop a formal template of criteria for pursuing/not pursuing capital work.	Commissioner of Infrastructure Services	Manager, Assets & Projects and Manager, Facility Operations	Facilities Operations	PwC	February 4, 2019	2019 Q4	Closed
		220b	Define clear 'documentation' standard and develop standard forms/templates	Commissioner of Infrastructure Services	Manager, Assets & Projects and Manager, Facility Operations	Facilities Operations	PwC	February 4, 2019	2021 Q4	Closed
		220c	Documentation of training and that training material & records are centrally located.	Commissioner of Infrastructure Services	Manager, Assets & Projects	Facilities Operations	PwC	February 4, 2019	2019 Q2	Closed
17	Closed	221	Periodic WO Aging Analysis	Commissioner of Infrastructure Services	Manager, Assets & Projects and Manager, Facility Operations	Facilities Operations	PwC	February 4, 2019	2019 Q4	Closed
18	Closed	222	Design and implement Customer Satisfaction Survey	Commissioner of Infrastructure Services	Senior Manager, Facilities	Facilities Operations	PwC	February 4, 2019	2019 Q4	Closed
19	Closed	223	Track Conditions and Building Condition Assessments (BCA) periodically	Commissioner of Infrastructure Services	Senior Manager, Facilities	Facilities Operations	PwC	February 4, 2019	2019 Q4	Closed
20	Closed	226	Define and implement strategy evaluation and performance reporting processes	Commissioner of Community Services	Senior Manager Communications & Customer Service	Social Media Strategy Assessment	PwC	February 4, 2019	2020 Q4	Closed
21	Open & Delayed	229	Document key content management procedures/checklists and review/update key account level roles/responsibilities.	Commissioner of Community Services	Senior Manager Communications & Customer Service	Social Media Strategy Assessment	PwC	February 4, 2019	2019 Q4	Item retargeted to 2022 Q3
22	Open & Delayed	239	Formalize Incident Management Plan and Procedures	Commissioner of Economic Development & Innovation	Executive Director Information Technology	Cyber Response Strategy Assessment	PwC	September 23, 2019	2020 Q4	Item retargeted to 2022 Q2
23	Open & Delayed	240	Enhance Security Information and Event Management	Commissioner of Economic Development & Innovation	Executive Director Information Technology	Cyber Response Strategy Assessment	PwC	September 23, 2019	2020 Q4	Item retargeted to 2022 Q2

APPENDIX A - City of Windsor Audit Recommendation Tracking Summary -December 31, 2021

Item Number	Finding Status	Finding Number	Recommendation/Topic	CLT Member Responsible	Assigned to	Audit Report/Source	Audit Unit/Firm	Date Issued	Target Date for Implementation	Status (December 31, 2021)
24	Open & Delayed	241	Develop Incident Severity Matrix and Methodology for Incident Response Times using Critical Asset Classification.	Commissioner of Economic Development & Innovation	Executive Director Information Technology	Cyber Response Strategy Assessment	PwC	September 23, 2019	2021 Q4	Item retargeted to 2022 Q2
25	Closed	243	Develop Working Procedures for Planning and Development Application Processing	Commissioner of Economic Development & Innovation	City Planner	Planning and Development	PwC	February 24, 2020	2020 Q3	Closed
26	Open & Delayed	244	Review and Prioritize Action Plan Implementation of 2014 Business Process Review Findings	Commissioner of Economic Development & Innovation	City Planner	Planning and Development	PwC	February 24, 2020	2020 Q4	Item retargeted to 2022 Q3
27	Open & Delayed	247	Ensure contract compliance by retention of relevant documentation	CEO - Your Quick Gateway	Director of Finance, YQG	Complaint Investigation Report - Lancaster Plane	Auditor General	February 24, 2020	2020 Q4	Item retargeted to 2022 Q3
28	Closed	251	Establish protocols for joint ownership of security policies and monitoring controls	Commissioner of Infrastructure Services	Senior Manager, Facilities	Security Incident Prevention and Mitigation	Auditor General	May 25, 2020	2021 Q4	Closed
29	Closed	252	Define responsibilities to monitor contractual requirements	Commissioner of Infrastructure Services	Senior Manager, Facilities	Security Incident Prevention and Mitigation	Auditor General	May 25, 2020	2022 Q4	Closed
30	Closed	253	Confidential action plan	Commissioner of Infrastructure Services	Senior Manager, Facilities	Security Incident Prevention and Mitigation	Auditor General	May 25, 2020	2021 Q4	Closed
31	Closed	254	Enhance protocols for managing and documenting dynamic security plans	Commissioner of Infrastructure Services	Senior Manager, Facilities	Security Incident Prevention and Mitigation	Auditor General	May 25, 2020	2021 Q4	Closed
32	Closed	255	Formalize evidence of ongoing flexible/alternative work arrangements	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Executive Director, Human Resources	Hotline investigation report - NTS 005 - FEB - 2020	Auditor General	May 25, 2020	2021 Q1	Closed
33	Closed	256	Formalize central insight into all flexible/alternative agreements in effect	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Executive Director, Human Resources	Hotline investigation report - NTS 005 - FEB - 2020	Auditor General	May 25, 2020	2021 Q1	Closed
34	Closed	260	Ensure alignment of unique record identifier for vendor change records and implement a detective/monitoring control over the process	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Deputy Treasurer - Financial Accounting	Fraud Risk Mitigation Review	Auditor General	December 7, 2020	2021 Q1	Closed
35	Closed	261	Document categorization of opening protocols between required/desired and risk accepted alternatives for future plans	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Executive Director, Human Resources	Covid-19 Health & Safety - Reopening of Workplace and Facilities	Auditor General	December 7, 2020	2021 Q1	Closed
36	Open (on track)	262	Establish baseline measurements for selected liquidity metrics and work towards a formal liquidity contingency plan.	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Deputy Treasurer - Taxation, Treasury & Financial Projects	Liquidity Management - Sprint 1	Auditor General	June 7, 2021	2023 Q2	Action plan due by June 2023
37	Closed	263	Maintain compliance with existing Municipal Tax Collection and Registration Process Procedures	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer	Deputy Treasurer - Taxation, Treasury & Financial Projects	Hotline investigation report - Citizen Property Concern	Auditor General	June 7, 2021	2021 Q2	Closed

**Subject: Disconnecting from Work - City Wide****Reference:**

Date to Council: May 30, 2022

Author: Vincenza Mihalo, Executive Director of Human Resources
(519) 255-6515, ext. 6259; vmihalo@citywindsor.ca

Human Resources

Report Date: May 12, 2022

Clerk's File #: AS2022

To: Mayor and Members of City Council

Recommendation:

THAT the report entitled Disconnecting from Work **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

The proliferation of mobile technologies such as smartphones, tablets, laptops, email, instant messaging, and communication apps are making the boundaries between work and non-work increasingly blurred. Many employees spend time sending, checking and replying to emails or other work-related communications on evenings and weekends.

On December 2, 2021, *Bill 27, Working for Workers Act, 2021*, received Royal Assent. This Bill amended the *Employment Standards Act, 2000 (ESA)* to require employers that employ 25 or more employees to have written principles concerning disconnecting from work. Employers have until June 2, 2022, to comply with this requirement.

The term "disconnecting from work" is defined to mean not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.

Discussion:

Human Resources, in conjunction with other departments, has prepared a Disconnecting from Work Procedure to fulfill this legislated requirement. This procedure will be completed by the June 2, 2022 deadline and as of the writing of this report is being reviewed.

The requirement relating to disconnecting from work applies to all employees covered by the ESA, even employees who are generally excluded from other provisions of the ESA. As such, our procedure must apply to all employees of the Corporation of the City of Windsor including corporate leaders, managers, and non-union employees.

Administration recognizes the importance of disconnecting from work and is instituting this procedure to protect employees from excessive work time demands and safeguard their need for rest, recovery, and opportunities to take care of personal responsibilities.

The Disconnecting from Work Procedure is being incorporated as part of the City of Windsor's Wellness Initiative. Having a good work-life balance reduces stress, improves mental health, and reduces the risk of burnout. The wellness initiative will promote a healthy work-life balance for all employees.

For this procedure to succeed, City leaders must show leadership by being good role models and disconnecting from work themselves and being mindful of other employees' need to disconnect.

It is important that all employees' personal time is respected. Employees will be encouraged to disengage from work outside of their working hours. When possible, work-related communications should be sent during normal working hours.

While disconnecting is vital, it is understood that there may be situations or emergencies that may arise where it is not possible to deal with matters during normal working hours. Employees may be required to work outside of their regular hours of work in some circumstances.

Risk Analysis:

The risk is consistent with any risk associated with legislative non-compliance.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

None

Consultations:

Kristina Savi-Mascaro, Senior Legal Counsel

This procedure has also been sent for review to the Corporate Leadership Team, Department Heads, the Managers of Administration, as well as the union and association executives.

Conclusion:

The City is committed to supporting employees’ wellness and mental health by promoting a healthy work-life balance and encouraging limits and boundaries on work-related communications outside of work hours.

Planning Act Matters:

N/A

Approvals:

Name	Title
Vincenza Mihalo	Executive Director, Human Resources
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Guthrie Janice	Commissioner, Corporate Services (acting)
Raymond Mensour	Commissioner, Community Services
Christopher Nepszy	Commissioner, Infrastructure Services
Jelena Payne	Commissioner, Economic Development & Innovation
Debbie Cercone	Commissioner, Human & Health Services (acting)
Joe Mancina	Chief Administrative Officer (acting)

Notifications:

Name	Address	Email

Appendices:



Council Report: C 82/2022

Subject: CQ 7-2022 - Response to CQ-7-2022 - Expansion of Dog Parks within the City – City Wide

Reference:

Date to Council: May 30, 2022
Author: Samantha Magalas
Executive Initiatives Coordinator
519-253-2300 x 2730
smagalas@citywindsor.ca

Report Date: May 4, 2022
Clerk's File #: SR2022

To: Mayor and Members of City Council

Recommendation:

THAT the report titled Response to CQ 7-2022 – Expansion of Dog Parks within the City, **BE RECEIVED FOR INFORMATION.**

Executive Summary:

N/A

Background:

At the April 25, 2022 meeting of City Council, Councillor Francis asked the following question:

“Asks Administration to report back to Council about how we can plan to expand more dog parks across the City.”

This report is in response to that question.

Discussion:

The “Rediscovering Our Parks” the Parks & Outdoor Recreation Master Plan was approved by Council on July 4th 2016. The Master Plan’s 20-year vision identified 115 recommendations, one of which was the creation of a Dog Park Policy. On July 8, 2019, City Council through CR351/2019 approved the City’s Dog Park Policy (attached as **Appendix A**). The Dog Park Policy outlines the governing rules and regulations for the creation of new dog parks referred to as leash-free areas. There are three key groups of

criteria that must be met when placing new dog parks within the City of Windsor and what amenities need to be included when creating new dog parks. These groups are:

1. Geographic Location in Windsor; disbursement and type of park.
2. Restrictions; avoid proximity to other park amenities.
3. Inclusions; the minimum size and amenities to be included.

Geographic Location

As per the policy, dog parks must be located within parks that are classified as either Community or Regional Parks – not within Neighbourhood Parks. Geographically, the policy also prohibits dog parks being built in close proximity to existing dog parks.

Restrictions

Within the Regional and Community Parks, there are various restrictions that prohibit dog parks from being built in close proximity to various amenities. This includes items like splash pads, sports fields, horticulture displays, cemeteries etc.

Inclusions

Additionally, the parks are required to have a minimum of 1.5 acres of available land for which the dog park can be placed. Administration reviewed the list of all the Regional and Community classified parks and cross referenced them against the list of criteria from the policy. Doing this significantly decreased the number of parks that could potentially house a dog park.

After reviewing the list of potentially qualifying parks based on the Dog Park Policy requirements and restrictions, a list of eligible parks are included in **Appendix B**.

Attached as **Appendix C** is a map of the current dog park locations along with the locations of the identified parks that would qualify for a new dog park. As noted in the City of Windsor Parks & Outdoor Recreation Master Plan, the number of dog parks are limited within the City and it also identifies that south of the E.C. Row Expressway and the east end of the city are specific areas which are lacking dog parks.

Based on all of the criteria and factors identified within the Dog Park Policy, the following three parks have been identified as the highest rated potential locations for new dog parks:

- Oakwood Park (located south of Capri Pizzeria Recreation Complex)
- Elizabeth Kishkon Park
- Realtor Park

Oakwood Park is located south of the E.C. Row Expressway and would work to fill that gap in the southern area of the City as outlined in the Master Plan. Both Elizabeth

Kishkon and Realtor Parks are located in the east end and either would fill the east end gap.

Both Realtor and Elizabeth Kishkon Parks are in wards that do not have a dog park already. Should City Council wish to proceed with a dog park in the east end, Administration would recommend to proceed with creating one at Elizabeth Kishkon Park first. The rationale for this is that Realtor Park (Ward 6) is directly beside Ward 5 which already contains a dog park at Ford Test Track Park. Elizabeth Kishkon Park is significantly further away from the closest City of Windsor dog park, which is located at Ford Test Track. The distance between the two parks is approximately 7kms as opposed to only 3kms between Realtor Park and Ford Test Track Park.

Elizabeth Kishkon Park located in Ward 7 is surrounded by Wards 6, 8 and 9 – none of which have dog parks. Establishing a dog park at Elizabeth Kishkon Park first would allow residents from Ward 7, along with residents on the eastern side of Ward 6 & 8 to utilize the dog park. Residents on the western side of Ward 6 & 8 could utilize the dog park at Ford Test Track Park.

Risk Analysis:

There is a risk that installing new dog parks in various parks might upset the residents surrounding the dog park due to the potential for increased traffic and noise. Should City Council wish to proceed with creating new dog parks, Administration would look to identify areas within the identified parks that would create the least amount of disruption to the surrounding neighbours. Oakwood Park is surrounded by a natural area and a community centre so this specific park should be the least disruptive to the surrounding community. Elizabeth Kishkon Park provides the most space of the two identified east end parks and this would potentially help Administration decide where a dog park could be placed within the existing park. Selecting either of these two parks should help mitigate some of the risks regarding complaints from residents.

As per the Dog Park Policy, community consultation is required prior to installing a new dog park. Should Council wish to proceed, this consultation may help to identify and mitigate concerns from the residents.

There is a significant financial risk identified, as there is currently no capital or operating budget approved by Council to fund the installation or maintenance of a new dog park. The approximate capital cost of each new dog park would be approximately \$400,000-\$450,000. The ongoing annual maintenance costs associated with each new dog park are expected to range on an annual basis from \$5,000 to \$10,000 subject to the size and amenities included in the dog park.

Climate Change Risks

Climate Change Mitigation:

Should City Council wish to add additional dog parks in the south and east ends of the City, this will afford local residents the opportunity to utilize a dog park closer to their homes. Presently, residents in these areas are required to drive to existing dog parks in order to use them. By installing additional dog parks, there is potential to decrease the

amount of driving required to get to these parks, therefore reducing community greenhouse gas emissions.

The addition of the dog parks should not negatively impact corporate greenhouse gas emissions. Any additional lighting requirements should consider lighting efficiency.

Climate Change Adaptation:

All three potential park locations currently exhibit lower urban heat islands than their adjacent properties. The addition of dog parks are not expected to negatively impact the current heat islands. However, it is important to note that regardless of the current heat island impacts, the City of Windsor is expected to have a significant increase in the number of days above 30°C. For example, under Windsor's current climate the average number of days exceeding 30°C is 22, which is expected to grow to an average of 50 days in 2040. To reduce the impacts of extreme heat on both human and dogs, administration will look at the opportunity to add shade producing features to the parks including additional tree plantings. Where possible a water service should be provided to help reduce the risks of extreme heat and heat-related illnesses.

Financial Matters:

Administration has estimated that the cost to create a proper dog park as per the Dog Park Policy would be between \$400,000 and \$450,000. The cost range is largely dependant on the size of the dog park, which will impact the amount of materials needed. Additionally, the specific location of the dog park in relation to the existing infrastructure found within the selected park could impact overall costs.

Unfortunately, when creating Dog Parks, it is not as simple as installing some fencing. Instead, Administration needs to ensure the park is equipped with drainage or the park will quickly become muddy and unusable. Additionally, as noted in the policy, there should be a water supply present and proper fencing and gating is required. There should also be separate, fenced off areas for large and small dogs. The dog parks also need to be accessible with a walking area around the perimeter and signage will be required to be posted.

Presently, there is no capital funding available for dog parks in PFO-010-17 Dog Park Development, within the approved 5-Year Capital Budget. There is \$300,000 identified in 2031, which is year ten (10) of the current 10-Year Capital Budget. This funding is not within the eligible five-year pre-commitment period for capital budget funding. Should City Council direct Administration to proceed with creating new dog parks in the immediate future, a funding source would need to be identified.

In addition, should the infrastructure of dog park development be increased this would result in additional operating costs for the maintenance expenses. These are estimated to be in the range of \$5,000 to \$10,000 per Dog Park. The scope of maintenance costs would be impacted by the size and amenities within each specific dog park. As noted above, an operating budget issue would also be required during the 2023 budget process for this maintenance which would be ongoing following completion of any new dog parks.

Consultations:

Wadah Al-Yassir – Manager, Parks Development

Jamie Scott – Manager, Parks Operations

Karen Cedar – City Naturalist

Mark Friel- Financial Planning Administrator

Karina Richters – Supervisor Environmental Sustainability & Climate Change

Community consultation will be required prior to creating any new dog parks.

Conclusion:

If Council chooses to direct Administration to immediately begin the process of adding two additional dog parks at Oakwood Park and Elizabeth Kishkon Park, the following funding could be identified for these projects by the *reallocation of \$750,000 in 2022 PAYG funds and the reallocation and pre-commitment of \$130,000 in 2023 PAYG funds from capital project PFO-009-12 – Parks Bridges/Shelters/Buildings/Capital Rehabilitation Program to capital project PFO-010-17 – Dog Park Development, to be replaced with the transfer of \$880,000 from Fund 151 – Parkland Acquisition Reserve back to capital project PFO-009-12.*

Prior to moving forward with any new dog parks, community consultation will be required as outlined in the Dog Park Policy.

Planning Act Matters:

Approvals:

Name	Title
James Chacko	Executive Director, Parks & Facilities
Ray Mensour	Commissioner, Community Services
Janice Guthrie	Acting Commissioner, Corporate Services, Chief Financial Officer & City Treasurer
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Dog Park Policy
- 2 Appendix B - List of Qualifying Dog Parks
- 3 Appendix C - Map of Dog Park Locations

**THE CORPORATION OF THE CITY OF WINDSOR
POLICY**

Service Area:	Parks, Recreation & Culture and Facilities	Policy No.:	
Department:	Parks	Approval Date:	June 5, 2019
Division:	Parks Development	Approved By:	CSPS 47
		Effective Date:	June 5, 2019
Subject:	Dog Park Policy	Procedure Ref.:	
Review Date:		<i>Pages:</i>	Replaces:
Prepared By:	Mike Clement		Date:

1. POLICY

1.1. The Dog Park Policy provides the framework for selecting the future locations of all leash-free areas located within City of Windsor owned and operated parks.

2. PURPOSE

2.1. The City of Windsor recognizes the social benefits of dogs and their owners having access to and being accommodated within the parks system. Providing designated leash-free areas is an important part of this inclusion. This policy will:

- a. Provide guidelines for the establishment of new leash-free areas
- b. Consider the impact on surrounding neighbourhoods and park users
- c. Consider the needs and individual characteristics of each neighbourhood when creating leash-free areas.

3. SCOPE

3.1. This policy provides the criteria which is to be considered when selecting future dog park locations for all City of Windsor owned and operated property.

4. RESPONSIBILITY

4.1. The CAO will support the Dog Park Policy and its implementation

4.2. The Corporate Leader of Parks, Recreation & Culture and Facilities will support the Dog Park Policy and mediate any disputes regarding its implementation, should any arise

4.3. The Senior Manager of Parks:

4.3.1. Is responsible to direct a review of this policy annually

4.3.2. Shall carry out the role as decision maker under this policy in good faith and in a timely manner

4.4. The Manager of Parks Development:

4.4.1. Is responsible for ensuring all new leash-free locations are selected in consideration with the guidelines in this policy

- 4.4.2. Will ensure opportunity for public consultation for any potential new location
- 4.4.3. Will be responsible for implementing the policy and providing suggestions in revising the guidelines as required
- 4.4.4. Will consult with other Departments as required (e.g. Planning Department, Windsor Police Service, Humane Society etc.)

4.5. The Manager of Parks Operations:

- 4.5.1. Is responsible for the maintenance and upkeep of the leash-free area
- 4.5.2. Is responsible to place appropriate signage outlining rules of the leash-free area

4.6. The Office of the City Clerk will track any requests from residents regarding new-leash free areas and forward them to the Parks Development Manager

5. GOVERNING RULES AND REGULATIONS

5.1. New off-leash areas will be considered in conjunction with capital redevelopment of existing parks or new park development against the policy criteria

5.2. The following criteria should be considered when determining a new leash-free area:

5.2.1. Geographic location in Windsor

- a. New leash-free areas should be spread across Windsor in order to serve all residents in Windsor, as noted in the Parks Master Plan
- b. Leash-free areas should not be constructed in close proximity to one another
- c. Leash-free areas must be located in either community or regional parks and may not be established in neighbourhood parks.

5.2.2. Restrictions

Off-leash areas shall NOT be established in close proximity to the following areas:

- a. playgrounds, splash pads and wading pools;
- b. horticultural display areas or ornamental gardens;
- c. skateboard bowls, tennis courts and other sports pads;
- d. sports fields and stadiums;
- e. artificial or natural ice rinks, toboggan hills;
- f. designated heritage, memorial, commemorative and ceremonial areas;
- g. cemeteries;
- h. areas posted prohibiting dogs;
- i. swimming beaches
- j. natural areas

5.2.3. Inclusions

Off-leash areas MUST include the following:

- a. A minimum of 1.5 acres of available land on which to place the leash-free park on
- b. Separate, fenced off areas for large and small dog breeds
- c. A grass area for dogs to play
- d. Fencing surrounding the perimeter of the leash free area
- e. A pathway around the perimeter
- f. A gated entrance
- g. Where possible, administration should consider the overall topography to allow for adequate drainage
- h. Where possible, there should be access to a water source
- i. Alternatives to the above noted inclusions can be brought forward to be considered for approval by City Council.

5.3. Designation of an off-leash area may be cancelled by the Corporate Leader of Parks, Recreation & Culture and Facilities where in the opinion of the Senior Parks Manager:

- 5.3.1. the off-leash area is not being used on a regular basis
- 5.3.2. extensive damage to the park and / or natural environment is occurring
- 5.3.3. the park is no longer suitable for an off-leash area
- 5.3.4. conflicts between park users cannot be resolved
- 5.3.5. repeated, ongoing non-compliance with the Code of Conduct for off-leash area use posted at each off-leash area

5.4. DEFINITIONS

Neighbourhood Parks: are designed for the recreation and leisure activities of residents within a defined service radius of Windsor. These are local parks that serve their local residences within a comfortable walking distance, and usually focus on passive recreation activities with open spaces of grass, trees for shade, and may include pathways, small playgrounds, benches, picnic tables, and possibly a single sports field (either baseball or soccer) which is used primarily for casual use and not generally rented out for organized sports games or tournaments.

Community Parks: are larger scale parks ranging from 2 to 6 hectares (4.94 to 14.83 acres) serving a greater catchment area and still offer the base recreational services of a Neighbourhood Park, but with a broader range of amenities including such items as splash pads, picnic shelters, accessible playgrounds, and organized sports fields to mention a few. Such parks may also include a small arena, pool, a community centre or library as an anchor facility. There are instances in the city where community parks can be associated more closely with a school to provide a joint cooperative use.

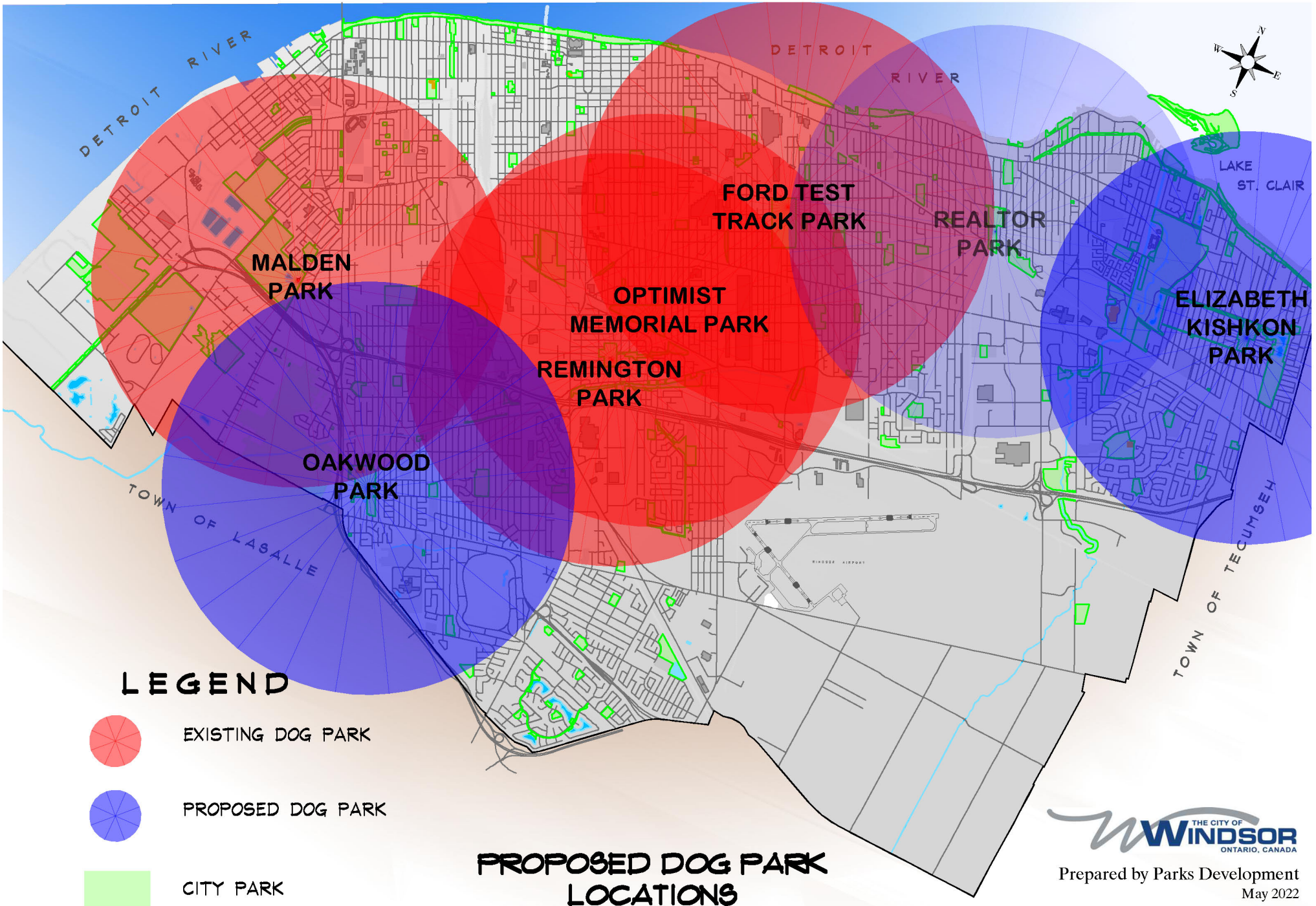
Regional Parks: generally attract users from all across the city and often attract users from outside the city boundaries, or even beyond Essex County. Like Community Parks they provide the base services of a Neighbourhood Park. Since the volume of users is potentially greater, the level of services is also greater. They have a significant draw which can also foster commercial opportunities (such as; carnivals, festivals, art shows, or special events). Regional parks provide recreational services with a more organized sports focus.

6. RECORDS, FORMS AND ATTACHMENTS

6.1. Records are the responsibility of The Office of the City Clerk and will be kept in accordance with the Records Retention Bylaw #21-2013 as amended from time to time.

Appendix B - Qualifying Dog Parks

Park Information			Restrictions as per Policy					Inclusions as per Policy				Administration Considerations
PARK NAME	CLASS	WARD	Natural Area	Splash Pad/ Beach Area	Horticulture/ Display area	Close to other Dog Park	Heritage/ Memorial/ Event Area	Available 1.5 Acres	Available Water Source	Accessible	Parking	In Ward with existing dog park?
AKO	CP	5				X						Y
Alexander	RP	5				X						Y
Assumption	RP	2					X					Y
Assumption North	RP	2					X					Y
Bellewood	CP	10						Y	Y	Y	Y	Y
Black Oak Heritage	RP	1	X									N
Bridges Bay	RP	6						N		N	N	N
Bridgeview	CP	2				X						Y
Brock	RP	2						N			N	Y
Bruce Avenue	CP	3									N	N
Captain John Wilson	CP	9						N				N
Centennial	RP	2/3						N				Y
Central	CP	1						N				N
City Hall Square	RP	3					X					N
Civic Terrace	RP	3					X	N				N
Clairview Bikeway	RP	6						N			N	N
College Avenue Bikeway	CP	2						N			N	Y
Derwent	CP	8						N				N
Dieppe Gardens	RP	3			X			N				N
East Riverside	RP	7						N				N
East Riverview	RP	6						N				N
Elizabeth Kishkon	CP	7						Y	Y	Y	Y	N
Ernest Atkinson	CP	3				X						N
Festival Plaza	RP	3					X	N				N
Fontainebleau	CP	8						N				N
Ford Test Track	RP	5				X						Y
Forest Glade Optimist	CP	7						N				N
Fred Thomas	CP	3				X		N				N
Ganatchio	RP	7						N				N
Ganatchio Trail	RP	6/7						N				N
Garry Dugal	CP	5				X						Y
Gino and Liz Marcus	CP	5				X						Y
Goose Bay	RP	5						N			N	Y
Grand Marais Drain Trail	RP	10						N				Y
Great Western	RP	4						Y	Y	Y	Y	Y
Howard	CP	10						N		N	N	Y
Jackson	RP	3			X	X		N				N
Lakeview Park Marina	RP	6/7						N				N
Lanspeary	CP	4						N				Y
Legacy	RP	3						N				N
Little River Acres	CP	6						N				N
Little River Boulevard	CP	7						N				N
Little River Corridor	RP	6/7	X					N				N
Little River Dragonfly	CP	8						N				N
Mackenzie Hall	RP	2					X	N				Y
Malden	RP	2				X						Y
Maurice Belanger	CP	2				X		N				Y
McHugh	CP	7						N				N
McKee	RP	2		X		X		N				Y
Mic Mac	RP	2				X		N				Y
Mill Street	RP	2						N			N	Y
Mitchell	CP	3						N				N
Oakwood (Capri)	CP	1						Y	Y	Y	Y	N
Ojibway Parkway Trail	RP	1	X									N
Ojibway Tom Joy Woods	RP	1	X									N
Optimist Memorial	CP	4				X						Y
Peche Island	RP	7	X									N
Peche Island Landing	RP	6	X									N
Realtor	CP	6						Y	Y	Y	Y	N
Reaume	RP	6			X			N				N
Remington Booster	CP	10		X		X		N				Y
Robert McDonald	CP	5				X						Y
Sandpoint Beach	RP	7		X				N				N
Shanfield Shores	RP	7						N				N
South Cameron Woodlot	CP	10	X									Y
Spring Garden Natural Area	RP	1	X									N
St Paul Pumping Station	RP	6						N	N		N	N
St Rose Beach	RP	6						N		N	N	N
Stop 26	RP	7		X				N				N
Superior	CP	10						N				Y
Tallgrass Prairie Heritage	RP	1	X									N
Tranby	CP	6						N				N
Veterans Memorial	CP	1						N				N
Virginia	CP	10						N				Y
Vision Corridor	RP	3			X		X	N				N
Walker Homesite	CP	9						N				N
Wigle	CP	3				X					N	N
Willistead	RP	4			X		X	N				Y
Wilson	CP	2						N				Y





Council Report: C 94/2022

Subject: Animal Control Contract - City Wide

Reference:

Date to Council: May 30, 2022

Author: Craig Robertson

Licence Commissioner (A)

519-255-6100 ext. 6869

crobertson@citywindsor.ca

Katherine Donaldson

Corporate Policy Coordinator

519-255-6100 ext. 6533

kdonaldson@citywindsor.ca

Policy, Gaming, Licensing & By-Law Enforcement

Report Date: May 17, 2022

Clerk's File #: MHS/9496

To: Mayor and Members of City Council

Recommendation:

THAT City Council **APPROVE** the proposal to provide contractual animal control services from the Windsor-Essex Humane Society (WECHS) in the annual amount of \$1,081,601 (exclusive of any applicable tax) with an annual inflation adjustment of 2% for a five year period commencing July 1, 2022 as detailed in the Financial Assessment section of this report; and,

THAT the contract **INCLUDE** a termination clause upon the provision of six (6) months written notice; and,

THAT the City Solicitor **BE AUTHORIZED** to prepare a contract for those services; and further,

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the contract, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Acting Licence Commissioner.

Executive Summary:

N/A

Background:

Section 103 of the *Municipal Act* allows municipalities who have passed by-laws regulating or prohibiting animals from being at large or trespassing, the ability to provide services for the seizure and impoundment of the animal. The Corporation of the City of Windsor has contracted with the Windsor Essex County Humane Society (WECHS) to provide said services since 1978.

Discussion:

The City's current contractual arrangements for animal control services expire June 30, 2022. A Request for Proposals (RFP 44-22) for contract services resulted in only one response, that being from the Windsor-Essex County Humane Society, for a proposed five year contract at an annual base amount of \$1,081,601. Contract review was undertaken by administration and the proposal was reviewed and verified for correctness and completeness and is in full conformance to the RFP process requirements by the Administration. The Proposal by the WECHS also addresses all statutory and non-statutory items, as requested by administration.

The Contract provides for the use of the facility at 1375 Provincial Road as the Municipal Pound which is able to accommodate dogs, cats, small animals and even farm animals when required. This facility provides impounded animals clean, sanitary conditions, high quality food, fresh water and adequate exercise space. This facility is fully staffed with administrative professionals, animal care staff, animal protection field officers and veterinarians. It is equipped with more than appropriate infrastructure for the statutory and non-statutory services requested by administration.

The contract provides for the impoundment of domestic animals for an initial three day period and ensures impounded animals will be posted on the WECHS website to assist owners in identifying their pets. Animals are vaccinated upon intake and provided routine veterinary care as needed. Once this period is over, the animal is assessed and placed into the adoption program.

As provided in the submission, Animal Control Field Officers are available and provide service daily, including responding to instances of stray dogs and injured or sick animals. The WECHS will also continue to remove deceased domestic animals found on municipal roadways during business hours and make every effort to identify them and inform their owners. The contract also provides for the quarantine of animals as required by the Windsor-Essex County Health Unit (WECHU).

The contract response also included a number of non-statutory items provided by the WECHS but not expressly under this contract. These include: accepting owner-

surrendered animals, euthanasia services, the operation of an adoption program, the capture and relocation of nuisance wildlife, the acceptance of stray cats and other small animals, vaccination services for owned animals, 24 hour response for sick or injured animals with no owner present, the provision of spay and neuter services, limited veterinary services for owned animals, and the provision of animal welfare education programs.

Risk Analysis:

Compliance Risk:

As the Humane Society is the only responder to the RFP, a Council decision not to accept the proposal will interrupt services and the City will be non-compliant with Section 103 of the *Municipal Act*. Acceptance of the contract would enable continued compliance.

Community Impact Risks:

In the event that Council decides not to accept the Contract proposal from the WECHS, the inability to arrange interim services may result in an interruption of service or reduction in service to the community.

Financial Matters:

The Windsor-Essex County Humane Society Contract Proposal is outlined below:

The RFP response commences with a base contract rate of \$1,081,601 (exclusive of any applicable tax) for the July 1, 2022-June 30, 2023 contract year, with modifications for inflationary impacts of 2% annually for subsequent periods as follows:

<u>Contract Period</u>	<u>Amount</u>	<u>% Increase</u>
July 1, 2022 – June 30, 2023	\$1,081,601	
July 1, 2023 – June 30, 2024	\$1,103,233	2%
July 1, 2024 – June 30, 2025	\$1,125,297	2%
July 1, 2025 – June 30, 2026	\$1,147,802	2%
July 1, 2026 – June 30, 2027	\$1,170,758	2%

Also included in the proposed contract is a continuation of the Dog License Fee revenue sharing according to the below schedule, which is in line with previous contracts:

Up to \$139,220	100% to the City of Windsor
\$139,221 - \$202,220	40% City of Windsor, 60% WECHS
\$202,221 and over	20% City of Windsor, 80% WECHS

The WECHS proposes to maintain the current Impound Fees of \$50 for each incidence of dogs found to be ‘running at large’ ,which is when an animal is found to be off of the premises of its owners’ or is not under the owners’ control. These fees are to be maintained for the first 2 years of the contract, with the option to increase to a maximum of \$90 per incidence in subsequent years. The boarding fee of \$25/day after initial impound date remains unchanged from previous contracts.

A dedicated budget to support the above contract items was outlined in Budget Item 2022-0162, approved by Council at deliberations in January.

Consultations:

Windsor-Essex County Humane Society

Windsor Police Service

Financial Accounting

Licensing

Conclusion:

The City’s current contract for Animal Services with the Windsor Essex County Humane Society expires June 30, 2022. The proposal received from the WECHS has been analysed and meets the requirements set out by Administration. It provides a seamless transition for immediate contractual services that meet the City’s legal compliance requirements.

Approvals:

Name	Title
Katherine Donaldson	Corporate Policy Coordinator
Alexandra Taylor	Financial Planning Administrator
Craig Robertson	Licence Commissioner (A)
Steve Vlachodimos	City Clerk
Janice Guthrie	Commissioner of Corporate Services & Chief Financial Officer (A)
Shelby Askin Hager	Commissioner of Legal and Legislative Services & City Solicitor
Joe Mancina	Chief Administrative Officer (A)

Notifications:

Name	Address	Email
Melanie Coulter, Executive Director	Windsor-Essex County Humane Society	melanie@windsorhumane.org

Appendices:

**Council Report: C 78/2022****Subject: Cancellation of June 27, 2022 City Council Meeting due to 2022 Ford Fireworks****Reference:**

Date to Council: May 30, 2022

Author: Steve Vlachodimos, City Clerk and Senior Manager of Council Services,
519-255-6222 ext 6488

svlachodimos@citywindsor.ca

Council Services

Report Date: April 28, 2022

Clerk's File #: ACO2022

To: Mayor and Members of City Council

Recommendation:

That the regular meeting of Council scheduled for Monday, June 27, 2022 **BE CANCELLED** as the 2022 Ford Fireworks are scheduled for that date.

Executive Summary:

N/A

Background:

City Council, by resolution CR513/2021 and CR514/2021, adopted its 2022 meeting schedule, which includes Monday, June 27, 2022 as a regularly scheduled Council meeting date. The Parade Company has announced it will be presenting the 2022 Ford Fireworks on June 27, 2022. This is one of the world's most spectacular and largest fireworks display, lighting up the international skyline over the Detroit River.

Discussion:

Due to the COVID-19 Pandemic, the Ford Fireworks were held from a remote location in Michigan in 2020 and 2021, therefore not impacting the traffic and road closures necessary in the downtown Windsor core. However, the Detroit Parade Company has indicated that it is their intent to hold the 2022 Ford Fireworks this year, returning to the traditional site of the Detroit River. Therefore, it is proposed that the public meeting held on June 27, 2022 be cancelled, and that the Council meeting schedule resume on Monday, July 11, 2022.

Risk Analysis:

If the Council meeting scheduled for Monday, June 27, 2022 is not cancelled, potential conflicts for members of administration, Council, delegations and the public and news media coverage may arise and thus creating logistical challenges.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

N/A

Conclusion:

It is being recommended that the City Council Meeting scheduled for Monday, June 27, 2022 be cancelled, since the 2022 Ford Fireworks returning to the Detroit River this year is also set for that date.

Planning Act Matters:

N/A

Approvals:

Name	Title
Anna Ciacelli	Deputy City Clerk and Supervisor of Council Services
Steve Vlachodimos	City Clerk and Senior Manager of Council Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
YourTV Windsor, Attn: Cliff Danby and Emily Moore		cliff.danby@cogeco.com emily.moore@cogeco.com
Closed Captioning Services		contact@natcapcan.ca

Appendices:

**Council Report: C 93/2022****Subject: Your Quick Gateway (Windsor) Inc. - Annual General Meeting of Shareholder - City Wide****Reference:**

Date to Council: May 30, 2022
Author: Steve Vlachodimos,
City Clerk and Senior Manager of Council Services
519-255-6100 ext 6488
svlachodimos@citywindsor.ca
Council Services
Report Date: May 16, 2022
Clerk's File #: AL/14399

To: Mayor and Members of City Council

Recommendation:

- I. That Council, acting as the shareholder for Your Quick Gateway (Windsor) Inc. ("YQG") **APPROVE** the resolutions presented by YQG; and,
- II. That the Chief Administrative Officer (CAO) and the City Clerk and Senior Manager of Council Services **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by YQG for the year 2021.

Executive Summary:

N/A

Background:

As a corporation subject to the *Canada Business Corporations Act* ("CBCA"), YQG is required to obtain certain shareholder resolutions from the City on an annual basis. This can be done by way of meeting, or in writing.

As the shareholder, the City (represented by City Council) must appoint someone to execute the resolutions in accordance with its direction. Therefore this report seeks that Council approve the resolutions presented by YQG, and further that it appoints the CAO and the City Clerk to execute the resolutions on behalf of the City.

Discussion:

The resolutions to be presented on an annual basis are prescribed by the legislation and are limited to:

- (a) Approval of minutes of prior AGMs (if any);
- (b) Receipt of financial statements;
- (c) Appointment of directors;
- (d) Appointment of auditors.

These resolutions are essentially annual housekeeping, and it is Administration's opinion that it is appropriate to approve the resolutions presented.

Risk Analysis:

As the sole shareholder of YQG, the City must fulfill its obligations under the CBCA and address the resolutions presented by YQG.

Approval of the resolutions pose little to no risk to the City as the City remains involved and aware with respect to the operations of YQG.

Climate Change Risks**Climate Change Mitigation:**

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There are no financial ramifications to accepting the resolutions presented by YQG.

Consultations:

N/A

Conclusion:

The resolutions presented by YQG are essentially corporate housekeeping and it is appropriate to approve them. It is necessary to appoint a signatory to represent the City for that purpose.

Planning Act Matters:

N/A

Approvals:

Name	Title
Steve Vlachodimos	City Clerk and Senior Manager of Council Services
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Janice Guthrie	Commissioner Corporate Services, Chief Financial Officer & City Treasurer (Acting)
Joe Mancina	Chief Administrative Officer (Acting)

Notifications:

Name	Address	Email
YQG Attn: Mark Galvin, Chief Executive Officer		mgalvin@yqg.ca

Appendices:

- 1 Memorandum re Your Quick Gateway (Windsor) Inc. Annual Meeting of Shareholder
- 2 YQG Appendix A - Audited Financial Statements for the year ended December 31, 2021 and Appendix B - Shareholder's Resolution

MEMORANDUM

April 26, 2022

To: Corporation of the City of Windsor as sole shareholder of Your Quick Gateway (Windsor) Inc. ('YQG')

From: Mark Galvin, Chief Executive Officer, YQG

RE: Your Quick Gateway (Windsor) Inc. Annual Meeting of Shareholder

Background

Windsor City Council adopted the following resolution (M318-2013) at its meeting held on August 26th, 2013:

BE IT RESOLVED that the Chief Administrative Officer and the City Clerk are hereby authorized to execute written annual and ancillary procedural resolutions of The Corporation of the City of Windsor, in its capacity as sole shareholder of Your Quick Gateway (Windsor) Inc., in form and content satisfactory to the Chief Administrative Officer, as permitted by Section 142 of the Canada Business Corporations Act (Canada).

In accordance with the Airport Management Agreement between YQG and the Corporation of the City of Windsor ('Windsor'), an annual audit is required, performed by the auditor so appointed by the sole shareholder. Once the YQG Board has approved the audited financial statements they are then 'placed before' Windsor City Council. City of Windsor administration, as per the resolution above, then approves the YQG annual resolutions on behalf of the sole shareholder. Once approved, those resolutions fulfill the role of an annual meeting of the shareholder as per the *Canada Business Corporations Act* ('CBCA').

Audited Financial Statements

KPMG is the appointed the auditor of YQG. KPMG'S audited financial statements for the financial year ended December 31, 2021, are annexed hereto.

The YQG Board of Directors approved the financial statements at their meeting held on April 7, 2022.

Election of Directors

YQG's by-laws provide that its board of directors shall consist of between 3 and 12 directors. No resignations have been received and all Directors consent to continuing as members of the YQG Board. It is recommended that Windsor elect the following directors to hold office until December 31, 2022 or the next annual meeting of directors or until their successors are elected or appointed:

- Mayor Drew Dilkens
- Councillor Fred Francis
- Councillor Kieran McKenzie
- Renato J. Discenza
- Toni Scislowski
- John Chisholm
- Kulveer Virk

The December 31, 2022 term expiration date was selected in concert with the City Clerk to coincide with Board member recruitment for the upcoming term of Council.

Appointment of Auditor

KPMG is Windsor's auditor and it served as auditor of YQG for its last financial year. The sole shareholder may fix remuneration, however, it is common practice for the Directors of YQG to approve remuneration for the auditor.

Confirmation of Acts

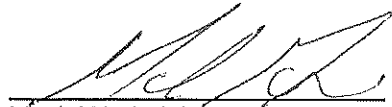
It is the usual practice for the shareholder(s) to pass a resolution confirming the actions of the directors and officers of a Corporation taking in the financial year covered by the financial statements. It is considered appropriate to pass such resolution and it is recommended accordingly.

Recommendation

That Windsor, the sole shareholder of YQG **APPROVE** the attached shareholder's resolutions in accordance with City of Windsor Council resolution M318-2013, authorizing the Chief Administrative Officer and City Clerk to execute said resolution on behalf of Windsor.

Appendix A contains the Audited Financial Statements for the year ended December 31, 2021, as prepared by KPMG, and approved by the YQG Board of Directors.

Appendix B is the Shareholder's Resolution as described herein.



Mark W. Galvin
CEO, YQG

On behalf of the YQG Board of Directors.



APPENDIX A

Audited Financial Statements for the year ended December 31, 2021

Financial Statements of

**YOUR QUICK GATEWAY
(WINDSOR) INC.**

And Independent Auditors' Report thereon

Year ended December 31, 2021



KPMG LLP
618 Greenwood Centre
3200 Deziel Drive
Windsor ON N8W 5K8
Canada
Tel 519-251-3500
Fax 519-251-3530

INDEPENDENT AUDITORS' REPORT

To the Shareholders of Your Quick Gateway (Windsor) Inc.

Opinion

We have audited the financial statements of Your Quick Gateway (Windsor) Inc. (the Corporation), which comprise:

- the statement of financial position as at December 31, 2021
- the statement of comprehensive income (loss) for the year then ended
- the statement of changes in equity for the year then ended
- the statement of cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Corporation as at December 31, 2021, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "*Auditors' Responsibilities for the Audit of the Financial Statements*" section of our auditors' report.

We are independent of the Corporation in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

KPMG LLP, an Ontario limited liability partnership and member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. KPMG Canada provides services to KPMG LLP.



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Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards (IFRS), and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Corporation's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Corporation or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Corporation's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with International Financial Reporting Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with International Financial Reporting Standards, we exercise professional judgment and maintain professional skepticism throughout the audit.



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We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Corporation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Corporation to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

KPMG LLP

Chartered Professional Accountants, Licensed Public Accountants

Windsor, Canada
April 7, 2022

YOUR QUICK GATEWAY (WINDSOR) INC.

Statement of Financial Position

Year ended December 31, 2021, with comparative information for 2020

	Notes	2021	2020
Assets			
Current assets:			
Cash	4	\$ 7,623,933	\$ 5,082,853
Accounts receivable	5	594,721	642,765
Grants receivable	13	115,374	3,178,000
Prepaid expenses and deposits		27,549	30,849
Inventories		34,232	35,216
Total current assets		8,395,809	8,969,683
Accounts receivable, long-term	5	112,954	115,503
Furniture, fixtures and equipment	6	181,856	236,625
Total assets		\$ 8,690,619	\$ 9,321,811

Liabilities and Shareholder's Equity

Current liabilities:			
Accounts payable and accrued liabilities	9	\$ 369,223	\$ 311,080
Accrued payroll expenses		269,511	186,988
Due to City of Windsor	11	279,043	622,629
Total current liabilities		917,777	1,120,697
Shareholder's equity:			
Share capital	8	100	100
Retained earnings		7,772,742	8,201,014
Total shareholder's equity		7,772,842	8,201,114
Contingencies	12		
Total liabilities and shareholder's equity		\$ 8,690,619	\$ 9,321,811

The accompanying notes are an integral part of the financial statements.

YOUR QUICK GATEWAY (WINDSOR) INC.

Statement of Comprehensive Income (Loss)

Year ended December 31, 2021, with comparative information for 2020

	Notes	2021	2020
Revenue:			
Passenger facility fees		\$ 465,733	\$ 471,447
Terminal and landing fees		653,252	578,601
Leases	7	1,153,649	1,123,455
Ground handling		159,604	126,065
Miscellaneous		121,410	83,861
Parking revenue		155,796	223,298
Fuel sales		133,745	72,310
Café-Lounge sales		-	92,615
Licensing		38,890	46,432
Interest		12,382	29,547
Grants	13	73,661	3,178,000
		2,968,122	6,025,631
Expenses and other items:			
Salaries and benefits		\$ 1,509,388	1,633,610
Safety and security		424,248	431,053
Repairs and maintenance		768,216	670,738
Sales and marketing		92,567	157,018
Office		78,963	75,019
Utilities		284,688	277,317
Insurance		60,015	52,532
Professional fees		77,420	99,089
Depreciation		100,889	107,452
		3,396,394	3,503,828
Net income (loss) representing total comprehensive income (loss) for the period		\$ (428,272)	\$ 2,521,803

The accompanying notes are an integral part of the financial statements.

YOUR QUICK GATEWAY (WINDSOR) INC.

Statement of Changes in Equity

Year ended December 31, 2021, with comparative information for 2020

		Share Capital		Retained Earnings		Total Equity
Balance - January 1, 2020	\$	100	\$	5,679,211	\$	5,679,311
Net income for the year		-		2,521,803		2,521,803
Balance - December 31, 2020	\$	100	\$	8,201,014	\$	8,201,114
Balance - January 1, 2021	\$	100	\$	8,201,014	\$	8,201,114
Net loss for the year		-		(428,272)		(428,272)
Balance - December 31, 2021	\$	100	\$	7,772,742	\$	7,772,842

The accompanying notes are an integral part of the financial statements.

YOUR QUICK GATEWAY (WINDSOR) INC.

Statement of Cash Flows

Year ended December 31, 2021 with comparative information for 2020

	2021	2020
Cash flows from operating activities:		
Net income (loss) for the period	\$ (428,272)	\$ 2,521,803
Adjustments for:		
Depreciation	100,889	107,452
Change in non-cash operating working capital:		
Decrease in accounts receivable	50,593	634,494
Decrease (increase) in grant receivable	3,062,626	(3,178,000)
Decrease in inventories	984	6,997
Decrease in prepaid expenses and deposits	3,300	2,526
Increase in accounts payable and accrued liabilities	58,143	219,870
Increase (decrease) in accrued payroll expenses	82,523	(74,030)
Decrease in due to City of Windsor	(343,586)	(274,065)
Increase in deferred revenue	-	(37,945)
Net cash (used in) generated from operating activities	2,587,200	(70,898)
Cash flows from investing activities:		
Purchase of equipment	(46,120)	(4,025)
Disposal of equipment	-	45,497
Decrease in short-term deposits	-	3,000,000
Net cash generated from investing activities	(46,120)	3,041,472
Increase in cash for the period	2,541,080	2,970,574
Cash as at January 1	5,082,853	2,112,279
Cash as at December 31	\$ 7,623,933	\$ 5,082,853

The accompanying notes are an integral part of the financial statements.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements

Year ended December 31, 2021

1. Reporting Entity:

Your Quick Gateway (Windsor) Inc. (the "Corporation") is incorporated under the Canada Business Corporations Act. The Corporation provides management consulting and support services for the Windsor International Airport (the "Airport") to the Corporation of the City of Windsor (the "City"), its parent company.

On July 1, 2007, the Corporation entered into an operating agreement with the City whereby the City retains ownership of certain property and assets of the Windsor International Airport and the Corporation operates and manages the Airport.

The address of the Corporation is Unit #200, 3200 County Road 42, Windsor, Ontario, Canada.

2. Basis of preparation:

(a) Statement of compliance:

The Corporation's financial statements have been prepared in accordance with International Financial Reporting Standards (IFRS).

The financial statements were authorized for issue by the Board of Directors on March 31, 2022.

(b) Basis of measurement:

The financial statements have been prepared on the historical cost basis.

(c) Functional and presentation currency:

These financial statements are presented in Canadian dollars, which is the Corporation's functional currency.

(d) Use of estimates and judgments:

The preparation of the financial statements in conformity with IFRS requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results may differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimates are revised and in any future periods affected.

Information about assumptions and estimation uncertainties that have the most significant effect on the amounts recognized in these financial statements, include:

(i) Note 5 – accounts receivable: valuation of accounts receivable

(ii) Note 6 – furniture, fixtures and equipment: estimate of useful lives of assets

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements

Year ended December 31, 2021

3. Significant accounting policies:

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

(a) Revenue recognition:

Passenger facility fees are recognized as income in the period that passengers depart from the Airport. Terminal and landing fees are generated from scheduled airlines and non-scheduled commercial aviation and are recognized when the airport facilities are utilized. Revenue from leases are recognized on a straight-line basis based on lease contract terms.

Licensing revenue is recognized during the period in which the related services are delivered or performed.

(b) Deferred revenue:

Revenues relating to lease contracts are accounted for as deferred revenue when monies are received in advance for the leases. These amounts are amortized into income on a straight-line basis over the life of the lease.

(c) Financial instruments:

(i) Financial assets:

The Corporation initially recognizes financial assets on the date that they are originated. All other financial assets are recognized initially on the trade date at which the Corporation becomes a party to the contractual provisions of the instrument.

The Corporation's financial assets are comprised of loans and receivables.

Loans and receivables

Loans and receivables are financial assets with fixed or determinable payments that are not quoted in an active market. Such assets are recognized initially at fair value plus any directly attributable transaction costs. Subsequent to initial recognition loans and receivables are measured at amortized cost using the effective interest method, less any impairment losses.

Loans and receivables comprise cash, trade and other receivables and due from the City. Cash comprises of bank balances.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

3. Significant accounting policies (continued):

(c) Financial instruments (continued):

(ii) Financial liabilities:

The Corporation initially recognizes financial liabilities on the trade date at which the Corporation becomes a party to the contractual provisions of the instrument.

The Corporation derecognizes a financial liability when its contractual obligations are discharged, cancelled or expire.

The Corporation has the following financial liabilities: accounts payable and accrued liabilities, accrued payroll expenses, and due to City of Windsor.

Such financial liabilities are recognized initially at fair value plus any directly attributable transaction costs. Subsequent to initial recognition these financial liabilities are measured at amortized cost using the effective interest method.

(iii) Share capital:

Common shares

Common shares are classified as equity. Incremental costs directly attributable to the issue of common shares are recognized as a deduction from equity.

(d) Impairment:

(i) Financial assets:

Financial assets impairment follows the "expected credit loss" ("ECL") model. The impairment model applies to financial assets measured at amortized cost.

All impairment losses are recognized in profit or loss. An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognized. For financial assets measured at amortized cost the reversal is recognized in profit or loss.

(ii) Non-financial assets

At each reporting date, the Corporation reviews the carrying amounts of its non-financial assets to determine whether there is any indication of impairment. If any such indication exists, then the asset's recoverable amount is estimated. Where the carrying value of an asset exceeds its recoverable amount, which is the higher of value in use and fair value less costs to sell, the asset is written down accordingly.

Impairment losses are recognized in profit or loss.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

3. Significant accounting policies (continued):

(e) Furniture, fixtures and equipment:

Furniture, fixtures and equipment are stated at cost less accumulated depreciation and accumulated impairment losses. Depreciation is provided on the straight-line basis over the estimated useful lives of the assets (5 years).

Depreciation methods, useful lives and residual values are reviewed annually and adjusted if necessary.

(f) Defined benefit plans:

The Corporation's employees participate in a multi-employer plan under which the Corporation is required to make contributions. Obligations for contributions are recognized as an employee benefit in profit or loss in the periods during which services are rendered by employees. Prepaid contributions are recognized as an asset to the extent that a cash refund or reduction in future payments is available.

(g) Finance income and finance costs:

Finance income is recognized as it accrues in profit or loss, using the effective interest method.

Finance costs comprise interest expense on borrowings, and the unwinding of the discount on provisions.

(h) Foreign currency transactions:

Transactions in foreign currencies are comprised of sales to foreign customers and purchases from foreign suppliers. These transactions are translated using the functional currency of the Corporation at exchange rates at the dates of the transactions. The related receivables and payables denominated in foreign currencies at the reporting date are translated to the functional currency at the exchange rates at that date. The resulting foreign currency gains or losses are recognized on a net basis within finance income and finance costs in profit or loss.

(i) Set-off and reporting on a net basis:

Assets and liabilities and income and expenses are not offset and reported on a net basis unless required or permitted by IFRS. For financial assets and financial liabilities, offsetting is permitted when, and only when, the Corporation has a legally enforceable right to set-off and intends either to settle on a net basis, or to realize the asset and settle the liability simultaneously.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

4. Cash:

	2021	2020
Bank balances	\$ 7,623,933	\$ 5,082,853
Cash	\$ 7,623,933	\$ 5,082,853

5. Accounts receivable and accounts receivable – long-term:

	2021	2020
Accounts receivable	\$ 594,721	\$ 642,765
Accounts receivable – long-term	112,954	115,503
	\$ 707,675	\$ 758,268

	2021	2020
Not past due	\$ 367,720	\$ 648,127
Past due 0 – 30 days	144,962	87,817
Past due 31 – 90 days	135,695	17,841
More than 90 days	76,720	21,905
Allowance for doubtful accounts	(17,422)	(17,422)
	\$ 707,675	\$ 758,268

Included in the amounts above is an allowance of \$17,422 as at December 31, 2021 (2020 - \$17,422). The allowance as at December 31, 2021 is based on an account by account analysis of the amounts that management feels may not be collectible. The Corporation believes that the unimpaired amounts that are past due by more than 30 days are still collectible, based on historic trends in receipts.

The allowance accounts with respect to receivables are used to record impairment losses unless the Corporation is satisfied that no recovery of the amount owing is possible; at which point the amounts are considered irrecoverable and are written off against the financial asset directly.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

6. Furniture, fixtures and equipment:

	Cost	Accumulated depreciation	Carrying amount
Balance at January 1, 2020	\$ 864,657	\$ (479,108)	\$ 385,549
Additions	4,025	–	4,025
Disposal	(45,497)	–	(45,497)
Depreciation	–	(107,452)	(107,452)
Balance at December 31, 2020	\$ 823,185	\$ (586,560)	\$ 236,625
Balance at January 1, 2021	\$ 823,185	\$ (586,560)	\$ 236,625
Additions	46,120	–	46,120
Disposal	–	–	–
Depreciation	–	(100,889)	(100,889)
Balance at December 31, 2021	\$ 869,305	\$ (687,449)	\$ 181,856

7. Leases:

The Corporation leases out its land and building for varying purposes under operating lease agreements. The future minimum lease payments to be received under non-cancellable leases are as follows:

	2021	2020
Less than 1 year	\$ 849,518	\$ 854,620
Between 1 and 5 years	2,202,643	1,865,899
More than 5 years	4,952,258	4,881,674
	\$ 8,004,419	\$ 7,602,193

During the year ended December 31, 2021, contingent rent recognized as revenue amounted to \$126,702 (2020 - \$69,696).

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

8. Share capital:

	2021	2020
Authorized:		
Unlimited common shares		
Unlimited Class A shares, 999 non-voting, redeemable, retractable and non-participating, non-cumulative dividends		
Unlimited Class B shares, non-voting, redeemable, retractable, and non-participating non-cumulative dividends		
Issued:		
100 common shares	\$ 100	\$ 100

9. Accounts payable and accrued liabilities:

Accounts payable and accrued liabilities consist of the following:

	2021	2020
Trade payables	\$ 264,767	\$ 138,271
Security deposits payable	40,500	40,500
Accrued liabilities	63,956	132,309
Total accounts payable and accrued liabilities	\$ 369,223	\$ 311,080

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

10. Financial instruments and risk management:

The carrying values of cash, accounts receivable, accounts receivable – long-term, accounts payable and accrued liabilities, accrued payroll expenses and due to the City approximate fair values because of the short maturity of these instruments.

The Corporation's activities provide for a variety of financial risks, particularly credit risk, market risk and liquidity risk.

(i) Credit risk:

Financial assets carry credit risk that a counter-party will fail to discharge an obligation which would result in a financial loss. Financial assets held by the Corporation, such as cash, short-term deposits and accounts receivable, expose it to credit risk. The Corporation earns its revenue mainly from tenants and various airlines.

The Corporation's maximum credit exposure is equal to the carrying amount of its financial assets.

The carrying amount of accounts receivable is reduced through the use of an allowance for impairment and the amount of the related impairment loss is recognized in the statement of comprehensive income (loss). Subsequent recoveries of receivables previously provisioned are credited to the statement of comprehensive income (loss). The balance of the allowance for impairment at December 31, 2021 is \$17,442 (2020 - \$17,442).

The Corporation's credit risk associated with accounts receivable is primarily related to payments from customers for services. As at December 31, 2021, \$76,720 (2020 - \$21,905) is considered in excess of 90 days past due. Management is actively seeking to resolve these disputes.

Cash is in excess of federally insured limits and is held with a large Canadian financial institution.

(ii) Liquidity risk:

The Corporation monitors its liquidity resources to ensure it has access to sufficient funds to meet operational and investing requirements. The Corporation's objective is to ensure that sufficient liquidity is on hand to meet obligations as they fall due while minimizing interest expense. The Corporation monitors cash balances to ensure that sufficient levels of liquidity are on hand to meet financial commitments as they come due.

The Corporation's financial liabilities all have contractual maturities of less than one year.

(iii) Currency risk:

The Corporation has no significant exposure to currency risk.

(iv) Interest rate risk:

The Corporation has no significant exposure to interest rate risk.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

10. Financial instruments and risk management (continued):

(v) Capital management:

The Corporation is 100% owned by the City and manages Windsor International Airport on behalf of the City.

The Board's target is to maintain a sufficiently strong capital base to allow the Corporation to properly meet its operational and financial objectives as set out in the Amended and Restated Windsor Airport Management Agreement between the Corporation and the City.

11. Related party transactions:

(a) Parent and ultimate controlling party:

The parent is the Corporation of the City of Windsor. The City produces financial statements that are available for public use.

(b) Key management personnel:

The key management personnel of the Corporation have been defined as members of its board of directors and executive management team members.

Key management compensation:

	2021	2020
Salaries and benefits	\$ 505,213	\$ 439,961
Pension contributions	51,755	43,310
Total	\$ 556,968	\$ 483,271

(c) Transactions with parent:

The amount due to the City of Windsor in 2021 is \$279,043 (2020 - \$622,629). The City of Windsor has advanced funding to the Corporation against their capital expenditures, creating a payable to the City.

YOUR QUICK GATEWAY (WINDSOR) INC.

Notes to Financial Statements (continued)

Year ended December 31, 2021

12. Contingencies:

From time to time, the Corporation is involved in various litigation matters arising in the ordinary course of its business. The Corporation has no reason to believe that the disposition of any such current matter could reasonably be expected to have a materially adverse impact on the Corporation's financial position, results of operations or its ability to carry on any of its business activities.

13. Grants receivable:

In 2020, the City has provided the Corporation with \$3,178,000 in subsidy funding in response to COVID-19 related operating pressures during 2020 through the Safe Restart Grant. The grant provides financial relief for losses incurred in 2020 and is included in grant receivable at December 31, 2020. This grant was received in 2021.

In 2021, the Corporation was approved for a grant of \$1,020,600 from Federal Economic Development Agency of Ontario under the Regional Air Transportation Initiative ("RATI") for costs incurred in 2021 and 2022. At December 31, 2021 total funds received and receivable for RATI were \$365,374, of which \$291,713 were payable to the City for airport capital expenditures owned by the City. \$73,661 was recorded as income in the Corporation. As costs are incurred, the Corporation will file claims for additional monies that have been approved.

14. Impact of COVID 19:

In March 2020, the COVID-19 outbreak was declared a pandemic by the World Health Organization. This has resulted in governments worldwide, including the Canadian and Ontario governments, enacting emergency measures to combat the spread of the virus. These measures, which include the implementation of travel bans, self-imposed quarantine periods and social distancing, have caused disruption to businesses globally and in Ontario resulting in an economic slowdown. Governments and central banks have reacted with significant monetary and fiscal interventions designed to stabilize economic conditions however the success of these interventions is not currently determinable. As a result, the Corporation cannot reasonably estimate the length or severity of the COVID-19 pandemic, or the extent to which the disruption caused by the pandemic may materially impact its operations and financial results in year 2022.

15. Comparative information:

Certain reclassifications have been made to the prior year's financial statements to enhance comparability with current year's financial statements. As a result, certain line items have been amended in the statement of financial position, statement of comprehensive income (loss), statement of changes in equity, and statement of cash flow and related notes to the financial statements. There was no impact on current or prior year's net income (loss). Comparative information have been adjusted to conform to the current year's presentation.



APPENDIX B

Shareholder's Resolution

Your Quick Gateway (Windsor) Inc.
(the "Corporation")

SHAREHOLDERS RESOLUTION

FINANCIAL STATEMENTS

WHEREAS, the directors of the Corporation have submitted to the shareholders of the Corporation the financial statements of the Corporation for the financial period ended on the 31st day of December 2021 thereon.

NOW THEREFORE BE IT RESOLVED that the said financial statements of the Corporation be and the same are hereby approved and adopted.

CONFIRMATION OF ACTS

RESOLVED that all the acts, proceedings, contracts, special by-laws, by-laws, resolutions, appointments, elections and payments enacted, made, done and taken by the directors and officers of the Corporation since the last shareholders resolution of this nature was passed, as recorded in the books and records of the Corporation, be and the same are hereby approved, ratified and confirmed.

**ELECTION OF BOARD
OF DIRECTORS**

RESOLVED that the following be and they are hereby duly elected directors of the Corporation to hold office until December 31st, 2022 or the next election of the board or until a successor or successors are elected or appointed subject to the provisions of the Corporation's by-laws:

Mayor Drew Dilkens
Councillor Fred Francis
Councillor Kieran McKenzie
Renato J. Discenza
Toni Scislowski
John Chisholm
Kulveer Virk

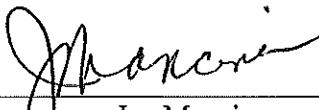
**APPOINTMENT OF
AUDITORS**

RESOLVED that KPMG LLP, be and they are hereby appointed as auditor of the Corporation at a remuneration to be fixed by the directors of the Corporation, the directors being hereby authorized to fix such remuneration.

The undersigned, being the sole shareholder of the Corporation, hereby signs the foregoing resolution pursuant to the provisions of the Canada Business Corporations Act, R.S.C. 1985, c. C-44.

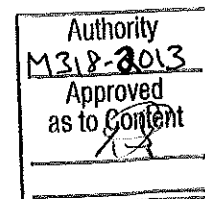
DATED this ____ day of _____, 2022.

The Corporation of the City of Windsor

By: 
Name: Joe Mancina
Title: Acting Chief Administrative Officer

By: 
Name: Steve Vlachodimos
Title: City Clerk

We have the authority to bind the Corporation





Council Report: C 87/2022

Subject: Award of Tender: 6-22 - Banwell Road, Phase 2 from Palmetto Street to Mulberry Drive / Wildwood Drive Roundabout - Ward 7

Reference:

Date to Council: May 30, 2022

Author: Paul Mourad

Engineer III

(519) 255-6257 ext. 6119

pmourad@citywindsor.ca

Design - Engineering

Report Date: May 10, 2022

Clerk's File #: SW/14396

To: Mayor and Members of City Council

Recommendation:

- I. THAT the following low tender **BE ACCEPTED**:

TENDERER:	SheaRock Construction Group Inc.
TENDER NO:	6-22
TOTAL TENDER PRICE:	\$5,455,346.00 (excluding HST)
ACCOUNT CHARGED:	007-5410-7P17-02942-7171077

and,

THAT the CAO and City Clerk **EXECUTE** an agreement with the low bidder, SheaRock Construction Group Inc., in the amount of \$5,455,346.00 plus tax, with said contract being satisfactory in form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services, and in financial content to the Commissioner of Corporate Services CFO/City Treasurer.

- II. THAT \$375,000 in 2025 F169 - Pay As You Go funding, \$125,000 in 2025 F221 Service Sustainability funding, \$70,640 in 2026 F169 - Pay As You Go funding and \$131,192 in 2026 F221 Service Sustainability funding, previously approved in principle as part of the 2022 Capital Budget in the Tecumseh Rd E. Infrastructure Improvements project (ECP-005-07) **BE TRANSFERRED** to the Banwell Rd. Infrastructure Improvements project (ECP-002-10) and **BE APPROVED** as a pre-commitment in project 7171077 – Banwell Road Improvement and available for immediate use.

- III. THAT \$445,640 in 2028 F169 - Pay As You Go funding and \$256,192 in 2028 F221 Service Sustainability funding, approved in principle as part of the 2022 Capital Budget in the Banwell Rd. Infrastructure Improvements project (ECP-002-10) **BE TRANSFERRED** to the Tecumseh Rd E. Infrastructure Improvements (ECP-005-07) to replenish the project.

Executive Summary: N/A

Background:

During previous Capital Budget processes, City Council approved funding through CR385/2019 (\$6,442,168) and CR69/2022 (\$2,399,000) for a total of \$8,841,168 for the Banwell Road Improvements from Tecumseh Road East to Mulberry Drive/Wildwood Drive project.

This project budget includes Phase 1 Tecumseh to Palmetto which was completed in 2021. Phase 2 is Palmetto to Mulberry Drive/Wildwood Drive. Phase 1 is complete, with costs totaling \$3,157,862, leaving a balance of \$5,683,306 for the Phase 2.

Discussion:

The tendering process for Banwell Road was carried out per the Purchasing By-Law 93-2012. Tender 6-22 closed May 3, 2022. The following is the summary of bids received.

1	SheaRock Construction Group Inc.	\$5,455,346.00
2	Sterling Ridge Infrastructure Inc.	\$6,466,632.01
3	Piera Con Enterprises Inc.	\$6,944,105.25

The tenders were reviewed by City Administration and no arithmetic errors were found. SheaRock Construction Group Inc. is the low bidder.

Excess Soils - Placement at North-East corner of EC Row Expressway and Banwell Road

In regards to excess soils, it is noted that surplus materials from the excavation of the Phase 2 works will be placed on the vacant City owned land at the north-east corner of EC Row Expressway and Banwell Road where it will be compacted and graded to ready the lands for future construction of the proposed interchange embankment to be located there. This design is in accordance with the Banwell Road Environmental Study Report, dated September 2016. This approach will save costs associated with the new regulation and disposal of excess soil. It is estimated to save in excess of \$200K on both landfill disposal from the subject site, and on earth fill requirements for the future interchange embankment. This work will be completed as part of the Phase 2

construction works. This site could potentially be used for other City contracts until the required design fill material volumes are met.

Risk Analysis:

Associated risks to the Corporation, resulting from the undertaking of this project, include risks typical of construction projects, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks are to be transferred to the successful proponents through the contract that the City and SheaRock Construction Group Inc. enter into for Banwell Road. As part of each of these contracts with SheaRock Construction Group Inc. there are sufficient insurances in place to cover the Corporation for the potential damage and claims that might arise from their work during or after construction in the maintenance period.

If the requested funds are not redirected to this work, then the construction of the Banwell Road project (ID 7171077) will be postponed until funding can be allocated to this project. If work is postponed, there is a risk that prices could increase should the work be re-tendered. It should be noted that mitigating measures, strategies and approaches to address the inflationary costs being experienced in capital projects is expected to be further explored and considered in the development of the 2023 Capital Budget. The transfer of the funds as noted in this report is necessary at this time in order to allow for the timely execution of Tender 6-22 so as to manage the noted risk as identified within this report.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

Based on the low tender for Banwell Road Improvements Phase 2, the estimated project budget and funds required are as follows.

EXPENSES	
Low Tenderer – SheaRock Construction Group Inc. (including Contingency, excluding Watermain)	\$5,288,346
Watermain Construction Cost – SheaRock Construction Group Inc. – (covered by Windsor Utilities Commission)	167,000
Detailed Design, Contract Documents & Contract Administration and Inspection	262,600
Other Costs (utility relocations, geotechnical, property acquisitions, financing, surveying, advertising, Legal,	733,545

internal PM, etc.)	
Non-Recoverable HST	100,647
GROSS ESTIMATED PROJECT COSTS	\$6,552,138
REVENUE	
Previously Approved Funding	\$5,683,306
Recoveries from Windsor Utilities Commission	167,000
Additional Funding Required	701,832
TOTAL REVENUE	\$6,552,138

A total of **\$701,832** in additional funding is required to complete this project.

The cost of construction for this project is higher than what was budgeted due to ongoing supply chain issues, increased cost of materials, including concrete, plastic pipe, wiring, increased cost of fuel, as well as the additional costs associated with the new excess soil management regulations.

Council has a policy of only pre-committing funds within a five-year window. At this time, only pre-commitments up to and including the 2026 funding year can be used. The Banwell Rd. Infrastructure Improvements project (ECP-002-10) has funding beyond the 5-year window that cannot be accessed, hence a swap in funding years is proposed.

Administration reviewed various capital projects and identified the Tecumseh Rd E. Infrastructure Improvements project (ECP-005-07) as a potential option for swapping/redirecting capital dollars. The project is in early phases of design and is planned for future construction beginning in 2025.

Given this timing and to ensure the necessary funding is available for this project, Administration is recommending that the following funds that were approved in principle as part of the 2022 Capital Budget in the Tecumseh Rd E. Infrastructure Improvements (ECP-005-07), that:

- \$375,000 in 2025 F169 - Pay As You Go funding,
- \$125,000 in 2025 F221 Service Sustainability funding,
- \$70,640 in 2026 F169 - Pay As You Go funding and
- \$131,192 in 2026 F221 Service Sustainability funding

be transferred to the Banwell Rd. Infrastructure Improvements project (ECP-002-10) and be approved as a pre-commitment in project 7171077 – Banwell Road Improvement and available for immediate use.

To replenish these funds, it is proposed that the previously approved in principle as part of the 2022 Capital Budget in the Banwell Rd. Infrastructure Improvements project (ECP-002-10), that:

- \$445,640 in 2028 F169 - Pay As You Go funding and
- \$256,192 in 2028 F221 Service Sustainability funding,

be transferred to the Tecumseh Rd E. Infrastructure (ECP 005-07). **It should be noted that the anticipated schedule for the Tecumseh Rd E. project will not be impacted as a result of the funding reallocation.**

Based on the above recommendations, there will be sufficient funds in the Banwell Road, Phase 2 from Palmetto Street to Mulberry Drive/Wildwood Drive Roundabout project (ID 7171077) to carry out the construction.

Consultations:

- Carrie McCrindle – Financial Planning Administrator
- Michael Dennis – Financial Manager of Asset Planning
- Natasha Gabbana – Acting Senior Manager of Asset Planning
- Alex Vucinic – Purchasing Manager

Conclusion:

Administration recommends the swapping of funds from the Tecumseh Rd E. Infrastructure Improvements project to the Banwell Road, Phase 2, Project ID 7171077, in order to allow the award of Tender 6-22 to the low bidder SheaRock Construction Group Inc. and complete the works this year.

Approvals:

Name	Title
Fahd Mikhael	Manager of Design
France Isabelle-Tunks	Executive Director of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Janice Guthrie	Acting Commissioner, Corporate Services CFO/City Treasurer
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

**Council Report: C 81/2022****Subject: Request for Proposal (RFP) 55-22 - Cabana/Division Corridor Improvements Phase 5 Consulting Services - Ward 9****Reference:**

Date to Council: May 30, 2022

Author: Jane He

Engineer III (Construction Standards Lead)

(519) 255-6257 ext. 6358

jhe@citywindsor.ca

Design - Engineering

Report Date: May 2, 2022

Clerk's File #: SW/14397

To: Mayor and Members of City Council

Recommendation:

- I. THAT the firm of Dillon Consulting Limited **BE RETAINED** for the engineering consulting services for Cabana / Division Corridor Improvements Phase 5 – East of Provincial Road to West of Walker Road, at a maximum fee of \$991,000.00 (plus HST), in accordance with their proposal for consulting services, dated April 13, 2022 as a charge to Project ID 7152001.
- II. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement with Dillon Consulting Limited, satisfactory in form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services CFO/City Treasurer, and in technical content to the Commissioner of Infrastructure Services.

Executive Summary:

N/A

Background:

City Council approved Cabana Corridor Improvements project in the 2016-2022 capital budget for the multi-phased corridor engineering and construction work. Phase 1 construction was completed in 2017-2018; Phase 2 construction was completed in 2019-2020; and Phase 3 started in April 2021 and will complete by the end of 2022. Phase 4 is currently in the detailed design, utility relocation stage, and the road construction is scheduled in 2023. To accelerate the completion of corridor improvements, RFP #55-22 for Phase 5 engineering services was issued on March 21, 2022 and was closed on April 13, 2022 with two proposals.

In accordance with the requirement of the Purchasing By-law 93-2012, a review team, consisting of six (6) representatives from Engineering, Operations, Transportation Planning and Purchasing was established. Five (5) of the team members rated the two proposals received in accordance with the requirements outlined in RFP #55-22. The team member from Purchasing observed the evaluation process.

Discussion:

In the scope of RFP #55-22, it includes the detailed design of Cabana/Division corridor from east of Provincial Road to west of Walker Road. Also included in the proposal is the tendering, project administration and on-site inspection package.

WUC watermain design & inspection work is included in the proposal as well. The cost of WUC work has been separately listed in the proposal and will be included in the service agreement between the City and successful proponent. WUC will reimburse the City for watermain work in this project.

Evaluation criteria includes technical evaluation of the proposal, the managerial ability of the Consultant's Project Manager, team experience, and performance in recent similar projects, budget and schedule controls, and the Consultant's resources in view of their existing commitments.

On April 29, 2022 the Evaluation Committee met visually to evaluate the two proposals under the two-envelope system, in compliance with Sections 79-97 of Purchasing By-Law 93-2012. The entire evaluation process was overseen by a representative from the Purchasing Division.

Dillon Consulting Limited was the success proponent.

Risk Analysis:

Any delay in the approval could result in delays in implementation of the Cabana Corridor Improvements project.

Financial Matters:

Total estimated costs for this section of Cabana Corridor Improvements is over \$11.6 million according to 2022 approved capital budget. Council approved funding in 2022 & 2023 capital budget for the Phase 5 engineering, land acquisition and utility relocation work. The qualified proposal has the overall value of \$991,000.00 which includes WUC watermain design, tendering and project administration in the amount of \$153,000.00. Therefore, the net cost to the City is in the amount of \$838,000 plus non-recoverable HST. The proposed fee from the successful proponent is within a reasonable pricing level according to professional and market reference.

Currently there is sufficient funding within the project to allow for the work defined above. It should be noted that the tenders for future phases for Cabana have not all begun. Although the estimated costs for the remaining work is expected to come in within current funding, as has been in the experience to date, there is a risk that future

phase's tender costs come in above the estimated costs resulting in a need for additional funding which would be requested at a later date.

The costs for above noted consulting services will be charged to the following chart field:007-2915-9998-19005-7152001.

Consultations:

The RFP advertising and evaluation process was conducted in accordance with Purchasing By law 93-2012 and under the direction of Purchasing & Risk Management Department.

Alex Vucinic – Purchasing Manager

Carrie McCrindle – Financial Planning Administrator

Mike Dennis – Financial Manager, Asset Planning

Conclusion:

If approved, the Consultant will commence work on this project immediately.

Planning Act Matters:

N/A

Approvals:

Name	Title
Jane He	Engineer III
Fahd Mikhael	Manager of Design
France Isabelle Tunks	Executive Director of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner of Infrastructure Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Joe Mancina	(Acting) Chief Administrative Officer

Notifications:

Name	Address	Email
Mark Hernandez Dillon Consulting Limited	3200 Deziel Drive, Suite 608, Windsor ON N8W 5K8	mhernandez@dillon.ca
Kieran McKenzie – Ward 9 Councillor	350 City Hall Square West Windsor ON N9A 6S1	KMcKenzie@citywindsor.ca

Appendices:



Council Report: C 90/2022

Subject: Tender 59-22 – 2022 Construction of Concrete Sidewalks, Curb and Gutter ---City Wide

Reference:

Date to Council: May 30, 2022

Author: Harsh Parikh

Engineer I

519-818-5150

hparikh@citywindsor.ca

Public Works - Operations

Report Date: May 12, 2022

Clerk's File #: SW/14398

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the following low tender **BE ACCEPTED**:

TENDERER: Piera Con Enterprises Inc.
TENDER NO: 59-22
TOTAL TENDER PRICE: \$1,998,695.25 (excluding HST)
ACCOUNTS CHARGED: Project 7221011 – 2022 Sidewalk Rehab
 Project 7204003 – ICIP Citywide Sidewalks

and,

THAT the CAO and City Clerk **EXECUTE** the contract with the low tenderer, with said contract being satisfactory in form to the City Solicitor, satisfactory in technical content to the City Engineer, and in financial content to the City Treasurer.

- II. **THAT** City Council **APPROVE** a pre-commitment of \$305,000 in Service Sustainability funding from the 2023 Sidewalk Rehabilitation Project (OPS-004-07) for immediate use to complete the construction of Sidewalk, Curb and Gutter project identified in this report.

Executive Summary:

N/A

Background:

Public Works receives annual funding for the rehabilitation of various sidewalks, curbs, and gutters across the City through Capital Project OPS-004-07. In addition to the annual sidewalk rehabilitation program, the City was successful in its application for sidewalk funding under the Investing in Canada's Infrastructure Program (ICIP) which provides funding for several years, 2020 through 2025. Tender 59-22 is for the reconstruction of various sidewalk segments throughout the city, some of which were approved for reconstruction under the ICIP Grant funding.

Discussion:

The tendering process was followed as per Purchasing By-Law 93-2012. Tender 59-22 closed on April 25, 2022. The following is the summary of the bids received.

1	Amico Infrastructure Inc.	\$3,478,976.52
2	Giorgi Bros (1994) Inc.	\$2,811,357.50
3	Coco Concrete Inc.	\$2,706,032.25
4	Piera Con Enterprises Inc.	\$1,998,695.25
5	Matassa Inc.	\$2,496,113.50

The tenders were reviewed by City Administration and no arithmetic errors were found. Piera Con Enterprises Inc. is the low bidder.

Risk Analysis:

Associated risks to the Corporation resulting from the undertaking of this sidewalk rehabilitation work include risks typical of a construction project, such as bodily injury, property damage, and matters arising from violations of the Occupational Health and Safety Act. These risks are mitigated through the contract with Piera Con Enterprises Inc. where there will be sufficient insurances in place to cover the Corporation for the potential damage and claims that might arise from their work during or after construction as well as the maintenance period.

Climate Change Risks**Climate Change Mitigation:**

Construction will result in Greenhouse gas (GHG) emissions that are accounted for within the annual Community GHG emissions inventory. However, construction emissions in general will be offset by improved functionality of the infrastructure.

Climate Change Adaptation:

N/A

Financial Matters:

The low bidder was Piera Con Enterprises Inc., in the tender amount of \$1,998,695.25 excluding HST. The total cost of the tender work is \$2,033,872.29 including non-refundable HST.

The following summary list outlines which locations will be completed under Tender 59-22 with the total cost including non-refundable HST:

ICIP Project 7204003 Sidewalk Segments:

STREET	FROM	TO
ALEXIS	ST JULIEN	MONS
BUCKINGHAM	LASSALINE	CORONATION
DROUILLARD	WYANDOTTE	EDNA
EDNA	WALKER	MONTREUIL
SEMINOLE	WALKER	ST LUKE
TURNER	VIMY	YPRES
MCDUGALL	MONARCK	HOLDEN
MONMOUTH	CATARAQUI	NIAGARA
MOY	TECUMSEH	(ALLEY)
WYANDOTTE	CRAWFORD	OAK
RIVERSIDE	HURON CHURCH	ROSEDALE
Total Cost of ICIP Sidewalks		\$ 928,880.54
(including non-refundable HST)		

2022 Sidewalk Rehabilitation Segments:

STREET	FROM	TO
ALEXIS	SOMME	ST JULIEN
RIVERSIDE	VALE UDINE CIR	GOYEAU
RIVERSIDE	BRUCE	JANETTE
RIVERSIDE	JANETTE	CARON
RIVERSIDE	CHURCH	BRUCE

ROSEVILLE GARDEN	TECUMSEH	CHARLIE BROOKS
ROSEVILLE GARDEN	CHARLIE BROOKS	VINE
ROSEVILLE GARDEN	VINE	THORNBERRY
ROSEVILLE GARDEN	THORNBERRY	THORNBERRY
ROSEVILLE GARDEN	THORNBERRY	JEFFERSON
WALKWAY (Grand Marais Drain)	ASKIN	DOMINION
GILES	OUELLETTE	PELISSIER
GILES	VICTORIA	DOUGALL
Total Cost of 2022 Sidewalk Rehab Sidewalks		\$ 1,104,991.75
(including non-refundable HST)		

Summary of Project Costs and Funding:

PROJECT COSTS:

Tender 59-22 - Piera Con Enterprises Inc. (including contingency)	\$ 1,998,695.25
Non-recoverable HST	\$ 35,177.04
Total Project Cost	\$ 2,033,872.29

PROJECT FUNDING:

2022 Sidewalk Rehabilitation - Project 7221011	\$ 799,991.75
ICIP - Citywide Sidewalk Rehabilitation - Project 7204003	\$ 928,880.54
2023 Sidewalk Rehabilitation - precommitment of 2023 funding	\$ 305,000.00
Total Project Funding	\$ 2,033,872.29

In an effort to take advantage of more competitive pricing, sidewalks for both programs were combined under this tender. As a result, additional funding is required to complete the work. Administration is requesting approval to pre-commit 2023 service sustainability funding from the Sidewalk Rehabilitation Program, OPS-004-07, to complete the identified segments.

Consultations:

Cindy Becker – Financial Planning Administrator

Alex Vucinic – Purchasing Manager

Michael Dennis – Manager Capital Budget and Reserves

Natasha Gabbana – Acting Senior Manager of Asset Planning

Conclusion:

Administration recommends a precommitment of \$305,000 in 2023 Service Sustainability funding from the Sidewalk Rehabilitation project, OPS-004-07, for immediate use to complete and award Tender 59-22 for the 2022 Construction of Concrete Sidewalk, Curb and Gutter to the low bidder Piera Con Enterprises Inc.

Planning Act Matters:

N/A

Approvals:

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Andrew Lewis on behalf of Phong Nguy	Manager, Contracts, Field Services & Maintenance
Alex Vucinic	Purchasing Manager
Natasha Gabbana	Acting Senior Manager of Asset Planning
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Janice Guthrie	Acting Commissioner, Corporate Services/CFO & City Treasurer
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:



Committee Matters: SCM 126/2022

Subject: City of Windsor Heritage Recognition 2022

Moved by: Councillor Gill

Seconded by: Councillor Morrison

Decision Number: **DHSC 390**

- I. THAT Council **BE INFORMED** of the joint partnership between the City of Windsor Heritage Recognition 2022 with Doors Open Windsor 2022 and that Administration **ASSIST** in cross promotional efforts.

- II. THAT the property owners and project team for the recent heritage conservation work at:
 - 1008 Drouillard Road
 - Hiram Walker Bridge (Peche Island) Restoration
 - 1785 Walker Road- Teron Building
 - 225 Giles Boulevard W.- William T. Wesgate House
 - 3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project**BE RECOGNIZED** with the 2022 Built Heritage Awards.

- III. THAT the property owners of Neils C. Ortvad House, 766 Devonshire Road, and 436 Askin Avenue **BE RECOGNIZED** with a heritage designation plaque.
Carried.

Report Number: S 43/2022

Clerk's File: MBA/2274

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.

2. Please refer to Item 10.1. from the Development & Heritage Standing Committee Meeting held May 2, 2022.

3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

Subject: City of Windsor Heritage Recognition 2022- City Wide

Reference:

Date to Council: May 2, 2022

Author: Kristina Tang

Heritage Planner

ktang@citywindsor.ca

519-255-6543 X 6179

Tracy Tang

Planner II- Revitalization & Policy Initiatives

ttang@citywindsor.ca

519-255-6543 x 6449

Planning & Building Services

Report Date: April 6, 2022

Clerk's File #: MBA/2274

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **BE INFORMED** of the joint partnership between the City of Windsor Heritage Recognition 2022 with Doors Open Windsor 2022 and that Administration **ASSIST** in cross promotional efforts.
- II. THAT the property owners and project team for the recent heritage conservation work at:
 - 1008 Drouillard Road
 - Hiram Walker Bridge (Peche Island) Restoration
 - 1785 Walker Road- Teron Building
 - 225 Giles Boulevard W.- William T. Wesgate House
 - 3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project

BE RECOGNIZED with the 2022 Built Heritage Awards.

- III. THAT the property owners of Neils C. Ortvad House, 766 Devonshire Road, and 436 Askin Avenue **BE RECOGNIZED** with a heritage designation plaque.

Executive Summary: N/A

Background:

In past years, City of Windsor celebrated heritage recognition in February, alongside National and Provincial heritage celebrations to recognize and pay tribute to our land and landmarks, our nation's history, our diverse cultures and our traditions. City Council would present property owners of newly designated buildings with a heritage plaque that can be affixed to the exterior of their building. Council would also recognize individuals and organizations for their heritage stewardship and/or well-done rehabilitations through the Built Heritage Awards at a regular Council Meeting.

Because of COVID-restrictions, a different approach was suggested by citizen Heritage Committee members and attempted last year through the support of the Mayor's Office, Communications and Facilities staff. Mayor Drew Dilkens visited recipient sites to present the Heritage Awards. The event was successful in obtaining media coverage on the Awards. Video content with interviews of the recipients was screened at a later Council meeting and posted on the City's social media platforms to reach a wider audience.

This year, a similar approach is planned for presentations of recipients on/near some recipient sites. The nominations for the Awards were selected by citizen members of the Heritage component of the Development & Heritage Standing Committee. Additionally, the celebrations are planned in conjunction with Doors Open Windsor 2022, with hopes of hosting the presentations at the same week as Doors Open Windsor. Doors Open Windsor is a city supported event which opens doors to places that are not usually available for public tours, many featuring the city's architecture, culture and heritage. The intent is to explore synergies of a collaborative effort in promoting and celebrating Heritage in the City.

Discussion:

Partnership with Doors Open Windsor 2022

In partnering with Doors Open Windsor to hold a joint heritage celebration, there are opportunities for activities and promotions that may generate more awareness and thus more community presence at both events. Below are some potential activities that are planned, subject to resources and timing:

- Presentation by project team for Mackenzie Hall Masonry Restoration Project
- Built heritage scavenger hunt with a prize component
- Social media-based contests for photography/artwork

- ESRI StoryMaps online mapping platform of Doors Open locations and Built Heritage Award nominations

These activities are planned to take place in September during the week of the in-person Built Heritage Awards and leading up to the Doors Open Windsor weekend, to create more interest and excitement for both events together. Additionally, some local community interest groups (such as the Architectural Conservancy Ontario- Windsor Branch, etc.) have expressed their willingness to support the joint heritage celebrations through promoting the events and activities on their social media pages and within their networks.

City of Windsor staff will collaborate with the Doors Open Windsor 2022 Committee to explore these options and establish the resources required to successfully execute them.

Built Heritage Awards

The following properties/sites to be recognized with the Heritage Award:

1008 Drouillard Road

The property owner (Kyle McDonald) and project team (Archon Architects) removed the cornice that was original to the building and the canopy fixture that was obscuring views into the storefront. Wall plates were used to reinforce the building which matched well with the individual lettering of the signage for the storefront. The windows replaced on the second floor imitated some of the proportions of the original windows in its horizontal and vertical alignments. The previously bricked in storefront on the ground floor was removed to introduce a compatible storefront glazing system with imitation of transom at upper portions. The treatment of the building is appropriate for the Mainstreet context and enhances character of Ford City/Drouillard Road. The retail tenant (City Cyclery) has also added much interest and activity to the area.



1008 Drouillard is the Building on right of the historic photo which had been modified on the years. The picture on right shows inappropriate modifications to the building



Hiram Walker (Peche Island) Bridge Restoration

The Peche Island Bridge is known on the Windsor Municipal Heritage Register as the Hiram Walker Bridge & Canal, constructed c1892, to provide transportation to Hiram Walker's summer residence on Peche Island. The bridge featured wing walls, corbels, brackets and balustrades in classical style. Over the years, the reinforced concrete bridge deteriorated and in 2018 Parks Design & Development Department staff (Darron Ahlstedt was Project Manager) began the project of conducting repairs to the bridge. The historic sensitivity of the bridge was taken into consideration at the project start with the PJ Material Consultants (specialty materials consultants) being hired to conduct a Condition Assessments of the Bridge, who guided the project team according to the *Standards & Guidelines for Conservation of Historic Places in Canada*. In addition to the structural reinforcements that were needed at the girder and corbels, the repair methods, materials and their finishes were evaluated through mock-ups to visually blend with the historic appearances. Besides the heritage considerations, the project team also had to work around tight timelines for in-stream work, and different governing bodies for environmental and species considerations. The project was successfully completed through the collaborative efforts of the project team which also included Landmark Engineers Inc. and Facca Incorporated who were the contractors.





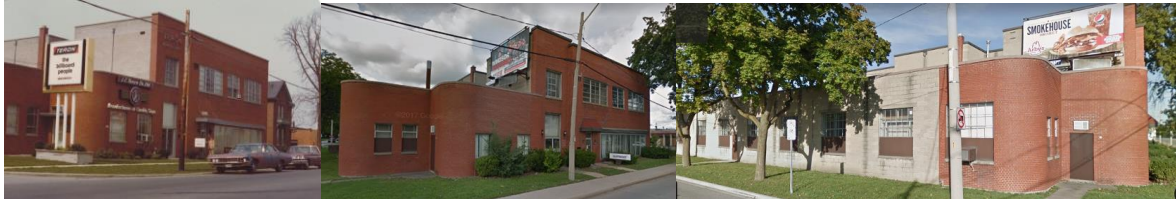
Photos of some of the visible deteriorated conditions of the bridge



Repair work conducted and the finished work.

1785 Walker Road- Teron Building

The property is listed on the Windsor Municipal Heritage Register as the Teron building, constructed in c.1949 in simple Art Deco Streamlined architecture style. Previous owners vacated the property and the building was at risk of being requested for demolition. The current Owner (Scott Woodall) purchased the vacant industrial/office building in December 2019 with the intention of keeping and investing in it to create new business office unit with accessory research and development facility “Brave Control Solutions” in the north 2 storey section. As the building was in poor shape at time of purchase, extensive work went into the transformation of the property, including structural upgrades, roofing, brick pointing, and interior and exterior renovations to the sum of over two million dollars. New glazing consistent with the architectural style of the building was installed, as well as a faux canopy metal band stretching across the building which highlighted and enhanced the horizontal streamlined style. As the sides of the building were originally constructed of cement blocks, new siding with an appropriate colour scheme was used to reduce water penetration into the building. The project team included ADA Architects and Lester Group.



Early photo & google streetview of property in previous vacant state.



Pre-renovation photos. (Source: Lester Group).



Rehabilitated appearance of the property. (Source: Lester Group)

225 Giles Boulevard W.- William T. Wesgate House

Kathleen Pistor is a long-time Owner and steward of this heritage designated property. The property sits on the corner of Giles Boulevard W and Victoria Avenue, and features a distinctive red tile roof amongst other Colonial Revival features. The roof was in need of repair or risk of replacement and with the challenge of materials and trades people, a less heritage-conscientious owner would have changed the roof to another material. The owner however spent intensive efforts sourcing for reclaimed clay tiles that were with correct dimensions and appropriate match for the tile repair, as well as skilled trades to repair the tile roof. The recent work done on the property included repairs to the clay tile roof both on the primary building and accessory detached garage building, eavestrough and flashing work, waterproofing and balcony repair work. In years past, the Owner had also always ensured that the right types of replacement/repair materials were used on the property to preserve its heritage attributes for years to come.



Tile work that needed repairs, and view of front arched dormers and rear shed dormer.



3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project

Mackenzie Hall was the Essex County Court House. Constructed in 1855, it was recognized as one of the first heritage designated properties in the city, and its significance is also indicated by the Ontario Heritage Trust conservation easement on the property. The City has committed to investing about \$3 million over the next decade to conserve this landmark property. The first phase of work was the extensive Masonry Restoration project. Some walls sections had mortar failing badly and crumbling upon touch, as well as water retention issues. Portland cement mortar had been used in the stone walls, trapping moisture in the walls and causing the stone to deteriorate before the mortar. The Facilities Department led a successful project alongside the heritage architect/consultants GBCA and studio g+G inc. The right coloured mortar, texture and composition were used following laboratory investigation to ensure that the mortar used would be chemically, physically and visually compatible with the historic stone and other sound historic mortar. The project team specified and conducted several mock-ups with the experienced masonry contractor Roof Tile Management (RTM). Organic growth, staining and abandoned objects were removed to clean up the facade. Back-pointing filled voids in mass wall cavities. The repointing was careful to replicate the pointing joint styles used on the building. For stones that were cracked or deteriorated, Dutchman stone repairs as well as Jahn mortar stone repair was used. The skilled masons of RTM was able to replicated curvatures and patterns such as convict's pick to provide a visually compatible finish between the original stone and the repairs. Lead coated copper flashing work was conducted around stone projections on the sandwich

(west) elevation and there was also replacement of solid wood window sill replacements. JOS and TORC Cleaning systems sensitive to historic masonry materials were used to remove various types of staining and organic material that allow for proper “breathability” of the masonry walls as well as improve aesthetics. While other phases of investments into Mackenzie Hall are still anticipated, the masonry restoration represents a significant scope of work and the project team has provided an example of excellent conservation work.



Front view of Mackenzie Hall



Variety of issues at the building including deep voids, cementitious mortar, organic growth and staining.



Lead coated copper flashing work above stone projections and the JOS & TORC Cleaning systems.



Removal of inappropriate cement mortar for repointing work



Jahn mortar repairs with appropriate texture and form to match and solid wood window sill repairs

Recent Designated Properties

The Neils C. Ortved House at 766 Devonshire Road, and 436 Askin Avenue were recent individual heritage designations approved by the City Council. Neils C. Ortved House is an Arts & Craft & Tudor Revival style property designed for the Chief Chemist for Hiram Walker and Sons Ltd., while 436 Askin Avenue is a well-preserved Tudor Revival style property with interesting decorative brickwork. Willing property owners of these recent designated properties will receive a designation plaque for display on the exterior of their buildings.



Photo of 766 Devonshire Road on left and 436 Askin Avenue on right.

Risk Analysis:

No risk has been identified.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

A nominal cost will be incurred for the Heritage Awards. The cost of the designation plaque is paid from the Heritage Committee Operating Fund account #0111610.

Consultations:

Citizen members of the Heritage Component of the Development & Heritage Standing Committee discussed the Heritage Recognition format and convened virtually in past months to discuss candidate sites. The Mayor's Office and City Communication staff were also consulted and will be involved in the September site and media events. Doors Open Windsor 2022 Committee, and Facilities Department staff have also been involved in the discussion.

Conclusion:

The City of Windsor will be celebrating Heritage Recognition in joint partnership with Doors Open Windsor 2022. The owners of the newly designated properties (766 Devonshire Road and 436 Askin Avenue) should be recognized with a heritage plaque while the Owners and project teams for recent heritage conservation work at the properties of 1008 Drouillard Road, Hiram Walker (Pêche Island) Bridge, 1785 Walker Road, 225 Giles Boulevard West, and Mackenzie Hall, should also be recognized for their excellent stewardship and conservation work.

Planning Act Matters: N/A

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer (Acting)

Notifications:

Notification list of property owners and recipients provided to Clerks.

Appendices: N/A



Committee Matters: SCM 127/2022

Subject: Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593] - Wonsch Construction Company Limited - Ward 9

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 386**

I THAT the application of Wonsch Construction Company Limited for Draft Plan of Subdivision approval of Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366, City of Windsor; **BE APPROVED** on the following basis:

- A That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/21-1, which will facilitate the creation of 4 residential lots.
- B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).
- C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

- 1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).
- 2. The Owners create, the following rights-of-way, in accordance with the approved Plan of Subdivision:
 - a) 20m right of way for the for the extension of Oakridge Avenue and Farrow Avenue to the northerly limit of the subject lands;

3. The Owners convey 0.3m reserve blocks along the north limit of Oakridge Avenue and Farrow Avenue to the City of Windsor, to the satisfaction of the City Planner.
4. The Owners agrees to complete a geotechnical report to determine the capacity of the soil below the road base and building envelopes to the satisfaction of the City Engineer;
5. The Owner agrees to provide a Noise Study for review prior to registration of the Final Plan of Subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner;
6. The Owners agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.
7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:
On the East Side of Oakridge Avenue and Farrow Avenue, to the satisfaction of the City Engineer and the City Planner;
8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 2. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
 - a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
 - b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

- c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
- 10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.
- 11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
- 12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

“Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

NOTES TO DRAFT APPROVAL (File: SDN-002/21)

- 1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
- 2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
- 3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.
- 4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.
- 5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

- II THAT the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,
- III THAT prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IV THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: S 45/2022
Clerk's File: Z/14266

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.1. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

Subject: Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593]- Wonsch Construction Company Limited - Ward 9

Reference:

Date to Council: May 2, 2022

Author: Jim Abbs,

Senior Planner

255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: April 11, 2022

Clerk's File #: Z/14266

To: Mayor and Members of City Council

Recommendation:

I THAT the application of Wonsch Construction Company Limited for Draft Plan of Subdivision approval of Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366, City of Windsor; **BE APPROVED** on the following basis:

- A That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/21-1, which will facilitate the creation of 4 residential lots.
- B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).
- C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
2. The Owners create, the following rights-of-way, in accordance with the approved Plan of Subdivision:
 - a) 20m right of way for the for the extension of Oakridge Avenue and Farrow Avenue to the northerly limit of the subject lands;
3. The Owners convey 0.3m reserve blocks along the north limit of Oakridge Avenue and Farrow Avenue to the City of Windsor, to the satisfaction of the City Planner.
4. The Owners agrees to complete a geotechnical report to determine the capacity of the soil below the road base and building envelopes to the satisfaction of the City Engineer;
5. The Owner agrees to provide a Noise Study for review prior to registration of the Final Plan of Subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner;
6. The Owners agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.
7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:

On the East Side of Oakridge Avenue and Farrow Avenue, to the satisfaction of the City Engineer and the City Planner;
8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 2. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
 - a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100

year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

- b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
 - c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the Planning Act and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.
- 11 The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

“Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

NOTES TO DRAFT APPROVAL (File: SDN-002/21)

- 1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
- 2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
- 3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.
- 4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.

5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.
- II THAT** the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act; and,
- III THAT** prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IV THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.

Executive Summary:

N/A

Background:

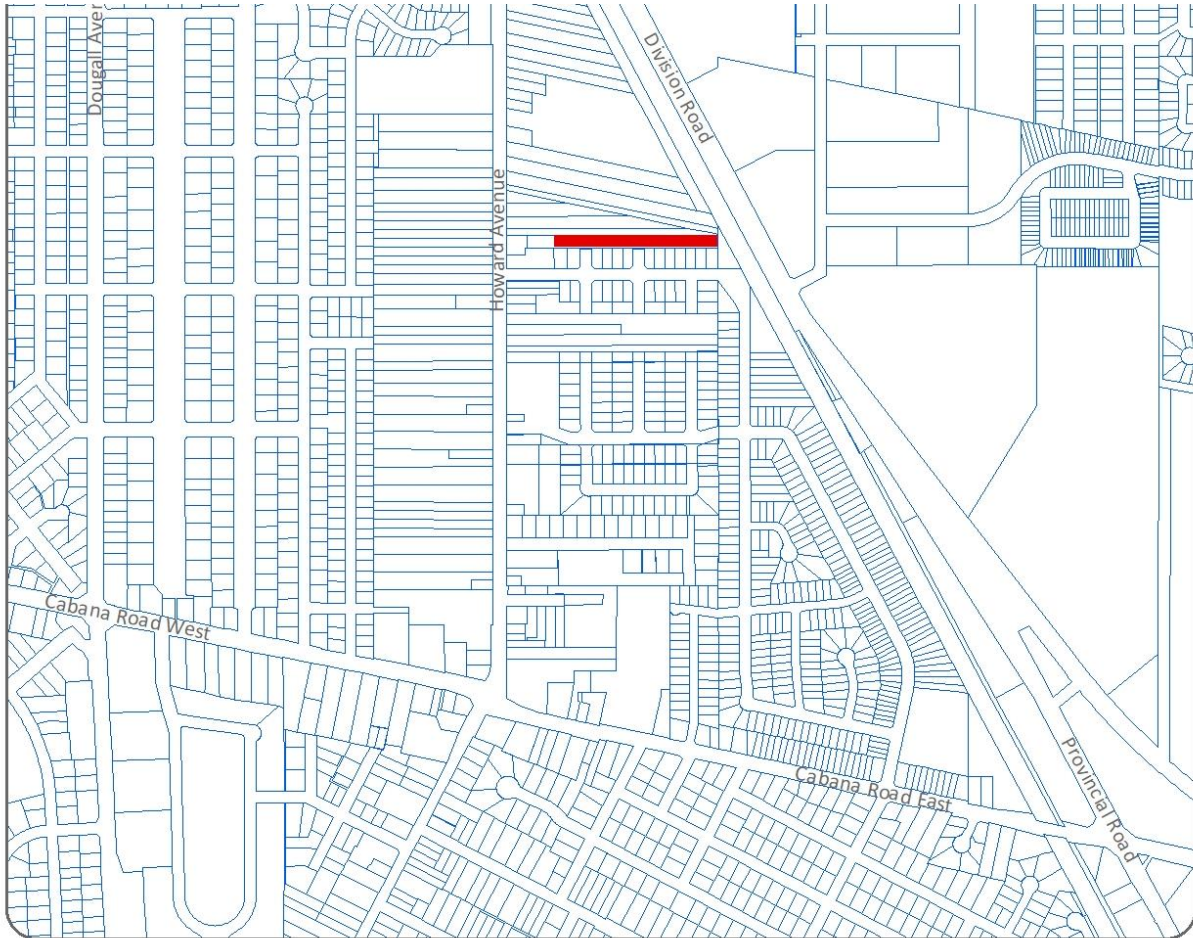
Application Information:

Location: 3550 Howard Avenue - Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366.

Ward: 9 **Planning District:** 15 – South Windsor **ZDM:** 8

Registered Owner\Applicant: Wonsch Construction Company Limited (Gordon Wonsch)

Agent: Dillon Consulting Limited (Karl Tanner)



KEY MAP - SDN-002/21, SDN-6593



● SUBJECT LANDS

Proposal:

The applicants are requesting Draft Approval of a 4 lot Plan of Subdivision. This proposed residential subdivision is located between existing dwellings on Maguire Street to the south and vacant, residentially designated and zoned lands to the North.

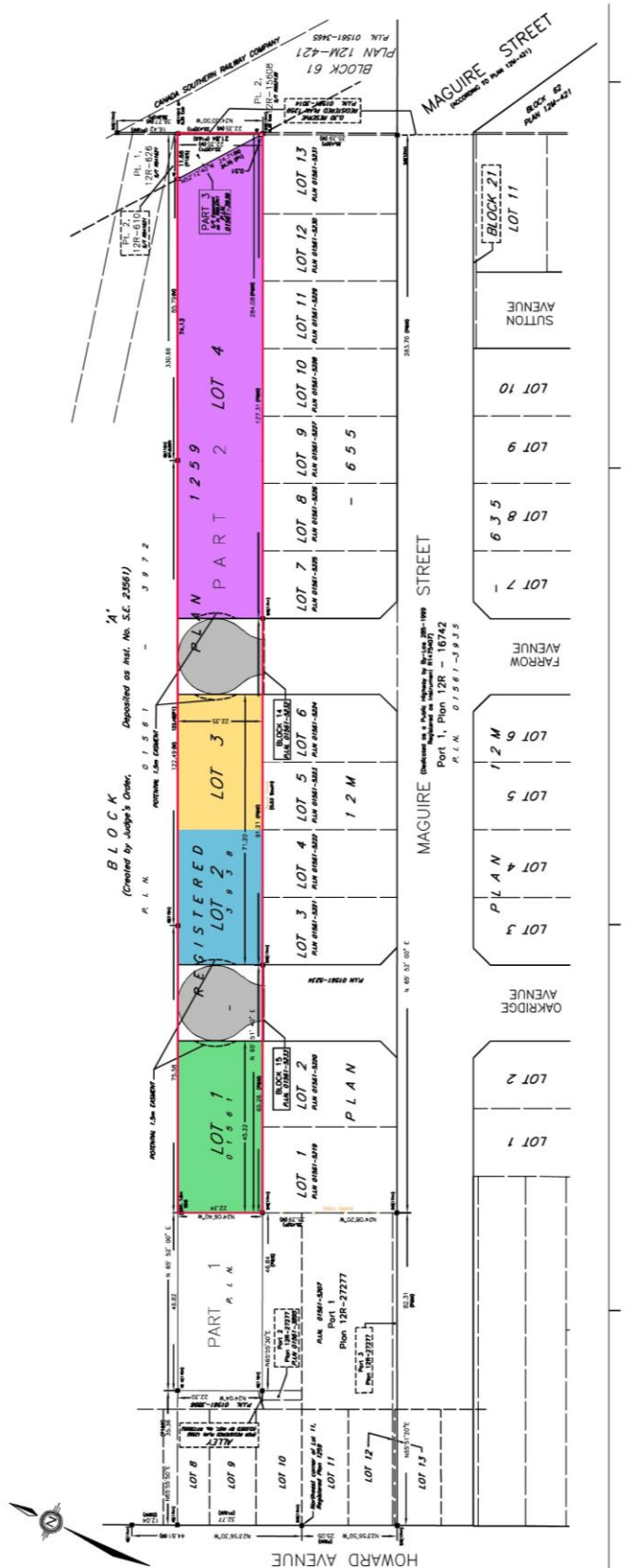
The site is designated Residential in the City of Windsor Official Plan and is zoned Residential District 1.1, with a hold provision requiring that a plan of subdivision be registered and municipal services be available prior to the construction of dwellings (HRD1.1). It is proposed that the Plan of Subdivision will create an extension to the existing Oakridge Avenue and Farrow Avenue northerly that will temporarily terminate 22.34m from the end of the existing Oakridge and Farrow Right of ways.

Further development may take place to the north of this proposed Plan of Subdivision once property consolidation take place.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	HRD1.1	Vacant Residential	Vacant/ Agriculture (Orchard, Market Garden)
Width	Depth	Area	Shape
+/-22.5 m	+/-283 m	.74 ha	Rectangular
All measurements are approximate.			

SDN002/21-1 –Draft Plan of Subdivision



Neighbourhood Characteristics:

This proposed residential subdivision is located at 3550 Howard Avenue east of the existing dwelling on Howard Avenue and existing dwellings on Maguire Street to the south. The proposed development is bordered to the:

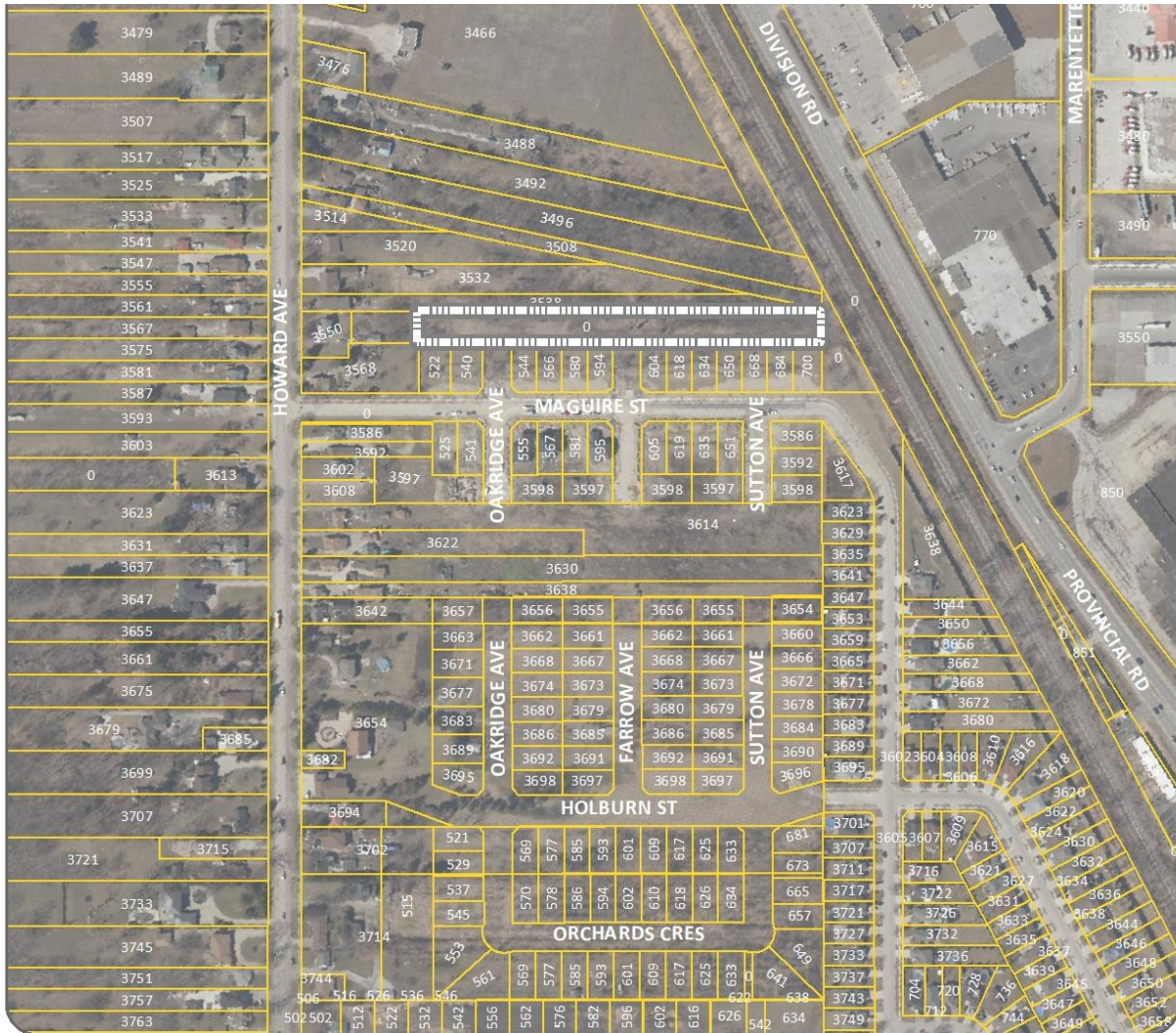
North by vacant land designated for residential purposes and zoned to permit single unit dwellings,

South by single detached residential dwellings fronting Maguire Street,

East by a railway corridor,

West by single detached dwellings on the west side of Howard Avenue.

The intersection at Howard Avenue and Cabana Road East further south to the subject site serves as a commercial node to the area. In general, the area has been subject to increased development pressure with significant residential developments constructed and proposed in the Howard Avenue corridor between Division Road and Cabana Road.



NEIGHBOURHOOD MAP - SDN-002/21, SDN-6593



SUBJECT LANDS

Discussion:

Provincial Policy Statement 2020 (PPS):

The Draft Plan Subdivision is an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement (PPS) in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

“1.1.1 b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and

long-term care homes), recreation, park and open space, and other uses to meet long-term needs”

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The requested Draft Plan Subdivision promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed Draft Plan Subdivision in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk infrastructure in the immediate area.

The PPS also states:

“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”

The PPS requires that land be available to diversify developments to meet the future needs of the community. The Draft Plan Subdivision is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

“1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The requested Draft Plan of Subdivision is consistent with the PPS by developing a planned low-density neighbourhood on smaller lots than currently exist fronting Howard Avenue. While the lots proposed are relatively large, the proposed form of development is a more efficient use of land and resources than currently exists on this site. As well, this development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a. permitting and facilitating:

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and”

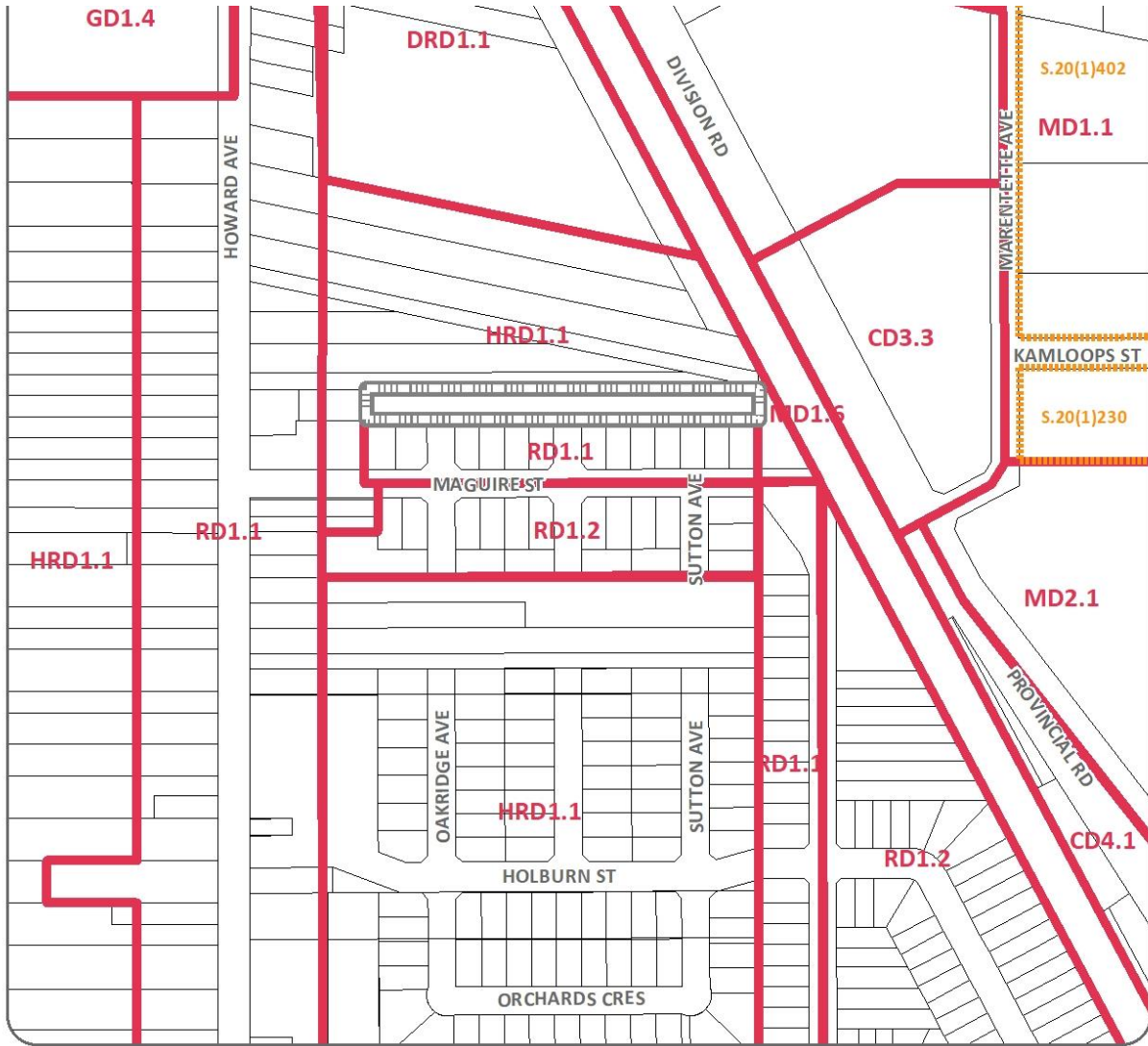
Approving the Draft Plan of Subdivision would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting and will not limit future development of lands to the north of the site, once sufficient land consolidation has taken place. In terms of supporting active transportation and transit, the proposed Plan of Subdivision is in close proximity to Transit Windsor service.

Official Plan:

The subject lands are designated Residential in the City of Windsor Official Plan. This designation permits the low profile single unit residential development proposed. The City of Windsor Official Plan also contains policies that encourage the efficient use of existing infrastructure, promotes residential redevelopment as well as residential intensification. As such, the proposed development conforms to the Official Plan.

Zoning:

The subject lands are zoned Residential District 1.1 (HRD1.1) with a hold provision to ensure the property is developed to municipal standards by way of a plan of subdivision. This zone permits the construction of single unit dwellings on 15.0 m lots. The application proposes to create parcels that will comply with and exceed the zone regulations of the existing RD 1.1 zone category. The developer can apply to remove the hold provision once the Plan has Final Registration.

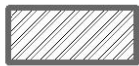


PART OF ZONING DISTRICT MAP 8

N.T.S.

SCHEDULE 2

APPLICANT: WONSCH CONSTRUCTION



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : APRIL, 2022
FILE NO. : SDN-002/21, SDN/6593

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The site will be subject to a subdivision agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City's Public Works department

Climate Change Adaptation:

The infill development on the site is close to existing bus routes and also commercial and community facilities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City's carbon footprint.

Financial Matters:

N/A

Consultations:

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix A – Comments.

Conclusion:

The proposed draft plan of subdivision is consistent with the provisions of the Provincial Policy Statement, conforms to the City of Windsor Official Plan, complies with City of Windsor Zoning By-law and would provide the impetus for further development in an underutilized part of an established area.

Therefore, the proposed Draft Plan of Subdivision to create 4 new lots does constitute good land use planning.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Michael Cooke MCIP RPP, Manager of Planning Policy/Deputy City Planner

Thom Hunt MCIP RPP, City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP JM

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
Wonsch Construction Company Limited (Gordon Wonsch)	2870 Normandy Street, LaSalle ON N9H 2P3	winmar.ny@gmail.com@1micgroup.com
Dillon Consulting Limited (Karl Tanner)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	ktanner@dillon.ca
Councillor Mackenzie		

Appendices:

- 1 SDN 002-21 COMMENTS

COMMENTS

Averil Parent – Environment & Sustainability Coordinator

No comments

Enwin

ENWIN Utilities Technical Services Department (TSD) has received your email. Your email has been forwarded to one of the Technical Services Advisors who will be in contact with you if they require further information or with a response to your inquiry.

Please note that this email address serves customers with technical inquiries (for example: new service, relocation of existing service, request for line cover ups, generation connection and other similar inquiries). For EMERGENCIES, please call 519-255-2727 (This line is open 24 hours a day).

ONTLands – Enbridge

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s (formerly Union Gas Ltd) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

Windsor Mapping – Enbridge

I believe we have an easement on the eastern extents of this application for our 20in transmission line.

After reviewing the provided drawing at 3550 Howard Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Please contact me if you have any further questions or concerns.

Canada Post

Thank you for contacting Canada Post regarding plans for a new development in the City of Windsor. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Appendix A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.

- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
 - A Community Mailbox concrete base pad per Canada Post specifications.

Kristina Tang – Heritage Planner

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events:

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

Enwin

Hydro Engineering: No objection to subdivision.

Water Engineering: Water Engineering has no objections.

Sherif Barsom – Parks Development

Please note that there is no comments from Parks Dept. for the above mentioned project.

Rob Perissinotti – Engineering/ROW

The applicant is requesting approval for a Plan of Subdivision consisting of 4 (four) lots for single detached dwellings at the rear of an existing residential property with a detached single family dwelling and detached garage. The lands subject to the application are Part 2 on the Draft Plan of Subdivision.

After reviewing the servicing requirements of the subject lands pertinent to the application, we have the following comments:

Roads and Right-of-Way

The proposed Oakridge Ave and Farrow Ave right-of-ways are required to be 20m wide and have 8.6m wide roadways, measured from face of curb to face of curb as per AS-206D. Temporary cul-de-sacs are required and are to be constructed as per AS-545-A. All road works are to be constructed the satisfaction of the City Engineer.

Additionally, a geotechnical report is required to determine the capacity of the soil below the road base and building envelopes.

Sewers

There are municipal storm and sanitary sewers within the abutting roadways, available to service the subject property as follows:

- Sanitary Sewer: 250mm Poly-vinyl Chlorine Pipe (PVC) on Maguire St. There is an existing 250mm PVC stub at the Maguire St and Farrow Ave intersection. A new connection is needed to service the Oakridge Ave right-of-way.
- Storm Sewer: 750mm Reinforced Concrete Pipe (RCP) at on Maguire St. There is an existing 450mm RCP stub at the Maguire St and Farrow Ave intersection. A new connection is need to service the Oakridge Ave right-of-way.

The stormwater management plan for this development is required to accommodate the vacant lands to the north of the subdivision, approximately 3.2 hectares in size. A servicing study is required, and one has been received with the application. Sewer extensions will be required as part of the development, and if oversizing of the sewers is required cost sharing will be based on a tender procured in a manner satisfactory to the City Engineer, and will be subject to approval by City Council

In Summary, we have no objection to the Subdivision Application, subject to the following conditions:

Subdivision Agreement – The applicant agrees to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

Servicing Study: - The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system. The study shall be finalized in agreement with the City Engineer.

Video Inspection (Mainline) – The applicant shall agree to complete at its entire expense a video inspection, of ALL EXISTING sanitary/storm sewers downstream of the proposed development which will be tapped to service the development, all to the satisfaction of the City Engineer.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 28, 2022

City Clerk's Office
Council Services
350 City Hall Square West, Room 530
Windsor, Ontario N9A 6S1

Originally submitted at the
May 2, 2022 DHSC Meeting
Written Submission

To whom it may concern:

**RE: Application for Plan of Subdivision, File: SDN/6593 - Notice of Public Meeting
3550 and 0 Howard Ave
City of Windsor
ARN: 373907009003200,373907009003300
Applicant: Wonsch Construction**

We have reviewed this proposal based on the mandate of the Essex Region Conservation Authority and provide the following comments, for the proposed "4 lot" Draft Plan of Subdivision (*residential land use*).

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2020) and REGULATORY RESPONSIBILITIES under the CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards management, under the *Provincial Policy Statement of the Planning Act*, as well as our regulatory role in permitting under Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*).

As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments, are provided in our capacity, as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site.

ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the



City of Windsor

April 28, 2022

Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

This property is also located within a Significant Groundwater Recharge Area (SGRA).

There are no associated Significant Drinking Water Threats (SDWTS) or policies with these areas, because the municipal water treatment plant does not use groundwater as its supply. The proponent should consider the sensitive nature of this natural feature. These areas are at a greater risk for contamination from land use activities. Any future proposed activity on these properties at minimum, should not result in increased risk of contamination of the recharge area.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments, are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the *Provincial Policy Statement of the Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

In our opinion, for this particular application, a satisfactory demonstration of no negative impact, could simply be accomplished by the provision of exclusionary fencing (solid chain link fencing, with no access gates). This fencing requirement would effectively mitigate the potential for disturbance of the natural feature from the adjacent land use, proposed by this development. No further EIA or demonstration of no negative impact would be required beyond the provision of fencing in order to satisfy the requirements of the *Provincial Policy Statement (PPS)*.

It is therefore recommended: that the Application may be approved, subject to the condition of the provision of adequate exclusionary fencing, which would function to effectively separate the proposed development from the adjacent natural heritage feature.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, the ERCA advises:

- That a stormwater management plan be completed to the satisfaction of the City of Windsor; and
- That, the Application, may be approved, subject to the condition of the provision of adequate exclusionary fencing, which would function to effectively separate the proposed development from the adjacent natural heritage feature.



City of Windsor
April 28, 2022

We request to receive a copy of the Notice of Decision on this application.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



KIM DARROCH, B.A.(HONS.), M.PL., RPP, MCIP
Team Lead, Planning Services,
Watershed Management Services

COMMENTS

Averil Parent – Environment & Sustainability Coordinator

No comments

Enwin

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- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Please contact me if you have any further questions or concerns.

Canada Post

Thank you for contacting Canada Post regarding plans for a new development in the City of Windsor. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Appendix A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.

- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
 - A Community Mailbox concrete base pad per Canada Post specifications.

Kristina Tang – Heritage Planner

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

Windsor Manager of Culture and Events:

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,
mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

Enwin

Hydro Engineering: No objection to subdivision.

Water Engineering: Water Engineering has no objections.

Sherif Barsom – Parks Development

Please note that there is no comments from Parks Dept. for the above mentioned project.

Rob Perissinotti – Engineering/ROW

The applicant is requesting approval for a Plan of Subdivision consisting of 4 (four) lots for single detached dwellings at the rear of an existing residential property with a detached single family dwelling and detached garage. The lands subject to the application are Part 2 on the Draft Plan of Subdivision.

After reviewing the servicing requirements of the subject lands pertinent to the application, we have the following comments:

Roads and Right-of-Way

The proposed Oakridge Ave and Farrow Ave right-of-ways are required to be 20m wide and have 8.6m wide roadways, measured from face of curb to face of curb as per AS-206D. Temporary cul-de-sacs are required and are to be constructed as per AS-545-A. All road works are to be constructed the satisfaction of the City Engineer.

Additionally, a geotechnical report is required to determine the capacity of the soil below the road base and building envelopes.

Sewers

There are municipal storm and sanitary sewers within the abutting roadways, available to service the subject property as follows:

- Sanitary Sewer: 250mm Poly-vinyl Chlorine Pipe (PVC) on Maguire St. There is an existing 250mm PVC stub at the Maguire St and Farrow Ave intersection. A new connection is needed to service the Oakridge Ave right-of-way.
- Storm Sewer: 750mm Reinforced Concrete Pipe (RCP) at on Maguire St. There is an existing 450mm RCP stub at the Maguire St and Farrow Ave intersection. A new connection is need to service the Oakridge Ave right-of-way.

The stormwater management plan for this development is required to accommodate the vacant lands to the north of the subdivision, approximately 3.2 hectares in size. A servicing study is required, and one has been received with the application. Sewer extensions will be required as part of the development, and if oversizing of the sewers is required cost sharing will be based on a tender procured in a manner satisfactory to the City Engineer, and will be subject to approval by City Council

In Summary, we have no objection to the Subdivision Application, subject to the following conditions:

Subdivision Agreement – The applicant agrees to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

Servicing Study: - The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system. The study shall be finalized in agreement with the City Engineer.

Video Inspection (Mainline) – The applicant shall agree to complete at its entire expense a video inspection, of ALL EXISTING sanitary/storm sewers downstream of the proposed development which will be tapped to service the development, all to the satisfaction of the City Engineer.



Committee Matters: SCM 128/2022

Subject: Draft Plan of Subdivision Application 0 Liberty Street n/s Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-003/21 [SDN/6630]- 2342046 Ontario Inc. - Ward 9

Moved by: Councillor Sleiman

Seconded by: Member Moore

Decision Number: **DHSC 387**

I THAT the application of 2342046 Ontario Inc. for Draft Plan of Subdivision approval of Part of Lots 42 & 43, Plan 713, and Part of Lot 80, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390; **BE APPROVED** on the following basis:

- A That this approval applies to the draft plan of subdivision, as shown on the enclosed Drawing SDN-003/21-1, which will facilitate the creation of 4 residential lots.
- B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).
- C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

- 1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).
- 2. The Owners create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

- a) 20m right of way for Street A;
3. The Owner agrees, prior to the issuance of a building permit, to remove the existing barrier on Liberty Avenue and erect a new barrier on the Liberty Avenue Right of way at the west Limit of the Plan of Subdivision to the satisfaction of the City Engineer.
 4. The Owners convey 0.3m reserve block along the west limit of Street A to the City of Windsor, to the satisfaction of the City Planner.
 5. The Owner agrees to complete a geotechnical report to determine the capacity of the soil below the road base to the satisfaction of the City Engineer;
 6. The Owner agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense.
 7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:
On the East Side of Street A, to the satisfaction of the City Engineer and the City Planner;
 8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 2. The study shall be finalized to the satisfaction of the City Engineer.
 9. The Owners(s) will:
 - a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
 - b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.

- c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.
 11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
 12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

“Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

NOTES TO DRAFT APPROVAL (File: SDN-003/21)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

- II. THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,
- III. THAT prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IV. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,
- V. THAT a one-foot wide portion of the Liberty Street right-of-way as shown on Drawing Number. SDN-003/21-1, contained in this report **BE CLOSED AND RETAINED** for municipal purposes subject to the following:
 - a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to Enbridge Ltd. and EnWin Utilities Ltd.
- VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description for the area to be closed, in accordance with Drawing Number. SDN 003-21-1, contained in this report; and,
- VII. THAT the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice regarding the portion of the Liberty St. right-of-way to be closed; and,
- VIII. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) to facilitate the right-of-way closure; and,
- IX. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and,
- X. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and,
- XI. THAT the portion of Liberty Street closed by By-law 5588 **BE OPENED** for vehicular traffic.

Carried.

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.2. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

**Subject: Draft Plan of Subdivision Application 0 Liberty Street n/s
Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-
003/21 [SDN/6630]- 2342046 Ontario Inc. - Ward 9**

Reference:

Date to Council: May 2, 2022

Author: Jim Abbs,

Senior Planner

255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: April 12, 2022

Clerk's File #: Z/14316

To: Mayor and Members of City Council

Recommendation:

I THAT the application of 2342046 Ontario Inc. for Draft Plan of Subdivision approval of Part of Lots 42 & 43, Plan 713, and Part of Lot 80, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390; **BE APPROVED** on the following basis:

- A That this approval applies to the draft plan of subdivision, as shown on the enclosed Drawing SDN-003/21-1, which will facilitate the creation of 4 residential lots.
- B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).
- C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
2. The Owners create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
 - a) 20m right of way for Street A;
3. The Owner agrees, prior to the issuance of a building permit, to remove the existing barrier on Liberty Avenue and erect a new barrier on the Liberty Avenue Right of way at the west Limit of the Plan of Subdivision to the satisfaction of the City Engineer
4. The Owners convey 0.3m reserve block along the west limit of Street A to the City of Windsor, to the satisfaction of the City Planner.
5. The Owner agrees to complete a geotechnical report to determine the capacity of the soil below the road base to the satisfaction of the City Engineer;
6. The Owner agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense.
7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:

On the East Side of Street A, to the satisfaction of the City Engineer and the City Planner;
8. The Owners shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 1. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 2. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
 - a) Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

- b) Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
 - c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
10. The Owners provide cash-in-lieu of parkland as permitted in Section 51.1 of the Planning Act and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of construction permits.
 11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
 12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

“Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

NOTES TO DRAFT APPROVAL (File: SDN-003/21)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

- II **THAT** the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act; and,
- III **THAT** prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IV **THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,
- V. **THAT** a one-foot wide portion of the Liberty Street right-of-way as shown on Drawing Number. SDN-003/21-1, contained in this report **BE CLOSED AND RETAINED** for municipal purposes subject to the following:
 - a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to Enbridge Ltd. and EnWin Utilities Ltd.
- VI. **THAT** the City Planner **BE REQUESTED** to supply the appropriate legal description for the area to be closed, in accordance with Drawing Number. SDN 003-21-1, contained in this report; and,
- VII. **THAT** the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice regarding the portion of the Liberty St. right-of-way to be closed; and,
- VIII. **THAT** the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) to facilitate the right-of-way closure; and,
- IX. **THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and,
- X. **THAT** the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and,
- XI. **THAT** the portion of Liberty Street closed by By-law 5588 **BE OPENED** for vehicular traffic.

Executive Summary:

N/A

Background:

Application Information:

Location: 0 Liberty Street - Part of Lots 42 & 43, Plan 713, and Part of Field Lot E, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390

Ward: 9 **Planning District:** 15 – South Windsor **ZDM:** 8

Registered Owner\Applicant: 2342046 Ontario Inc. (Hassan El-Cheikh)

Agent: Dillon Consulting Limited (Melanie Muir)

Neighbourhood Characteristics:

This proposed residential subdivision is located at 0 Liberty Street, on the north side of Liberty Street, between Dougall Avenue on the west and Gundy Park Avenue/Ouellette Avenue to the east, directly across from Victoria Boulevard. The proposed development is bordered to the:

North by a parking area for a funeral home,

South by single detached residential dwellings fronting Victoria Boulevard,

East by single detached residential dwellings fronting Liberty Street and Gundy Park Boulevard,

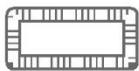
West by commercial uses fronting Dougal Avenue (McDonalds Parking Lot).

Through traffic is prohibited (By-law 5588) on Liberty Street and is blocked by a barrier that is located approximately 18 m from the west limit of the subject property, however pedestrian and bicycle access is permitted. The applicant proposes to relocate the barrier to be in line with the west limit of the subject site. The current location of the Liberty Street closure and the location of the existing barrier will be discussed later in this report.





NEIGHBOURHOOD MAP - SDN-003/21, SDN-6630



SUBJECT LANDS

Figure 1: Location Map

Proposal:

The applicants are requesting Draft Approval of a 4 lot Plan of Subdivision. The residential subdivision is proposed to have four (4) lots for single detached dwellings, with access to a proposed right-of-way. To facilitate the development, the existing barricade located at the western-most intersection of Liberty Street and Victoria

Boulevard is proposed to be moved further west along Liberty Street to provide access for the proposed right-of-way.



Proposed Conceptual Development Plan

The site is designated Residential in the City of Windsor Official Plan and is zoned Residential District 1.4 (RD1.4). It is proposed that the Plan of Subdivision will create a small 60 m long cul-de-sac north of Liberty Street.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	RD1.4	Vacant Residential	Vacant Residential
Width	Depth	Area	Shape
39.22m	irregular	6395.57 sq.m	"L"-Shaped
All measurements are approximate.			

Discussion:

Provincial Policy Statement 2020 (PPS):

The Draft Plan Subdivision is an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement (PPS) in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

“1.1.1 b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The requested Draft Plan Subdivision promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed Draft Plan Subdivision in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk infrastructure in the immediate area.

The PPS also states:

“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”

The PPS requires that land be available to diversify developments to meet the future needs of the community. The Draft Plan Subdivision is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

“1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The requested Draft Plan of Subdivision is consistent with the PPS by developing a low-density neighbourhood on a currently vacant parcel. While the lots proposed are relatively large, the proposed form of development is a more efficient use of land and resources than currently exists on this site. As well, this development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a. permitting and facilitating:

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and”

Approving the Draft Plan of Subdivision would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the proposed Plan of Subdivision is in close proximity (+/- 80 m) to Transit Windsor service.

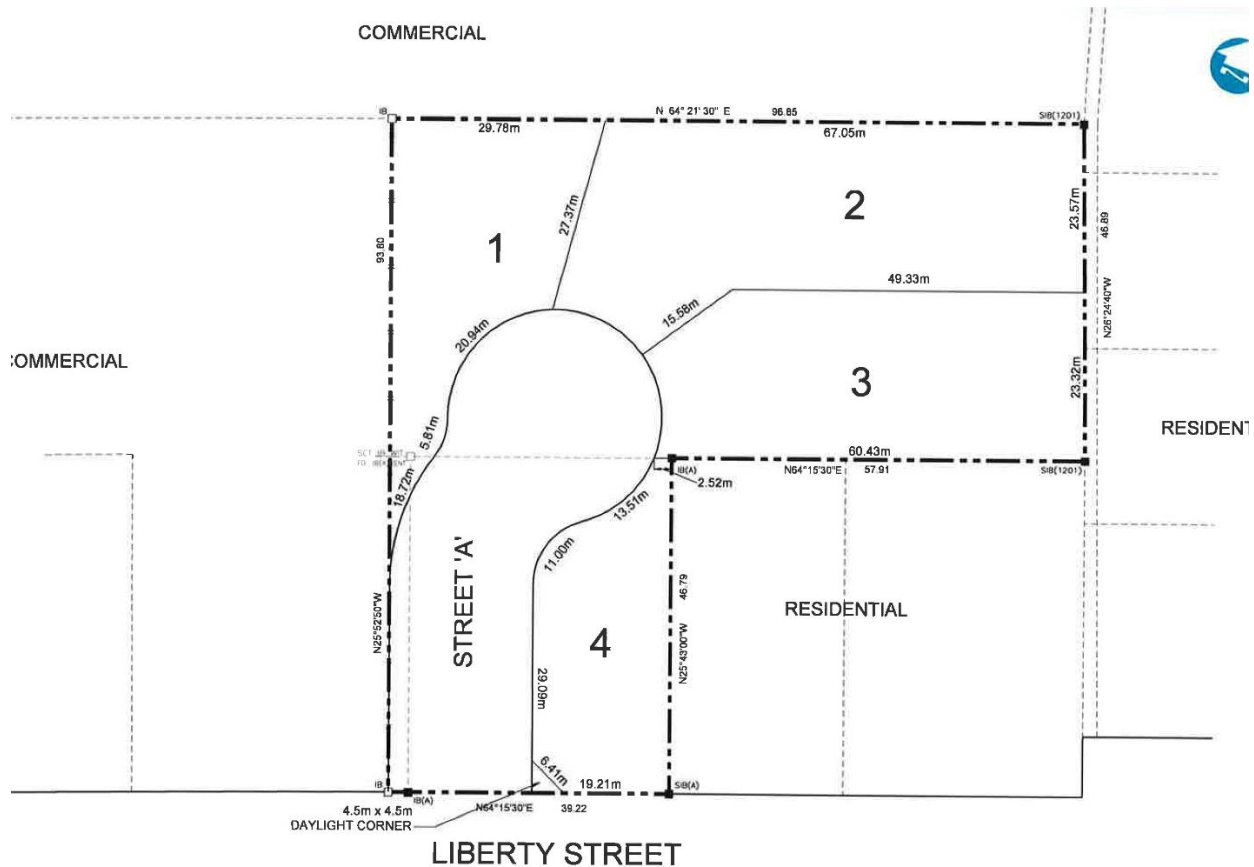
Official Plan:

The subject lands are designated Residential in the City of Windsor Official Plan. This designation permits the low profile single unit residential development proposed. The City of Windsor Official Plan also contains policies that encourage the efficient use of

existing infrastructure, promotes residential redevelopment as well as residential intensification. As such, the proposed development conforms to the Official Plan.

Zoning:

The subject lands are zoned Residential District 1.4. This zone permits the construction of single unit dwellings on 18.0 m lots. The application proposes to create parcels that will comply with and exceed the zone regulations of the existing RD 1.4 zone category.



<p style="text-align: center;">RESIDENTIAL</p> <p style="text-align: center;">Draft Plan of Subdivision PART OF LOTS 42 AND 43, CONCESSION 3 GEOGRAPHIC TOWNSHIP OF SANDWICH WEST NOW IN THE CITY OF WINDSOR, COUNTY OF ESSEX, ONTARIO</p> <p style="text-align: center;">Scale: 1:750 (11x17)</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">VICTORIA BOULEVARD</p> <p>OWNER'S CERTIFICATE I CERTIFY THAT: I HEREBY CONSENT TO THE FILING OF THIS PLAN FOR DRAFT APPROVAL.</p> <p>DATE: <u>November 9, 2021</u> SIGNED: SOUTH WINDSOR DEVELOPMENT COMPANY LIMITED</p> <p>SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.</p> <p>DATE: <u>November 9, 2021</u> SIGNED: ROY SIMONS REGISTERED LAND SURVEYOR</p>	<p style="text-align: center;">RESIDENTIAL</p> <p>ADDITIONAL INFORMATION REQUIRED UNDER S. 51(17) OF THE PLANNING ACT</p> <ul style="list-style-type: none"> (a) SHOWN ON PLAN (b) SHOWN ON PLAN (c) SHOWN ON PLAN (d) RESIDENTIAL (e) SHOWN ON PLAN (f) SHOWN ON PLAN (g) SHOWN ON PLAN (h) PIPED WATER TO BE INSTALLED BY DEVELOPER (i) BROOKSTON CLAY LOAM (j) SHOWN ON PLAN (k) SANITARY & STORM SEWERS TO BE INSTALLED BY DEVELOPER (l) SHOWN ON PLAN
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Proposed Draft Plan of Subdivision – SDN-003/21-1



PART OF ZONING DISTRICT MAP 8

N.T.S.

SCHEDULE 2

APPLICANT: 2342046 ONTARIO INC



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



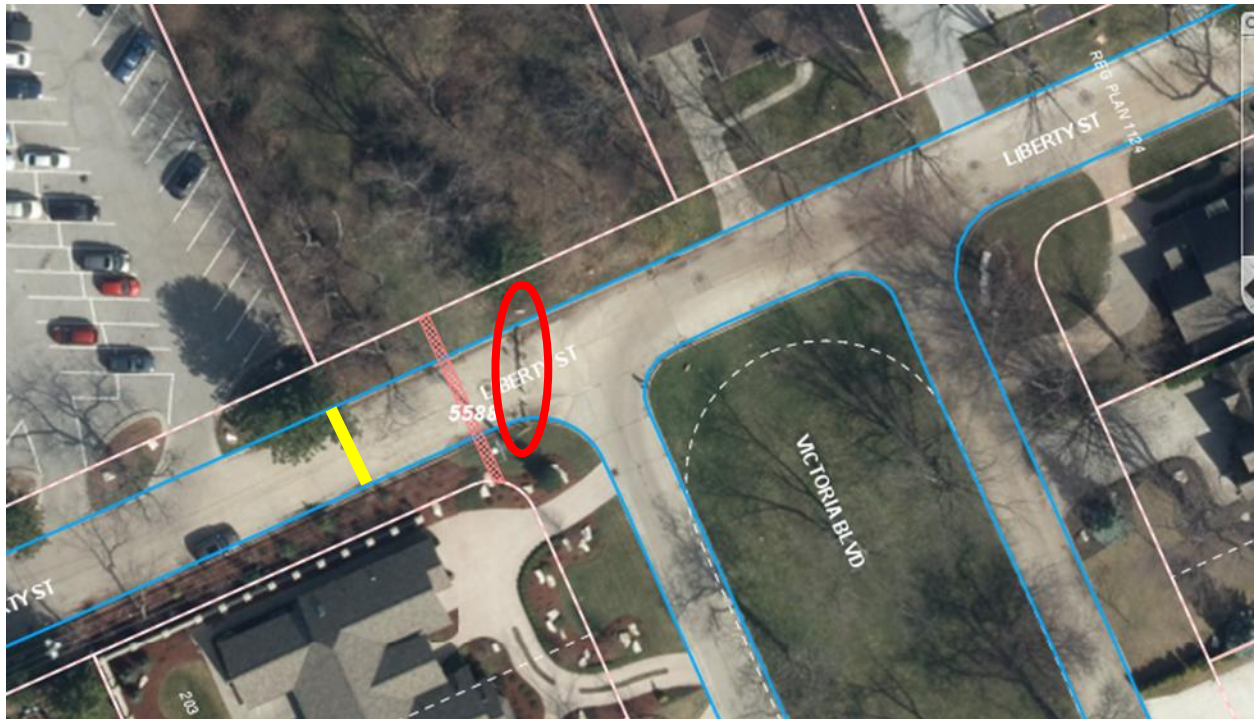
DATE : FEBRUARY, 2022
FILE NO. : SDN-003/21, SDN/6630

Existing Liberty Street Closure and Barrier Location:

In 1976 City Council passed Bylaw 5588 that closed a 1ft portion Liberty Street to vehicular traffic. At the time, Administration was not in favour of the closure, citing

Liberty Street's value as a potential access route to a substantial undeveloped area (Kenilworth Drive/Gundy Park Crescent). Local residents were concerned the recently opened McDonalds restaurant would "create a substantial increase in the volume of traffic in the overall area". The Council of the day agreed with the residents and implemented the requested 1ft closure.

As part of the development proposal, the applicant proposes to relocate the existing barricade to a new location further west, in line with the west limit of the subject site. At this time, the barrier and the closed portion of Liberty Street are not in the same location. The barrier would be moved from its existing location (red circle on drawing below) to the location near the west limit of the subject site (yellow line on drawing below). As part of the Agency circulation of the development proposal, Public Works noted that the barricade would have to be moved at the owner's expense, and Transportation Planning noted that the new barricade must permit pedestrian and bicycle access, but neither department noted an objection to moving the barricade to the applicant's proposed location.

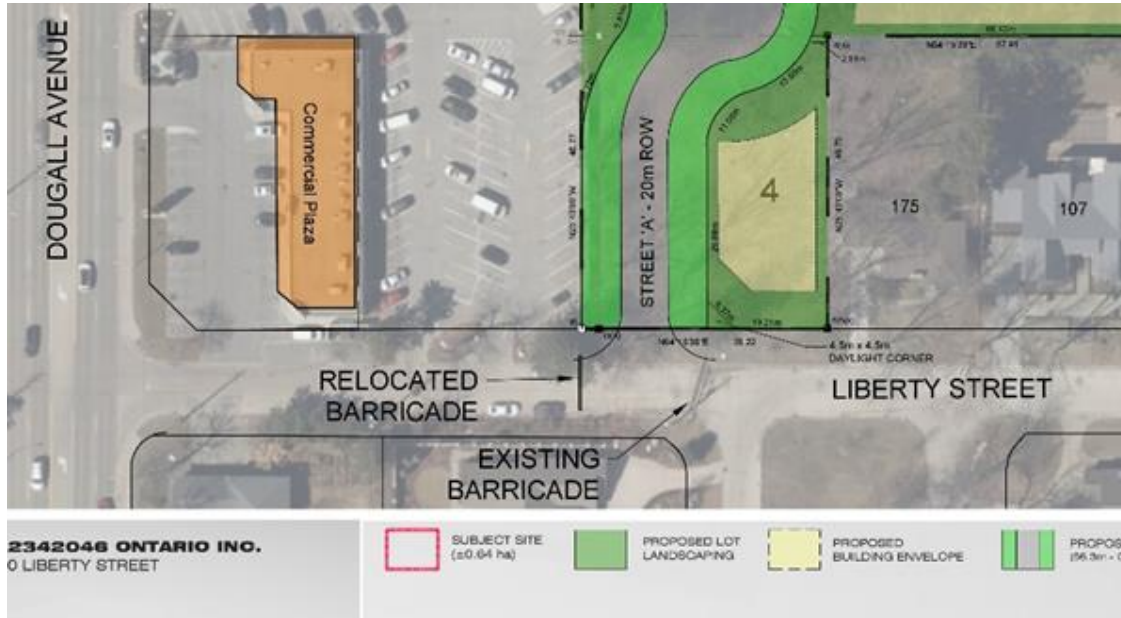


Current locations of 0.3m Liberty Street closure and existing barrier.

Bylaw 5588 prohibits access to the area of the lot that the applicant wishes to use to construct the road that would access 3 of the lots created by the plan of subdivision, therefore if the subdivision is to be constructed, the portion of Liberty Street that is closed would have to be opened.

To maintain established traffic patterns and provide access so that the subject lands can be developed, the Planning Department recommends that the section of Liberty

Street that was closed by By-law 5588 be opened for vehicular traffic, a 0.3m section of Liberty Street that projects southerly from the West limit of the subject property be closed to vehicular traffic and that the existing barrier be removed and a new barrier be rebuilt in a location that coincides with the newly closed portion of Liberty Street.



Proposed New Barrier Location

0.3m Reserve Block – West side of Street “A”

The proposed Street “A” right of way will directly abut the McDonalds parking lot. To ensure there is no direct access from the parking lot to Street ‘A’ a 0.3m reserve should be provided along the western limit of Street A where it abuts the McDonalds parking lot.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The site will be subject to a subdivision agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City’s Public Works department

Climate Change Adaptation:

The infill development on the site is close to existing bus routes and also commercial facilities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City’s carbon footprint

Financial Matters:

N/A

Consultations:

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix A – Comments.

Conclusion:

The proposed draft plan of subdivision is consistent with the provisions of the Provincial Policy Statement, conforms to the City of Windsor Official Plan, complies with City of Windsor Zoning By-law and would provide the impetus for further development in an underutilized part of an established area.

Therefore, the proposed Draft Plan of Subdivision to create 4 new lots does constitute good land use planning.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Michael Cooke MCIP RPP, Manager of Planning Policy/Deputy City Planner

Thom Hunt MCIP RPP, City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP JM

Approvals:

Name:	Title:
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate

Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administration Officer

Notifications:

Name	Address	Email
2342046 Ontario Inc. (Hassan El-Cheikh)	3828 Huntington Avenue, Windsor ON N9E 3N4	hassan.elcheikh.md@gmail.com
South Windsor Properties Inc. (Jack Whiteside)	801 Canada Building, 374 Ouellette Ave, Windsor ON N9A 4J2	
Dillon Consulting Limited (Melanie Muir)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	mmuir@dillon.ca
Councillor McKenzie		

Appendices:

- 1 SDN-003-21 Liaison Comments
- 2 By-law 5588 - Liberty Closure (1ft)
- 3 Liberty Closure minutes (1976)
- 4 Liberty Closure Resolution - 973/76

COMMENTS

Michael Coste – Fire

No objection

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dougall 6. The closest existing bus stop to this property is located on Dougall at Liberty Northeast Corner. This bus stop is approximately 110 metres away from this property falling well within our 400 metre walking distance guideline. All proposed properties would be covered under this distance as well. This will be maintained with our Council approved Transit Master Plan.

Windsor Mapping – Enbridge

After reviewing the provided drawing at the proposed subdivision on 0 Liberty Street and consulting our mapping system, please note that Enbridge Gas has an active mainline infrastructure along Liberty Street. A PDF drawing has been attached for reference.



Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

Canada Post

Canada Post has no comments for the attached application.

Jennifer Nantais – Environmental & Sustainability Coordinator

The Environmental Sustainability & Climate Change team has no comments to add to this application as the applicant will not be building on the site. We will look into further opportunities to request energy initiatives in cases such as this.

Barbara Rusan – Building

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

Sherif Barsom – Parks D&D

Please note that there are no comments from Parks Development for the above mentioned liaison.

Enwin

Hydro Engineering: No objections to proposed subdivision. However, the developer will be responsible to cover all costs associated with the relocation of an existing ENWIN overhead service triplex conductor crossing the property that services the adjacent residence at 175 Liberty St.

See attached sketch for reference only.



Water Engineering: Water Engineering has no objections.

Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (SDN-003/21) to permit Plan of Subdivision on the subject to comply with the regulations of the existing RD1.4 zone, with lots fronting onto newly constructed streets, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback:

The proposed setbacks comply with the current RD1.4.

Climate Change & Tree Preservation:

Though the site is not identified on Schedule C; of the OP as a development constraint area, it however is identified in the *Candidate Natural Heritage Site Biological Inventory* as Other Woodlot of interest. The Tree Inventory provided by the applicant indicates that site is populated with various trees, predominantly made up with undesirable and invasive species. The report also identifies several desirable species found on the subject lands (*Tilia cordata*, *Acer x freemanii*, *Ulmus americana*, *Quercus rubra*, and *Juglans nigra*).

The applicant has identified in the Section 4.2 of the Tree Inventory and Preservation Plan that the developer will provide replacement/compensation at a rate of 1 to 1 only for the native species to be removed from the site. Though the non-native and invasive species are undesirable from a conservative viewpoint, these trees also provide environmental benefit to the community and the city from a climate change perspective. In total 125 trees would be removed, with 5 trees to be retained at the far eastern end of the site on one of the proposed lots.

It is strongly recommended that replacement/ compensation for tree loss to the urban canopy at a caliper-for-caliper (DBH) rate for all trees with and condition rating of Good or Excellent as found in the Appendix C- Detailed Tree Inventory.

Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication.

Patrick Winters – Engineering & ROW

The Applicant is requesting draft plan of subdivision approval for the creation of a four (4) lot Plan of Subdivision on the subject site. The subject lands are currently designated Residential in the City of Windsor Official Plan and zoned Residential District (RD) 1.4. The applicant indicates the lots will comply with the regulations of the existing RD1.4 zone. The proposed Plan of Subdivision conforms and complies with the permitted uses in those documents. A Plan of Subdivision is required, as the proposed lots will front newly constructed streets created by the Plan of Subdivision.

A functional servicing study has been submitted by Dillon Consulting, which identifies the existing 250mm sanitary sewer and existing 675mm storm sewer on Liberty Street are to be used as the sewer outlets from the site. Post development stormwater flows will be restricted through the construction of new storm sewers and structures, with an outlet limiting flows to an allowable release rate. Public Works supports the servicing strategy submitted. Prior to the issuance of construction permits, the servicing study is required to be finalized to the satisfaction of the City Engineer, including detailed design of the internal subdivision sanitary and storm sewer systems in accordance with applicable standards.

Liberty Street is classified as a Local road with a required right-of-way width of 20.0m; the current right-of-way width is sufficient, therefore, land conveyance is not required.

The proposed access to the development will be from Liberty Street. Road to be designed to City of Windsor Standard AS-206D, the City's Standard Urban Cross Section, and the City of Windsor Development Manual. Curbs and Gutters to be constructed as per City of Windsor Standard AS-208.

The boulevard along the west side of the proposed Street 'A' will have no property fronting it; therefore; it will be the responsibility of the property owner of Lot #1 to maintain this boulevard

There is currently a barrier in place preventing access to Dougall Avenue from Liberty Street. The current location of the barrier was approved as part of a Councilor Resolution to prevent the neighborhood from spilling onto Dougall Avenue at this location. The barrier will need to be moved West so that the proposed development cannot access Dougall Avenue from Liberty Street as well. The current councilor resolution will need to be amended.

In summary, we have no objections to the proposed application, subject to the following requirements:

Development Agreement – The applicant shall agree to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

Transportation Planning – Ranina Toufeili

- Liberty St is classified as a Local Road with a required right-of-way width of 20 meters according to the Official Plan. The existing right-of-way width is sufficient and therefore no conveyance is required.

- The relocated barricade must accommodate pedestrian and cycling traffic.
- A detailed and dimensioned site plan showing the proposed driveways, curb cuts and cul-de-sac design is required to provide further comments on additional requirements.
- All cul-de-sacs must be constructed to engineering standards and per Engineering Right-of-Way requirements.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

B I L L
No. 285
1 9 7 6

B Y - L A W N U M B E R 5588

A BY-LAW TO CLOSE TO VEHICULAR TRAFFIC PART OF
VICTORIA BOULEVARD AND LIBERTY STREET ADJOINING
LOT 203, ACCORDING TO REGISTERED PLAN 1124.

Passed the 29th day of November, 1976.

WHEREAS subsection 7 of Section 443 of The Municipal Act,
R.S.O. 1970, Chapter 284, empowers a municipality to close a highway
to vehicular traffic without closing it to pedestrian traffic;

AND WHEREAS it is deemed expedient to close that portion of
Victoria Boulevard and Liberty Street (as described in Schedule "A"
attached hereto and forming part of this by-law) to vehicular traffic;

AND WHEREAS notice of the intention of The Corporation of the
City of Windsor to pass this by-law was duly published in The Windsor
Star on the following days:

1. Thursday, November 4, 1976
2. Thursday, November 11, 1976
3. Thursday, November 18, 1976 and
4. Thursday, November 25, 1976.

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

1. That the lands described in Schedule "A" hereto and forming
part of this agreement be and the same are hereby closed to vehicular
traffic.
2. That barricades may be erected by The Corporation of the
City of Windsor to enforce the due observation of the closing of the
part of the highway described in Schedule "A" attached hereto, to
vehicular traffic.
3. This by-law shall come into force and take effect on the day
following the final passing thereof upon which it is registered in the
Registry Office for the Registry Division of Essex 12.


MAYOR


CLERK

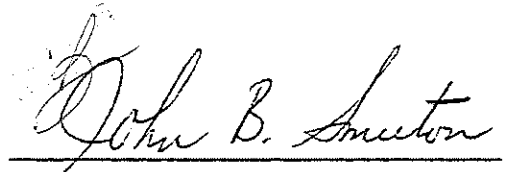
FR

First reading - November 29, 1976
Second reading - November 29, 1976
Third Reading - November 29, 1976

**1000

THENCE South Twenty-Six degrees, Forty-Two minutes East (S 26°-42' E) and parallel with the Northern production of the said Western limit of Victoria Boulevard, Sixty-Six and Thirty-Nine One-Hundredths feet (66.39') more or less to a point in the curved North-Eastern boundary of said Lot 203;

THENCE on a curve to the right having a radius of Fifteen feet (15.00') and following the curved North-Eastern boundary of said Lot 203, an arc distance of Five and Fifty-One One-Hundredths feet (5.51') to the place of beginning, the chord of said arc having a length of Five and Forty-Eight One-Hundredths feet (5.48') and a bearing of South Thirty-Seven degrees, Thirteen minutes, Fourteen seconds East (S 37°-13'-14" E):



JOHN B. SMEETON
Ontario Land Surveyor

WINDSOR, Ontario.

November 15, 1976.

JBS/ma

76-4554

DESCRIPTION OF LAND

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the CITY OF WINDSOR, (formerly the Township of Sandwich West), County of Essex and Province of Ontario, being composed of part of Victoria Boulevard and Liberty Street adjoining Lot 203, all according to a Plan of record under the Land Registry System at the Land Registry Division for Essex (12) as No. 1124, containing by admeasurement the sum of Sixty-Eight Square Feet (68 sq. ft.) be the same more or less, more particularly described as follows:-

Bearings herein are assumed astronomic and are referred to the Western limit of Victoria Boulevard shown as North Twenty-Six degrees, Forty-Two minutes West (N 26°-42' W) on said Registered Plan 1124;

COMMENCING at the beginning of the curved North-Eastern boundary of said Lot 203, said point of commencement being distant Forty-Five feet (45.00') measured Northerly along the Eastern limit of said Lot 203, being also the Western limit of said Victoria Boulevard on a course of North Twenty-Six degrees, Forty-Two minutes West (N 26°-42' W) from the South-Eastern corner of said Lot 203;

THENCE North Twenty-Six degrees, Forty-Two minutes West (N 26°-42' W) and following the Northern production of the said Western limit of Victoria Boulevard, Seventy-One and Seventy-Nine One-Hundredths feet (71.79') more or less to its intersection with the Northern limit of said Liberty Street;

THENCE South Sixty-Two degrees, Fifty-One minutes, Twenty-Five seconds West (S 62°-51'-25" W) and following the last mentioned limit, One foot (1.00') to a point;

Clark

192

Mayer

Clark

81 & 82

11' CLOSING

Field 2nd G

STREET

LIBERTY

60	202	93
60	201	94
60	200	95
60	199	96
60	198	97
60	197	98
60	196	99
60	195	100
60	194	101
60	193	102
60	192	103
60	191	104

3400 BLOCK

60	307	203
60	306	204
60	305	205
60	304	206
60	303	207
60	302	208
60	301	209
60	300	210
60	299	211
60	298	212
60	297	213
60	296	214

BEELS

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60	294	216
60	293	217
60	292	218
60	291	219
60	290	220
60	289	221
60	288	222
60	287	223
60	286	224
60	285	225
60	284	226

DOUGALL

VICTORIST

60	190	105
60	189	106
60	188	107
60	187	108
60	186	109
60	185	110
60	184	111
60	183	112
60	182	113
60	181	114
60	180	115
60	179	116

QUILLTIC

60	92	77
60	91	78
60	90	79
60	89	80
60	88	81
60	87	82
60	86	83
60	85	84
60	84	85
60	83	86
60	82	87
60	81	88
60	80	89
60	79	90

WILBURN

60	233	227
60	232	228
60	231	229
60	230	230
60	229	231
60	228	232
60	227	233
60	226	234
60	225	235
60	224	236
60	223	237
60	222	238

STANVILLE

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STANVILLE

60	147	117
60	146	118
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60	117	147

2. Robert J. C. McMahon, Solicitor on behalf of property owners in the 3400 block of Ouellette and Victoria Avenues, applying for the one-foot closing of Liberty St. at its intersection with the most westerly limit of Victoria Avenue, as shown on the attached plan. These residents are concerned * that the two driveways being constructed on Liberty St. to service a new MacDonald's restaurant at the north-east corner of Liberty St. and Dougall Ave. will cause an influx of traffic into their neighbourhood.

A 27-inch diameter storm sewer and a 48-inch diameter storm sewer are located in this right-of-way. A new 28 ft. concrete pavement has recently been constructed at a cost of \$44,794.00 of which the City's share was \$35,355.00. Due to the fact that this pavement is in perfect condition and there is no need for this closure, complete reimbursement as well as complete removal and restoration costs would be recommended. Closing Liberty St. would prevent easy access for emergency vehicles which would come from the north.

Liberty St. at this location constitutes a potential access route, not only to the existing Southlawn Gardens area, but to a substantial undeveloped area to the north and east for which no development plans have been reviewed or approved by Council. Accordingly, it is felt that it would be premature to close Liberty, pending adoption of a secondary plan for the entire area, most of which is owned by the South Windsor Development Company. Preliminary discussions related to development east of Huntington were held in 1973 and recently resumed, but the applicant is not in favour of developing Liberty as a collector for the area. No decision has been taken in this regard.

It will be recalled that, on September 7, 1976, City Council adopted Resolution 789/76 which, among other things, approved the curb cut permits for the construction of the two driveways from the MacDonald Restaurant parking lot fronting on Liberty St. on condition that the curb cut and driveways be installed in such a manner that traffic would be directed westerly when leaving the parking lot. Notwithstanding this condition, Mr. McMahon argues that the fact is that this will create a substantial increase in volume of traffic in the overall area. The area itself is perhaps the highest taxed residential area in the City. The citizens are all concerned as is evidenced by a petition which Mr. McMahon has presented, signed by 86 residents of Southlawn Gardens. Mr. McMahon states that, as only a portion of Liberty St. would be closed, the people who would normally use it will continue to do so, and the servicing of the area will not be affected.

Doug Lawson, Solicitor for MacDonald's Restaurant, advises that his client is not at odds with the submissions presented by Mr. McMahon on behalf of residents of Southlawn Gardens. MacDonald's would express some concern if two-way traffic is not permitted on Liberty St. from Dougall Ave. to their curb cut. Mr. Seton of the South Windsor Development Company advises that his company does have interest in the lands east of Liberty St. and is concerned with their future development. The company has retained planners, but until they have results of these planners' study on whether or not Liberty St. should be extended, the South Windsor Development Company remains neutral in the subject one-foot closing of Liberty St.

Street and Alley Closing Committee submitting the following recommendation concurred in by the Acting City Manager the intent of which is set forth in the following suggested resolution.

SUGGESTED RESOLUTION

That the application of Robert J. C. McMahon, Solicitor on behalf of property owners in the 3400 block of Ouellette and Victoria Avenues, for the one-foot closing of Liberty St. at its intersection with the most westerly limit of Victoria Avenue, BE NOT ENTERTAINED as Liberty St. constitutes a potential access route to a substantial undeveloped area to the north and east of Liberty for which no development plans have been reviewed or approved by City Council.

Cont'd

ITEM 2 CONT'D

Clerk's Note: Council Resolution No. 789/76 approved curb cut permits to MacDonald's Restaurant of Canada Limited subject to MacDonald's entering into an agreement to:

- (a) construct the curb cut and driveways in such a manner that traffic will be directed westerly when leaving the parking lot;
- (b) not oppose the proposed closing of part of Liberty Street to vehicular traffic at the westerly limit of Victoria Boulevard;
- (c) not oppose Liberty Street being made "One Way" westerly from Ouellette Avenue to the west limit of Victoria Boulevard, in the event the closing of the street as referred to in paragraph (b) is not approved;
- (d) Liberty Street between Dougall Avenue and the west limit of Victoria Boulevard to continue to provide two way traffic;
- (e) waive any claim against City for damages arising out of the closing and/or changes in the traffic pattern on Liberty Street as set out in paragraphs (b) and (c) above;

Consideration of the above street closing was deferred on October 12, 1976 at the request of the applicants' solicitor.

B/F 664-1 (102B-1)lp

ADDITIONAL INFORMATION RE ITEM 2

(Taken From Supplementary Agenda Dated
October 25, 1976)

Robert J. C. McMahon, Solicitor submitting a petition signed by 96 owners and residents on Ouellette, Victoria, Huntington Avenues and Liberty Street requesting the following:

- (a) erecting of signs designating Liberty a one-way street westerly;
- (b) close a portion of Liberty at the west limit of Victoria.

81 & 82

Check

192

Myer
Check

Registered Plan 1124

STREET

LIBERTY

60	202	93
60	201	94
60	200	95
60	199	96
60	198	97
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60	296	214

QUELLETT

VICTORIA

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60	284	226

DOUGALL

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60	212	238

GRANVILLE

WATER

Field No 6

CLOSING

S

Farrow/Burr

Mayor

971/76 That the Mayor BE AUTHORIZED to proclaim the week of October 31 to November 6, 1976, inclusive, as "Energy Conservation Week", as suggested by the Minister of Energy as part of the Ontario Energy Management Programme. (89A-1)(90A-1)lp B/F 618

Carried.

Burr/Farrow

Sect'y, Bd.
of Cmsnrs.
of Police
C/Fin

972/76 That the 1980 Council BE REQUESTED to invite the Canadian Association of Chiefs of Police to hold its 1980 Conference in the City of Windsor and, that the request from the Board of Commissioners of Police that the City sponsor a Municipal banquet for approximately 400 persons during this Conference proposed to be held from August 25 to 29 inclusive, 1980, BE CONSIDERED during the 1980 budget sessions. (86A-1)lp B/F 373

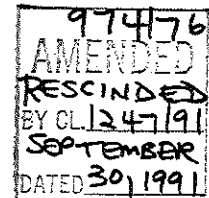
Carried.

Farrow/Clarke

C/Wks
D/TE
C/Sol
C/Plng.

973/76 That the application of Robert J. C. McMahon, Solicitor on behalf of property owners in the 3400 blocks of Ouellette and Victoria Avenues, BE APPROVED for the one-foot closing to vehicular traffic of Liberty Street at its intersection with the most westerly limit of Victoria Avenue, in order to discourage the influx of traffic into the residential area which would be generated by the construction of a MacDonald's Restaurant at the north-east corner of Liberty Street and Dougall Avenue, subject to the applicant depositing the sum of \$175.00 to cover the cost of advertising, preparation of proper plans and descriptions, etc.; and further, that the City Clerk BE AUTHORIZED to proceed with the required legal notices and the Commissioner of Works to supply appropriate plans and descriptions, prior to the City Solicitor's preparing the necessary by-law for Council's consideration; and also, following legal closure, that proper barricades, similar to pylons, BE INSTALLED. (102B-1)lp B/F 664-1

Carried, Alderman Burr voting nay.



Burr/Campbell

C/P&R
C/Sol

974/76 That the Commissioner of Parks and Recreation BE AUTHORIZED to rent the Freedom Festival Food Booths to organizations in the metropolitan area at a rental fee of \$50.00 per booth for the first day, plus \$5.00 per booth for each succeeding day subject to the applicant agreeing to:

- (a) pick up and return the booths by their own forces;
- (b) deposit \$500.00 as a guarantee that damages to the booths will be repaired;
- (c) indemnify the City against all claims for damages which may arise from their use of the booths and file with the Clerk an insurance policy satisfactory in form to the City Solicitor;

and further, that no rental fee be charged to either the Ethnic Council or the Freedom Festival Committee for use of said booths.

(82C-1)gm

Carried.

Tony N. Sauro
91 Liberty Street
WINDSOR, Ontario
N9E 1H7

Originally submitted at the May 2, 2022
Development & Heritage Standing Committee
Written Submission

April 27th, 2022

The Corporation of the City of Windsor
Attention: Council Services
350 City Hall Square West, Room 530
Windsor, Ontario
N9A 6S1

Attention: Development & Heritage Standing Committee

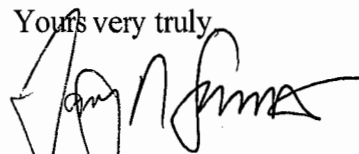
Dear Committee Members:

Re: Proposed New 4 Lot Subdivision off of Liberty Street
(Your File Number: SDN/6630)

I wish to provide the Standing Committee with my written comments in advance of the upcoming public meeting relating to the forgoing development, which is scheduled for the afternoon of Monday, May 2nd.

I welcome the fact that the existing barricade on Liberty Street will only be relocated rather than removed entirely, given the impact that would have resulted in increased traffic flow to and from Dougall Avenue onto Liberty Street. However, I have a concern regarding the proposed “jog” which will act as an entry point from the proposed Plan of Subdivision onto Victoria Boulevard. During the winter months our neighbourhood is not adequately snow-ploughed by the City of Windsor, and I am concerned that the proposed street layout will further hamper the provision of this and other City Services. Consequently, I would urge the City to consider requiring the applicant to revise its Conceptual Plan, such that the configuration will allow for the entry point onto Victoria Boulevard to continue straight/directly out of the Subdivision. While this may require the applicant to reconfigure its proposed subdivision, I would also submit that same would be more in the character of the existing street layout in the neighbourhood as well other homes and properties.

Thank you in advance for your consideration of my concerns.

Yours very truly

Tony N. Sauro

From: C.Velehorschi
Sent: April 27, 2022 9:04 PM
To: Abbs, James <jabbs@citywindsor.ca>; clerks <clerks@citywindsor.ca>
Subject: File #SDN/6630 - Comments for May02, 2022 Public meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Abbs:

We are writing to you regarding File #SDN/6630 where an application for a plan of subdivision is being discussed.

We would like to use this opportunity to express in writing a number of concerns, specifically because it affects a highly desirable neighborhood with correspondingly high city taxes.

We would like to ensure the following:

1. To our knowledge, the land in discussion was sold as 2 parcels, one with access from Gundy Park, the other with access from Liberty St (approx. 0.8acres each). The layout plan for the 4 +1 parcels is different from the original plan, as such please include specifics and details in the upcoming meeting. A slide presentation would be helpful in visualizing that.
2. The Development Committee will enforce and will not approve any condominium development on the subject land.
3. The new subdivision will be built on 4 parcels for 4 single families, no more than one single family per parcel, with maximum 2 floors each and not exceeding the surrounding elevations.
4. Rezoning from residential single homes to condominiums and from residential to commercial will not be permitted by any future bylaw amendments.
5. The site plan approval committee will strictly consider the compatibility of these 4 new houses and their design with the surrounding properties.

6. The future sanitary sewer system must be adapted given limitations that currently exist. Seasonal flooding basements in our area have been ongoing challenges and without a specific solution, a new subdivision is inconceivable.

Thank you for your kind consideration,

Corina and Cristian Velehorsi

Originally submitted at the May 2, 2022
Development & Heritage Standing
Committee – Written Submission

From: Patricia Babington
Sent: April 28, 2022 4:09 PM
To: clerks <clerks@citywindsor.ca>
Subject: File number SDN/6630

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Development and Heritage Committee
Monday, May 2, 2022 at 4:30 p.m. Public Meeting

I wish to put in a request regarding the property subdivision request to the side of me and behind. The large spruce trees. Can they be saved. They have such a good effect on me and the surrounding areas by keeping the air cleaner, protection from strong winds and weather, their beauty, housing animals/birds and nature in general. It would be a real shame to lose even one of these.

Submitted with respect, Patricia L. Babington

From: Patricia Babington
Sent: April 28, 2022 7:12 PM
To: clerks <clerks@citywindsor.ca>
Subject: File Number SDN/6630

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Development and Heritage Committee
Monday, May 2, 2022 at 4:30 p.m. Public Meeting

My concern is regarding drainage. While the property to my west side and north is much lower than mine, I trust the CITY will see that my property of many years of paying taxes is protected from the new property subdivision being made higher. I have had absolutely no problem in the past and expect I will not have any in the future.

Submitted with respect, Patricia L. Babington

Originally submitted at the May 2, 2022
Development & Heritage Standing
Committee – Written Submission

From: Daxterproton
Sent: April 29, 2022 10:11 AM
To: clerks <clerks@citywindsor.ca>
Subject: Re: File number SDN/6630 Item 7.2 May 2, 2022 @ 4:30pm Standing Committee Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Standing Committee:

Re: File Number SDN/6630
Meeting Date: May 2, 2022 @ 4:30pm
Item 7.2
Applicant: 2342046 Ontario Inc
Location: 0 Liberty St

After reviewing the proposed plan of subdivision on File Number SDN/6630, we would like to request not cutting down the spruce trees along the property line between the proposed building Lot 3 of the subdivision and the properties of 175 and 107 Liberty Street. Those trees have provided privacy, shade and have been home to abundant wildlife that we have enjoyed watching. In addition, those trees provide environmental benefit to the adjacent homes in the face of our current climate change situation.

Also of concern is that the proposed building envelope has an easement of only 6 feet where it borders the backyards of 175 and 107 Liberty Street. We don't know what the proposed building plan is of the house on Lot 3, but from the subdivision proposal, the building envelope could mean that we would be looking at the side of a house or any accessory buildings such as a garage/etc. Removal of those trees would decrease the enjoyment and value of our property because all we would see is the side of a building 6 feet from our backyard.

In addition to environmental and privacy issues, we also have the following concerns:

1. The noise and air pollution during the construction years.
2. The increased traffic and potential limited access to our property during construction.
3. Buildings other than single unit dwellings (e.g. semi-detached homes, duplexes, etc.) that may be built on these Lots will negatively affect the property values of the surrounding single unit dwellings and neighbourhood.

Thank you for your consideration to the above matters.

Sincerely,

Stephanie and Tommy
Sent with [ProtonMail](#) secure email.



Committee Matters: SCM 129/2022

**Subject: Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22
ZNG/6657 - Ward 7**

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: **DHSC 388**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, (Roll No: 060-450-13120 & 060-450-13130), situated at the southwest corner of Wyandotte Street East and Elinor Street, and known municipally as 817 Elinor Street and 0 Elinor Street from Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20 (1) as follows:

442. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND ELINOR STREET

For the lands comprising of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, a *multiple dwelling* with five or more *dwelling units* shall be subject to the following additional provisions:

- a) Lot Area – per *dwelling unit* - minimum 130.0 m²
- b) That the required *front yard depth*, required *rear yard depth*, and required *side yard* width shall not apply.
- c) Building Setback – minimum

from the lot line adjacent to Wyandotte Street East (including the corner cut-off)	1.20 m
from the lot line adjacent to Elinor Street	2.50 m
from an <i>interior lot line</i>	2.50 m
- d) Notwithstanding Section 25.5.20.1.6, the minimum separation of a *parking area* from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.50 m
- e) Notwithstanding Section 24.40, a *loading space* is not required.
- f) An *access area* or direct vehicular access to Wyandotte Street East is prohibited.

[ZDM 14; ZNG/6588]

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to:
- a) Circulate any application to the Essex Region Conservation Authority for their review and comment;
 - b) Consider the comments from municipal departments and external agencies in Appendix D attached to Report S 41/2022.

Carried.

Report Number: S 41/2022

Clerk's File: Z/14296

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.3. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

Subject: Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22 ZNG/6657 - Ward 7

Reference:

Date to Council: May 2, 2022
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: April 5, 2022
Clerk's File #: Z/14296

To: Mayor and Members of City Council

Recommendation:

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, (Roll No: 060-450-13120 & 060-450-13130), situated at the southwest corner of Wyandotte Street East and Elinor Street, and known municipally as 817 Elinor Street and 0 Elinor Street from Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20 (1) as follows:

442. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND ELINOR STREET

For the lands comprising of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, a *multiple dwelling* with five or more *dwelling units* shall be subject to the following additional provisions:

- a) Lot Area – per *dwelling unit* - minimum 130.0 m²
- b) That the required *front yard depth*, required *rear yard depth*, and required *side yard width* shall not apply.
- c) Building Setback – minimum
 - from the lot line adjacent to Wyandotte Street East (including the corner cut-off) 1.20 m
 - from the lot line adjacent to Elinor Street 2.50 m
 - from an *interior lot line* 2.50 m

- d) Notwithstanding Section 25.5.20.1.6, the minimum separation of a *parking area* from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.50 m
- e) Notwithstanding Section 24.40, a *loading space* is not required.
- f) An *access area* or direct vehicular access to Wyandotte Street East is prohibited.

[ZDM 14; ZNG/6588]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to:

- a) Circulate any application to the Essex Region Conservation Authority for their review and comment;
- b) Consider the comments from municipal departments and external agencies in Appendix D attached to Report S /2022.

Executive Summary:

N/A

Background:

Application Information

Location: 817 Elinor Street And 0 Elinor Street
(Southwest corner of Wyandotte Street East and Elinor Street; Roll No: 060-450-13130 & 060-450-13120)

Ward: 7 **Planning District:** 03 - East Riverside **Zoning District Map:** 14

Applicant: 1933923 Ontario Ltd (Dan Radmore)

Owner: Same as Applicant

Agent: Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

Submitted Documents

Application Form, Archaeological Assessment, Archaeological Assessment Entered into Ontario Public Register, Preliminary Site Plan (attached as Appendix A), Plan of Survey, Planning Rationale Report (attached as Appendix B), Site Services Plan, Species at Risk Preliminary Screening, Stormtech Chamber Specifications, Stormwater Management and Servicing Report, Topographic Survey, Tree Preservation Report

Proposal

The applicant proposes to construct three multiple dwellings containing six dwellings units each for a total of 18 dwelling units. Each multiple dwelling building is a maximum of 12 m in height with three storeys. The proposed buildings will face Wyandotte Street

East. The main pedestrian entrances will be from the front and rear. Each proposed building will be 260 m² in size. Lot coverage is a maximum of 32.1%.

Parking on-site is proposed for 27 vehicles, including one barrier free space and four visitor parking spaces, and 3 bicycle parking spaces. Access to the parking area will be from Elinor Street.

The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area, minimum front yard depth, and minimum parking area separation.

Site Information

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2)	Vacant Land	Unknown
LOT FRONTAGE WYANDOTTE	LOT FRONTAGE ELINOR	LOT AREA	LOT SHAPE
71 m	31 m	2,274 m ²	Irregular
232.9 ft	101.7 ft	24,477.1 sq. ft	
<i>All measurements are approximate.</i>			

Neighbourhood Description:

The Planning Rationale Report attached as Appendix B contains site images. The parcel is located at the southwest corner of Wyandotte Street East and Elinor Street. The surrounding area is a mix of existing low-profile development consisting of single unit dwellings and townhome dwellings, parkland, and an undeveloped area. The subject parcel is NOT located within the East Riverside Secondary Plan.

A place of worship, Calvary Baptist Church at 525 Elinor Street, is located about 250 m to the north. The Little River Corridor Park is located about 280 m to the west and the East End Park is about 150 m to the east on Wyandotte Street. Riverside Secondary School is about 1.8 km to the west on Jerome Street and Hetherington Public School is about 1.7 km to the west on Menard Street.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Wyandotte Street is a Class II Arterial with a two lane cross section with on-street bike lanes and sidewalks on both sides of the street. Elinor Street is a Local Road. The Ganatchio Trail, a major recreational trail along Riverside Drive, is located about 380 m to the north and the Little River Extension of the Ganatchio Trail is located just over 370 m to the west.

Public Transit is available on the Lauzon 10 bus route (westbound loop). The closest existing bus stop is located at the northwest corner of Wyandotte and Clover,

approximately 100 m from the subject lands. The 2019 Transit Master Plan proposes to enhance service with a two-way bus service.

Sanitary and storm sewers are available to service the subject lands.

Figure 1: Key Map



KEY MAP - Z-002/22, ZNG-6657



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 14

N.T.S.

REZONING

Applicant: 1933923 Ontario Ltd



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : FEBRUARY, 2022
FILE NO. : Z-002/22, ZNG/6657

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-002/22, ZNG/6657



SUBJECT LANDS

Discussion:

Provincial Policy Statement 2020:

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

Policy 1.1.1 of the PPS states:

“Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The proposed multiple dwellings represent an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit and infrastructure. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states *“Settlement areas shall be the focus of growth and development”* and Policy 1.1.3.2 of the PPS states:

“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The parcel is located within the settlement area. The proposed zoning amendment promotes a land use - multiple dwelling - that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS. The Planning Division concurs with the PPS analysis in section 5.1.1 of the Planning Rationale Report submitted by the Applicant.

Official Plan:

The subject property is located within the East Riverside Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed multiple dwellings represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation. The zoning amendment satisfies the objectives set out in Section 6.5.1 of the Official Plan.

The proposed multiple dwelling containing six dwelling units is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use in the Residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

The parcel is located within proximity to a registered archaeological site. Per Section 9.3.7.1(a), the applicant submitted an Archaeological Assessment Report dated December 29, 2021. The report recommends no further archaeological assessment is required. A copy of the report was filed with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. The Heritage Planner has no concerns from an archaeological perspective.

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed amendment to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

The Planning Division concurs with the Official Plan analysis in section 5.1.2 of the Planning Rationale Report submitted by the Applicant.

Zoning By-Law:

The parcel is zoned Development Reserve District 1.1 (DRD1.1) which permits an existing single unit dwelling on an existing lot and Residential District 1.2 (RD1.2) which permits a single unit dwelling on a lot having a minimum width of 12 m and a minimum area of 360 m² and an existing duplex dwelling and semi-detached dwelling. Excerpts from Zoning By-law 8600 are attached as Appendix C.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from DRD1.1 and RD1.2 to Residential District 2.5 (RD2.5) to allow the construction of three multiple dwellings each with six dwelling units and having a building height of 12 m with three floors and a site specific exception to accommodate the proposed development.

The conceptual plan was revised due to the requirement of a land conveyance along Wyandotte Street and a corner cut-off at Wyandotte and Elinor. The dwellings must be moved further away from Wyandotte Street. This requires further provisions in addition to the ones requested by the applicant.

The development requires the following site specific exceptions:

- a) Reduction in minimum lot area per dwelling unit from 166.0 m² to 130.0 m² - Partly due to the land conveyance. The proposed minimum lot area is similar to the requirement for a multiple dwelling with four dwelling units or less and is compatible
- b) That the required front yard depth, required rear yard depth, and required side yard width shall not apply to a multiple dwelling - this is to avoid conflicts with the setback requirements in item c) below.
- c) Utilize minimum building setbacks from Wyandotte Street, Elinor Street and interior lot lines - Further to item b) above, based on the lot line definitions in Zoning By-law 8600, the current front lot line is the lot line adjacent to Elinor Street, which complicates the calculation of required yards and setbacks where the buildings face Wyandotte Street. In lieu of front yard, rear yard, and side yard requirements, the Planning Department proposes minimum building setbacks from the lot lines.
- d) Reduction in the minimum separation of a parking area from a building wall containing a habitable room window or main entrance facing the parking area from 4.5 m to 3.5 m - due to a 2.75 m conveyance for right-of-way widening purposes along Wyandotte Street and a corner cut-off at the southwest corner of Wyandotte and Elinor, the proposed buildings must be setback further from Wyandotte Street. To accommodate the parking area, the parking area separation has been reduced by 1.0 m. As proposed, the distance between the closest part of the building and the sidewalk on Wyandotte Street is 8.9 m, which exceeds the typical front yard depth of 6.0m and provides a landscaped open space yard for residents to use.
- e) Clarifies that a loading space is not required for the proposed development.
- f) Prohibition on an access area or direct vehicular access to Wyandotte Street East - The City is attempting to minimize vehicular access to Wyandotte Street to avoid potential conflicts with vehicles, cyclists and pedestrians using Wyandotte Street. The development proposes a single access area to Elinor Street, which is supported by Administration.

No other changes to the provisions have been requested or required. A total of 22 parking spaces are required and 27 spaces are proposed including one accessible parking space and four visitor parking spaces. Any reference to storey identifies the number of floors at and above grade in a building. Storey is not a measurement of building height and the number of storeys is subject to change.

Site Plan Control (SPC):

SPC is the primary planning tool to implement the policies of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendation II provides additional direction concerning the circulation of any SPC application.

Interim Control By-law 103-2020:

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL or MRICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. The criteria below are used to evaluate the exemption:

Consistency with the Official Plan – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan. The proposed development is consistent with the Residential land use designation.

Compliance with the Zoning By-law – Whether the proposed development is a permitted use and complies with the provisions. Once the amending by-law permitting a multiple dwelling is in force, the proposed development will comply with Zoning By-law 8600.

Distance to Nearby Services and Amenities – Whether residents have access to services and amenities such as a school, place of worship or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services and amenities are located within a 1 km walk of the proposed development.

Distance to Public Transit – Whether residents have access to current and future public transit within an approximate 1 km or less walk. Transit Windsor operates bus routes on Wyandotte Street and Riverdale, all within 1 km or less.

Potential impact on the Land Use Study – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the Land Use Study. The proposed development will be consistent with the Official Plan, will comply to Zoning By-law 8600, and is within an acceptable distance of services, amenities, and public transit. The proposed development will not prejudice the Land Use Study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should Council approve this application and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, residential intensification minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

The proposed construction of a new dwelling provides an opportunity to increase resiliency for the development and surrounding area.

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix D. The various requirements of municipal departments and external agencies will be considered and/or incorporated during the Site Plan review process.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and tenants within 120m of the subject lands.

Planner's Opinion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that the requested amendment to Zoning By-law is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The proposed amendment permits a use, a multiple dwelling containing a maximum of 6 dwelling units, which is compatible with existing and permitted uses in the surrounding neighbourhood. The proposed development represents an incremental increase in density and provides an opportunity for the construction of modern and safe housing stock.

Site plan control is also the appropriate tool to incorporate the requirements of municipal departments and external agencies.

The recommendation to amend Zoning By-law 8600 constitutes good planning.

Conclusion:

Staff recommend approval of an amendment to Zoning By-law 8600 to allow development consisting of three dwellings, each with 6 dwelling units. Direction is also provided to the Site Plan Approval Officer in Recommendation II for matters raised from consultations with municipal departments and external agencies.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Neil Robertson, MCIP, RPP
Manager of Urban Design

Thom Hunt, MCIP, RPP
City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP JM

Approvals:

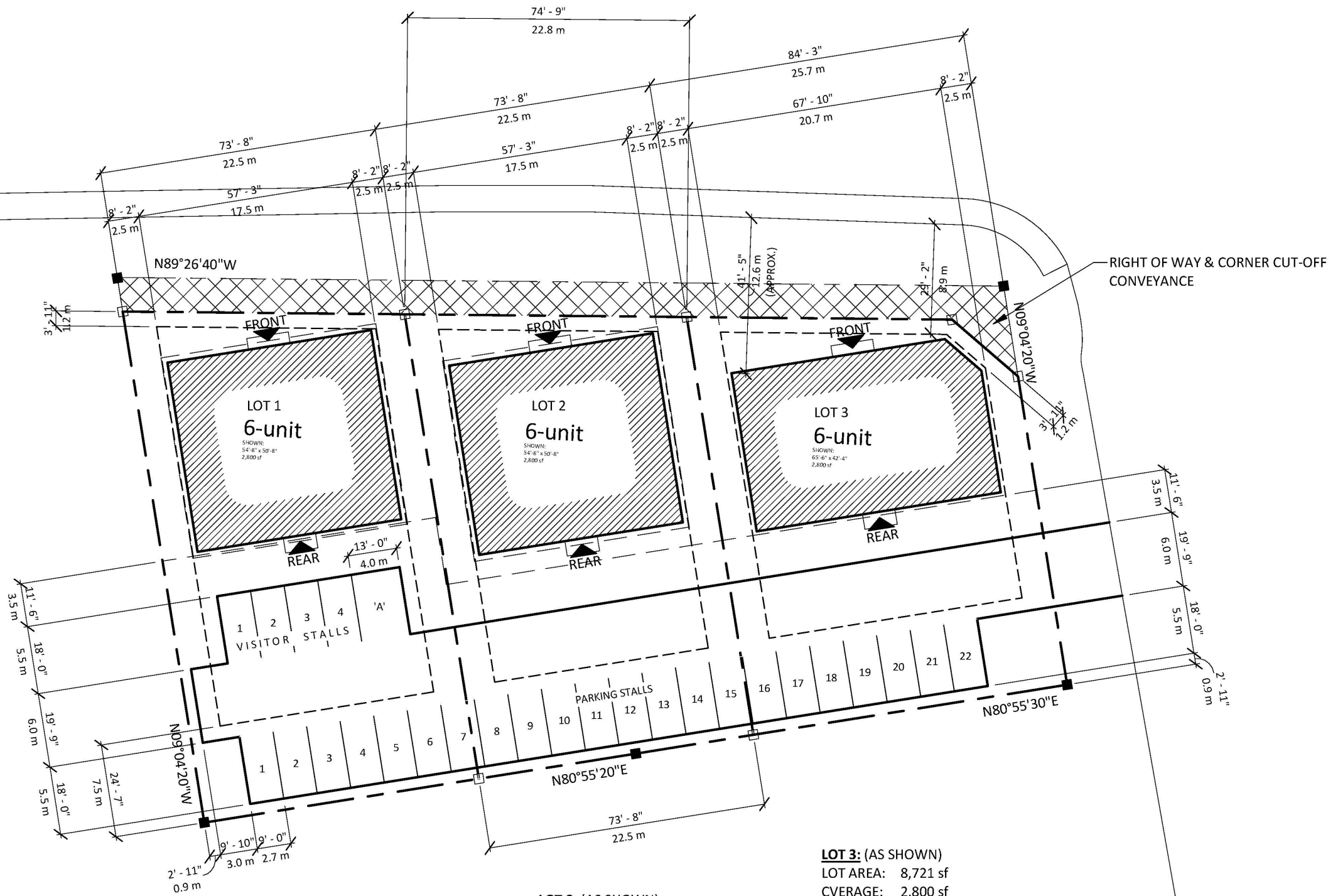
Name	Title
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
1933923 Ontario Ltd Attn: Dan Radmore	3203 Walker Road Windsor, ON N8W 3R7	radmoredan@gmail.com
Pillon Abbs Inc. Attn: Tracey Pillon-Abbs	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Gill		
Property owners and tenants within 120 m of the subject lands		

Appendices:

- 1 Appendix A - Preliminary Site Plan
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Excerpts from Zoning By-law 8600
- 4 Appendix D - Comments



Ontario Building Code:

Classification: Group C Residential (3.2.2.47)
 No Accessible Suites will be provided as per OBC 3.8.
 Lifts/Elevators not required.

PARKING CALCULATIONS

The parkinglot is servicing all 3 buildings therefore parking requirements based on the requirements of all 3 buildings grouped together.
 1.25 x 18units = 22 (REGULAR STALLS)
 0.15 x 22 = 4 (VISITOR STALLS)
 0.02 x 26 = 1 (TYPE 'A' ACCESSIBLE STALLS)
 3 BICYCLE SPACES

ZONING BYLAW 8600

(Proposed zoning restrictions, similar for all 3 properties)

- LOT WIDTH (min.): 20.0 m
- LOT AREA (min. per dwelling unit): **130.0 sm**
- LOT COVERAGE (max.): 50 %
- BUILDING HEIGHT (min.): 7.0 m
- BUILDING HEIGHT (max.): 18.0 m
- FRONT YARD SETBACK (min.): **1.2 m**
- REAR YARD SETBACK (min.): 7.5 m
- SIDE YARD SETBACK (min.): 2.5 m
- BUILDING SETBACK FROM PARKING: **3.5 m**

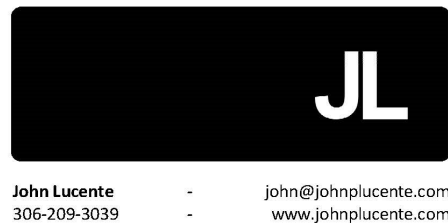
NOTES:

1. EXISTING ALLEYWAY EASEMENT MUST BE REMOVED.
2. ERCA APPLICATION REQ'D (1:100 YR FLOOD LINE).
3. DETAILED SURVEY REQ'D.

LOT 1: (AS SHOWN)
 LOT AREA: 9,637 sf
 COVERAGE: 2,800 sf
 COVERAGE: 29.1 %
(building size/shape estimated)

LOT 2: (AS SHOWN)
 LOT AREA: 8,715 sf
 COVERAGE: 2,800 sf
 COVERAGE: 32.1 %
(building size/shape estimated)

LOT 3: (AS SHOWN)
 LOT AREA: 8,721 sf
 CVERAGE: 2,800 sf
 COVERAGE: 32.1 %
(building size/shape estimated)



Wyandotte Development
 Elinor Street & Wyandotte
Preliminary Site Plan

City Council Agenda - May 30, 2022
 Page 187 of 607

Project number: 2121
 Sheet: **P-1**
 Scale: 1/32" = 1'-0"

PLANNING RATIONALE REPORT

ZONING BY-LAW AMENDMENT FOR PROPOSED RESIDENTIAL DEVELOPMENT

817 Elinor St., 0 Elinor St., and 0 Wyandotte St. E.
City of Windsor, Ontario

March 22, 2022

Prepared by:



Tracey Pillon-Abbs, RPP
Principal Planner
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1.0 INTRODUCTION

I have been retained by 1933923 Ontario Ltd, the applicant/owner, to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development for property located at 817 Elinor St., 0 Elinor St., and 0 Wyandotte St. E. (herein the "Site") in the City of Windsor, Province of Ontario.

The Site is presently vacant and is made up of 3 irregularly shaped lots located at the corner of Wyandotte Street East and Elinor Street.

The applicant is proposing to construct three (3) multiple dwellings with six (6) dwellings units each for a total of 18 residential (rental) units, as well as parking on-site for 27 vehicles, including 1 barrier free space, 4 visitor spaces and 3 bicycle spaces.

East building will be located on its own lot. The parking area will be shared.

The proposed development will provide a new housing choice in an existing built-up area and will provide for a transition between the existing residential uses and Elinor Street and Wyandotte Street East.

A site-specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed development. Council for the City of Windsor is the approval authority.

This application will also require an exemption from the current Residential Interim Control By-law (RICBL) for the prohibition on any group homes, lodging homes or development with five or more dwelling units.

The proposed development will also be subject to Site Plan Control (SPC) prior to the issuance of any building permits.

Further, a severance application or part lot control exemption will be required in order to re-configure the 3 lots and permit an easement for the shared parking area.

The purpose of this report is to review the relevant land use documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL) as it pertains to the ZBA application.

Pre-submission was completed by the applicant/owner (City File #PS-080/20). Comments dated June 26, 2021, were received and have been incorporated into the proposed application.

This PRR will show that the proposed development represents good planning addressing the need for the City to provide residential infilling development in the form of multiple dwellings, which contributes to affordability and intensification requirements.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site has been owned by 1933923 Ontario Ltd since May 2021.

The Site is made up of three (3) parcels located in Ward 7 on the south side of Wyandotte Street East and the west side of Elinor Street, between Florence Ave and Clover Street (see Figure 1 – Air Photo).

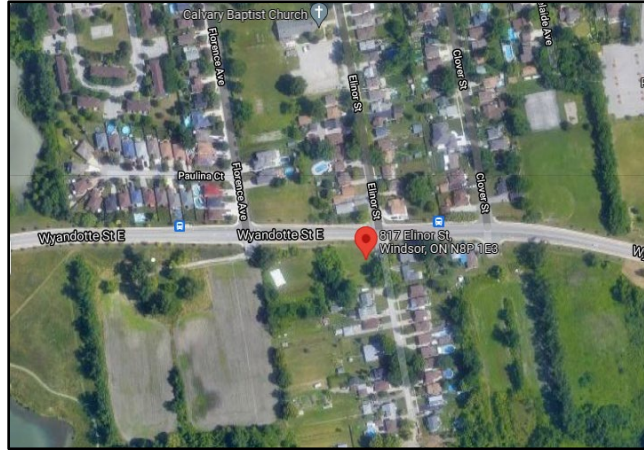


Figure 1 – Air Photo (Google 2021)

The Site is legally described as Lots 26 to 31, Part of Alley, Registered Plan 1142, City of Windsor, and locally known as 817 Elinor St., 0 Elinor St., and 0 Wyandotte St. E., (see Figure 2 – Air Photo).

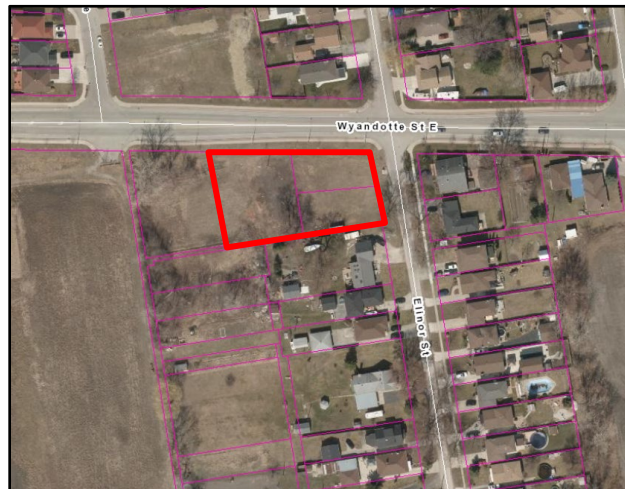


Figure 2 – Air Photo (ERCA GIS)

There is a sewer easement along the south portion of the Site, described as PINs 01596-1298 and 01596-1300.

The Site has been vacant for 15 years.

It is the intent of the owner/applicant to merge the 3 parcels of land together as one in order to accommodate the proposed development.

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site subject to development consists of a total area of approximately 2,274 square metres.

The Site is an irregularly shaped corner lot with a depth of 70.6 m on the south side of Wyandotte Street East and a maximum width of 44.6 m on the west side of Elinor Street.

2.2.2 Vegetation and Soil

The Site is currently vacant and largely has an unmaintained lawn with a small area of wetland.

The soil is made up Clyde Clay (Cc).

2.2.3 Topography

The Site is flat and is within the regulated area of the Essex Region Conservation Authority (ERCA).

The Site is part of the Little River subwatershed and Event Based Area (EBA) under the ERCA Source Water Protection.

2.2.4 Other Physical Features

There is a Canada Post mailbox located along Elinor Street.

There is no fencing around the perimeter of the Site.

2.2.5 Municipal Services

The property has access to municipal water, storm and sanitary services.

The closest fire hydrant is located northeast corner of Elinor Street and Wyandotte Street East.

Streetlights are located on both Elinor Street and Wyandotte Street East.

There are sidewalks on both sides of Wyandotte Street East and one side of Elinor Street and bicycle lanes on both sides of Wyandotte Street East.

Both Elinor Street and Wyandotte Street East are 2-way streets. Elinor Street is a dead-end street with no exit posted. There is on-street parking available along Elinor Street.

2.2.6 Nearby Amenities

There are several schools close to the Site, including St. Joseph Catholic High School, Riverside Secondary School and MS Hetherington Public School.

There are many parks and recreation opportunities in proximity of the Site, including Sandpoint Beach Park – East Beach and Shanfield Shores Park.

There are nearby commercial uses, such as food service, personal service shops, and retail. There are also nearby employment lands, places of worship, and local/regional amenities.

The Site has access to transit, with the nearest bus stop located along Wyandotte Street East at Florence Ave (Stop ID 2016) on the City of Windsor 10 bus line.

2.3 Surrounding Land Uses

Overall, the Site is located in an established residential area. A site visit was conducted on December 19, 2021. Photos were taken by Pilon Abbs Inc.

North – The lands to the north of the Site are used for residential with frontage along Elinor Street and Wyandotte Street East (see Photo 1 - North).



Photo 1 – North

East – The lands to the east of the Site are used for residential with frontage along Elinor Street and Wyandotte Street East (see Photo 2 – East).



Photo 2 – East

South – The lands to the south of the Site are used for residential with frontage along Elinor Street (see Photo 3 - South).



Photo 3 – South

West – The lands to the west of the Site are used for residential with frontage along Wyandotte Street East (see Photo 4 – West).



Photo 4 – West

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

The applicant is proposing to construct three (3) multiple dwellings with six (6) dwellings units each for a total of 18 residential (rental) units.

Each building will be on its own lot.

A concept plan has been prepared by John Lucente, dated 2020-03-21 (see Figure 3a – Concept Plan).

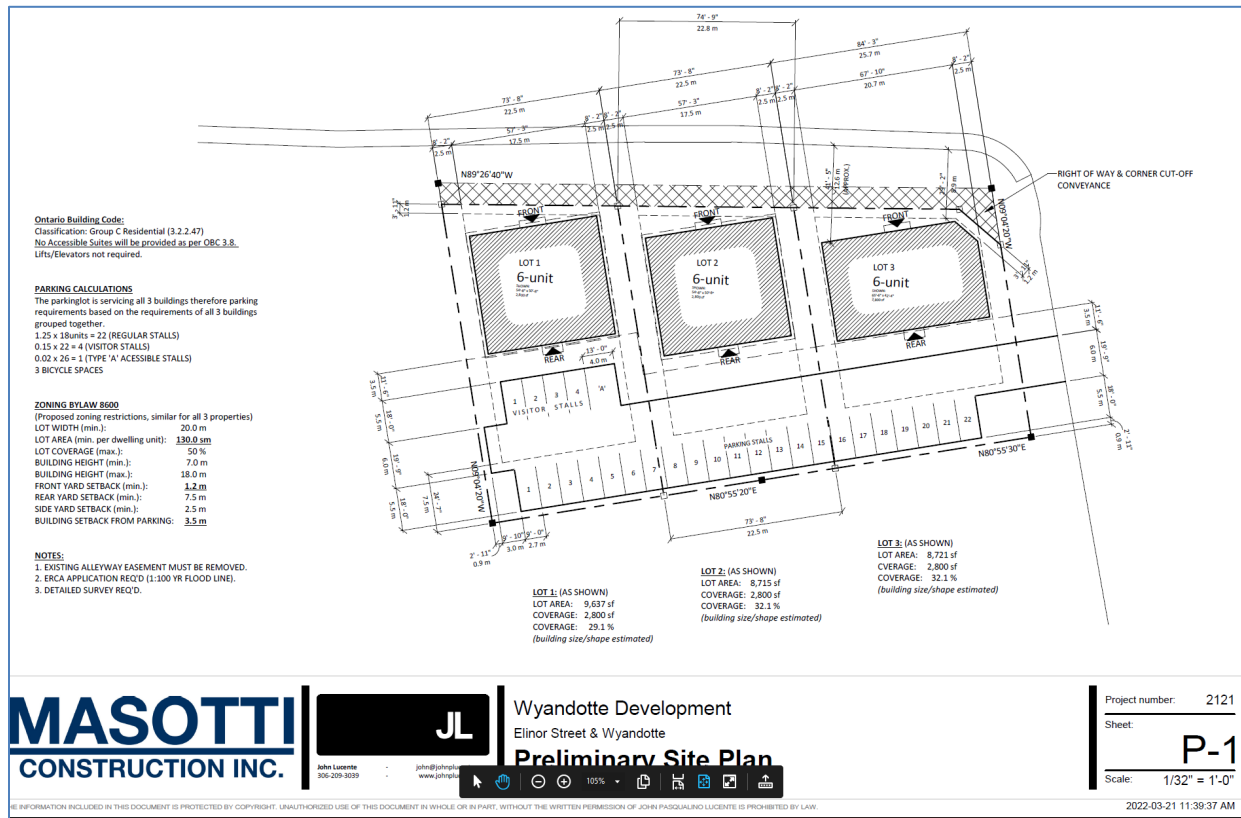


Figure 3a – Concept Plan

The concept plan is based on each multiple dwelling building being 3 storeys and no greater than 12 m in height. The proposed buildings will be facing Wyandotte Street East.

The main entrances into the buildings will be from the front and rear.

Each proposed building will be approximately 260.12 m2 in size. Each lot will have a lot coverage no greater than 32.1%.

The development will result in a net density of 79.29 units per hectare.

An elevation of a similar project built has been provided (see Figure 3b – Sample Elevations).



Figure 3b – Sample Elevation

Sidewalks will connect the buildings to Wyandotte Street East.

Refuse will be collected internally and brought to the curb for pick up.

A road widening is proposed for the front of the buildings which will require the proposed buildings to be shifted back to allow an appropriate front yard setback of 1.20 m.

Parking on-site is proposed for 27 vehicles, including 1 barrier free space, 4 visitor spaces and a 3 bicycle spaces. An easement will allow the parking to be shared between the 3 lots.

Access to the parking area will be from a new 2-way entrance along Elinor Street.

3.2 Public Consultation Strategy

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of the development is small scale. At this time, no informal public open house is proposed to be held by the applicant.

4.0 PROPOSED APPLICATION

4.1 Zoning By-Law Amendment (ZBA)

A site-specific Zoning By-law Amendment (ZBA) is required to permit the proposed residential development.

The Site is currently zoned “Residential District 1.2 (RD1.2)” and “Development Reserve District 1.1 (DRD1.1)” on Map 14 of the City of Windsor Zoning By-Law 8600.

A zoning amendment is required for the Site to permit 3 multiple dwellings with 5 or more dwelling units each.

It is proposed to change the zoning of the Site to a site-specific “Residential District 2.5 (RD2.5–S.20(1) (XXX))” and to provide relief from zone provisions set out in Section 11.5.

Further analysis is provided in Section 5.1.3 of this PRR.

4.2 Other Application

This application will require approval by Council and an exemption from the current Residential Interim Control By-law (RICBL) for the prohibition on any group homes, lodging homes or development with five or more dwelling units. As per the RICBL:

Council MAY REVIEW, on a case-by-case basis, any requested amendment to the Interim Control By-law where there is a determination that the requested amendment will not conflict with the general purpose and intent of the Interim Control By-law.

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) Application prior to the issuance of a building permit.

The proposed development will be subject to a Development Agreement, which will include any required fees or securities, lighting, buffering, landscaping, signage, etc.

Further, a severance application or part lot control exemption will be required in order to re-configure the 3 lots and permit an easement for the shared parking area.

4.3 Supporting Studies

The following studies have been completed as part of this PRR in support of the application for the zoning amendment.

4.3.1 Archeological

A Stage 1 and 2 Archeological assessment was prepared by AMICK Consultants Limited dated January 31, 2021.

The purpose of the assessment was to review any potentially affected lands by the proposed development. The entirety of the study area was subject to property inspection.

As a result of the assessment of the study area, no archaeological resources were encountered.

The following recommendations are made:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and
- The proposed undertaking is clear of any archaeological concern.

The assessment was filed with the Ministry and entered into the Ontario Register on December 29, 2021.

4.3.2 Biology

A Screening for Species at Risk assessment (SARS) was prepared by MTE dated October 8, 2021.

The purpose of the assessment was to review any impact on the natural heritage features of the Site. The entirety of the study area was subject to property inspection.

As a result of the assessment of the study area, no negative impact is anticipated; however, mitigation measures were recommended.

Based on site investigations and a review of all background data, ESA concerns on the Site are limited to Butler's Gartersnake and Eastern Foxsnake.

The following mitigation measures are proposed:

- Measures to be implemented during development; and
- Prior to any works on the Site, sediment and erosion control fencing is to be installed along the limits of the development.

The assessment has been filed with the Ministry.

4.3.3 Engineering

A Stormwater Management and Servicing Report was prepared by Haddad Morgan & Associates Ltd, Consulting Engineers, dated December 7, 2021.

The purpose of the report is to provide the proposed site servicing for the Site and include the stormwater storage and servicing requirements.

It was concluded that full services could be provided.

4.3.4 Trees

A Tree Preservation Report was prepared by MTE dated January 11, 2022.

The purpose of the report was to assess the existing trees located on the entire Site based on health and structure. A total of 10 trees were reviewed.

It was concluded that:

- two trees within the developable lands and one town-owned tree will be removed to accommodate the development; and
- consent from the City of Windsor will be required prior to removals of any publicly-owned trees; and
- all remaining trees on the adjacent lands will be preserved.

It was recommended that:

- the tree preservation fencing be installed according; and
- tree preservation fencing be inspected by MTE Consultants Inc. prior to and during construction to ensure that it is working properly.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The surrounding area has residential uses, and the proposed development provides a new housing choice.
1.1.1	Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;	The proposed development is consistent with the policy to build strong, healthy and livable communities as it provides for a new housing choice in the form of multiple dwellings. There are no environmental or public health and safety concerns as the area is well established. The development pattern does not require expansion of the settlement area as it is

PPS Policy #	Policy	Response
	<p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>a use of an existing vacant parcel of land.</p> <p>The Site has access to full municipal services and is close to nearby local parks, places of worship and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit application.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City of Windsor meet the full range of current and future residential needs through intensification.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.</p> <p>The Site will provide for residential infilling within an existing settlement area in the form of multiple dwellings.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as

PPS Policy #	Policy	Response
		<p>the proposal is within the City's settlement area.</p> <p>The Site will provide for a range of housing choices consistent with developments in the area.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. 	<p>The total density of the proposed development is considered appropriate as most of the surrounding area is residential.</p> <p>The Site offers an opportunity for intensification by creating new residential units on an underutilized site.</p> <p>The intensification can be accommodated for the proposed development as it is an infilling opportunity within an existing land use pattern.</p> <p>The proposed design and style of the multiple dwellings will blend with the residential uses in the area.</p> <p>The proposed development will provide a transition between the residential uses and Elinor Street and Wyandotte Street East.</p> <p>Residents will have immediate access to shopping, employment, transit, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p>

PPS Policy #	Policy	Response
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	<p>The intensification can be accommodated for the proposed residential development as it is an appropriate development of the vacant parcel of land.</p> <p>The proposed development will provide a transition between the residential uses and Elinor Street and Wyandotte Street East.</p>
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.</p> <p>There will be no risks to the public.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area and will add new residential units.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development does have a compact form.</p> <p>The low-profile density will allow for the efficient use of land, infrastructure and public services.</p>

PPS Policy #	Policy	Response
1.4.1	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide for a new housing choice and density in the existing built-up area.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.</p> <p>The area is pedestrian-friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities. The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>Full municipal services are available. A Stormwater Management and Servicing Report was prepared.</p>
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed low-profile density is compatible with the surrounding area and will provide affordable intensification and infilling through the efficient use of the Site.</p> <p>The Site is close to nearby amenities.</p> <p>There is suitable and has access to full municipal infrastructure.</p>

PPS Policy #	Policy	Response
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	The development has access to full municipal services. A Stormwater Management and Servicing Report was prepared. Access to public transit is available.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas. There will be no anticipated impacts on the municipal system and will not add to the capacity in a significant way.
1.6.6.7	Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;	There will be no risk to health and safety.

PPS Policy #	Policy	Response
	<p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The subject property is near major roadways and has access to transit.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed development contributes to the City's requirements for development within a built-up area.</p> <p>The area is serviced by transit.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The proposed development contributes to the City's requirement for infilling within a built-up area.</p> <p>Parking is provided on-site.</p> <p>The area is pedestrian-friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p>

PPS Policy #	Policy	Response
1.8	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	The proposed development supports compact form within an existing built-up area of the City. The Site has access to transit and local amenities.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site. A SARS assessment has been completed. Mitigation measures are recommended during development and construction. A Tree Preservation and Inventory was also completed for the Site with recommendations for protection.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Full municipal services are available. A Stormwater Management and Servicing Report was prepared.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	A Stage 1 and 2 assessment was completed. No resources were found.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site.

Therefore, the proposed development is consistent with the PPS.

5.1.2 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000, and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated “Residential” according to Schedule “D – “Land Use” attached to the OP for the City of Windsor (see Figure 4 – City of Windsor OP, Schedule “D”).

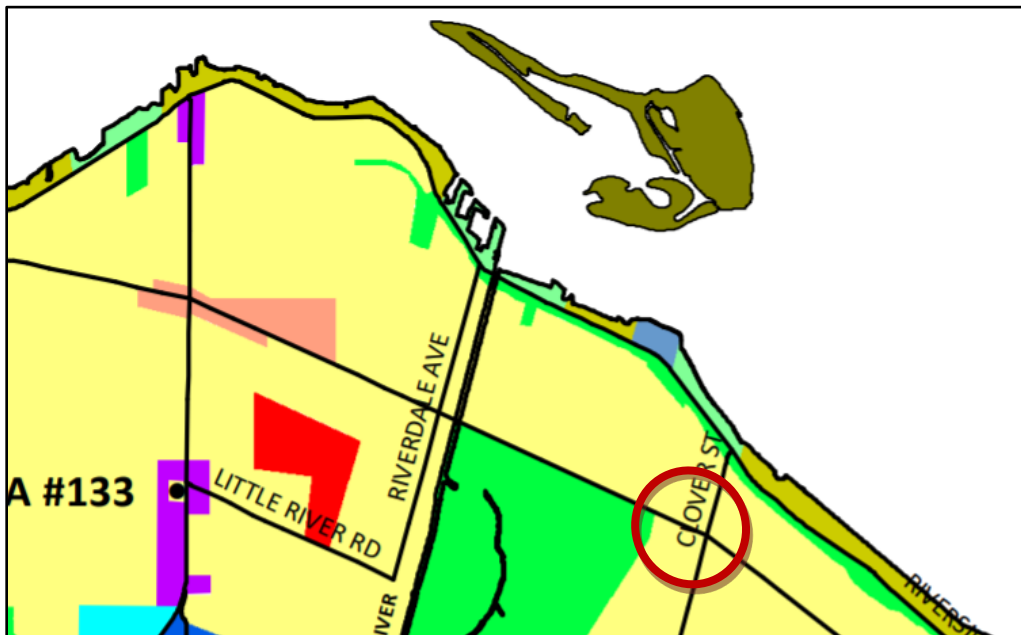


Figure 4 – City of Windsor OP, Schedule “D”

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed residential development supports one of the City’s overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
		The proposed development will be rental units close to transit and local amenities.
3.3.3	<p>Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>The proposed residential development is in an existing built-up area.</p> <p>The proposed buildings will blend with the surrounding built-up area.</p> <p>The Site is not in a node; however, it offers appropriate infilling in the existing neighbourhood.</p> <p>The area is pedestrian-friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities. The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for a range of housing options.</p>
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use,	The proposed development will support the City's goal of promoting a healthy community (live, work and play).

OP Policy #	Policy	Response
	Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks.
5.0	A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p> <p>The Site is pedestrian-friendly as there are sidewalks that will link to the surrounding amenities.</p> <p>The Site is level, which is conducive to easy vehicular movements.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	<p>The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.</p> <p>The Site will provide for a new housing choice.</p>
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p>	The proposed development supports the goals set out in the OP as it provides for housing that is suited to residents in this area of Windsor, is pedestrian-oriented, close to employment and schooling opportunities.

OP Policy #	Policy	Response
	6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.	
6.2.1.2 – General Policies	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally, no greater than fourteen (14) storeys in height.</p>	The proposed dwellings are considered low-profile buildings.
6.3.2.5	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation,</p>	<p>This PRR has addressed these requirements.</p> <p>The proposed development is in keeping with policies and plans.</p> <p>The Site provides for an infill opportunity.</p> <p>The proposed development will offer a transition between</p>

OP Policy #	Policy	Response
	<p>policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	<p>the existing residential dwellings and the roadway.</p> <p>Relief is only requested from the required lot area, habitable window and front lot line. This will permit the building to be located close to the front of the Site and provide for the appropriate amount of parking at the rear of the dwellings. All other RD2.5 provisions can be complied with.</p>
6.3.1.1 (Residential)	To support a complementary range of housing forms and tenures in all neighbourhoods.	The proposed development provides for a new housing choice in an existing built-up area.
6.3.1.2	To promote compact neighbourhoods which	The design is compact within an existing neighbourhood

OP Policy #	Policy	Response
	encourage a balanced transportation system.	and has access to transportation options.
6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.	The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.
6.3.2.3	<p>For the purposes of this Plan, Low Profile housing development is further classified as follows:</p> <p>(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and</p> <p>(b) large scale forms: buildings with more than 8 units.</p>	The proposed development is considered small scale low profile with a total of 18 residential units proposed.
6.3.2.4	<p>Residential development shall be located where:</p> <p>(a) there is access to a collector or arterial road;</p> <p>(b) full municipal physical services can be provided;</p> <p>(c) adequate community services and open spaces are available or are planned; and</p> <p>(d) public transportation service can be provided.</p>	<p>The Site has access to Wyandotte Street East.</p> <p>Full municipal services are available. A Stormwater Management and Servicing Report was prepared.</p> <p>Access to transit is available.</p>
7.0 - Infrastructure	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	<p>The Site is close to nearby transit, off a major roadway and has access to full municipal services.</p> <p>An assessment of services has been completed.</p> <p>There will be no negative impacts on the municipal system as the proposed</p>

OP Policy #	Policy	Response
		buildings will be limited to low profile and will not add to the capacity in a significant way.
8 – Urban Design	A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the City are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people	<p>The design of the multiple dwellings will blend with the surrounding residential area.</p> <p>The proposed buildings will be limited to 3 storeys in the zoning by-law regulations, is pedestrian-friendly, has a clean façade and is a safe place for people to live.</p> <p>Relief is only requested from the required lot area, habitable window and front lot line. This will permit the building to be located close to the corner of the Site and provide for the appropriate amount of parking at the rear of the dwellings. All other RD2.5 provisions can be complied with.</p> <p>The Site is compatible with the surrounding area in terms of scale, massing, height and siting.</p> <p>The proposed buildings are located on a corner lot and will integrate well with the surrounding area and be used as a buffer between the existing residential uses and Wyandotte Street East.</p>

Therefore, the proposed development conforms to the City of Windsor OP.

5.1.3 Zoning By-law (ZBL)

The City of Windsor Zoning By-law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision was issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

The Site is currently zoned “Residential District 1.2 (RD1.2)” and “Development Reserve District 1.1 (DRD1.1)” on Map 14 of the City of Windsor Zoning By-Law 8600 (see Figure 5 – City of Windsor Zoning Map 14).



Figure 5 – City of Windsor Zoning Map 14

A site-specific zoning amendment is required for the Site in order to permit 3 multiple dwellings with 5 or more dwelling units each.

MULTIPLE DWELLING means one dwelling containing a minimum of three dwelling units. A double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling is not a multiple dwelling.

It is proposed to change the zoning of the Site to a site-specific “Residential District 2.5 (RD2.5–S.20(1) (XXX))” and to provide relief from zone provisions set out in Section 11.5.

A review of the RD2.5 zone provisions, as set out in Section 11.5 of the ZBL are as follows:

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Permitted Uses	Double Duplex Dwelling Duplex Dwelling Multiple Dwelling Semi-Detached Dwelling Single Unit Dwelling Townhome Dwelling Any use accessory to the above uses	1 Multiple Dwelling with 5 or more dwelling units (6 units total)	1 Multiple Dwelling with 5 or more dwelling units (6 units total)	1 Multiple Dwelling with 5 or more dwelling units (6 units total)	Will comply, subject to the approval of the ZBA application.
Minimum Lot Width	20.0 m (Wyandotte St E)	22.5 m	22.5 m	25.7 m	Complies
Minimum Lot Area	per dwelling unit –166 m ² 166 m ² x 6 = 996 m² required (per lot)	895.30 m ²	809.64 m ²	810.20 m ²	Relief for the 3 lots is requested. The lots are irregular in shape as Wyandotte Street East is on an angle. Lot coverage is below the required maximum. The Site is large enough to accommodate the proposed development.

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Maximum Lot Coverage	50.0%	29.1 %	32.1 %	32.1 %	Complies
Main Building Height	Minimum 7.0 m Maximum 18.0 m	12 m	12 m	12 m	Complies (3 storeys)
Front Yard Depth	Minimum 6.0 m Maximum 7.0 m	1.2 m	1.2 m	1.2 m	Relief is required for all three lots. The lot is irregular in shape as Wyandotte St E is on an angle. The reduction will only be required for one corner of each building. Relief will allow the proposed buildings to be located close to the roadway, similar to other lots in the area. Relief will also allow for parking to be located at the rear of the building with access from Elinor Street.
Minimum Rear Yard Depth	7.50 m	>7.50 m	>7.50 m	>7.50 m	Complies

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Minimum Side Yard Width	2.50 m	2.50 m	2.50 m	2.50 m	Complies Both sides of the proposed buildings
Parking Requirements 24.20.5.1	Multiple Dwelling containing a minimum of 5 Dwelling units - 1.25 for each dwelling unit	27	27	27	Complies Easement required over 3 lots for shared parking agreement
Visitor Parking	a minimum of 15 percent of parking spaces shall be marked as visitor parking $27 \times 15\% = 4.05$ (4 rounded down)	4	4	4	Complies
Accessible Parking Spaces 24.24.1	$0.02 \times 27 = 0.54$ (Type A) 26 to 100 – 2 percent of parking spaces (Types A and B) $0.54 + 0.54 = 1$	1	1	1	Complies

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Bicycle Parking Spaces 24.30.1.1	20 or more - 2 for the first 19 spaces plus 1 for each additional 20 parking spaces 2 + 0.4 = 2.4 (2 rounded down)	3	3	3	Complies
Parking Area Separation 25.5.20.4	0.90 m An interior lot line or alley	0.90 m	0.90 m	0.90 m	Complies
Habitable Window	4.5 m	3.5 m	3.5 m	3.5 m	Relief requested. A road widening is proposed for the front of the buildings which will require the proposed buildings to be shifted back to allow an appropriate front yard setback of 1.20 m.

Therefore, the proposed development will require a site-specific zoning RD2.5 - S.20(1)(XXX) in order to permit 3 multiple dwellings with 5 or more dwelling units each.

All other RD2.5 zone provisions shall comply with the exception of the following requested relief:

1. decrease the required minimum lot area from 993 m² to 809.64 m² per lot,
2. decrease the required minimum front yard width from 6.0m to 1.20 m per lot, and
3. decrease the required minimum setback from a habitable Windsor from 4.5 m to 3.5 m.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- The Site is generally level, which is conducive to easy vehicular movements,
- The Site already accommodates municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding area.

6.1.2 Compatibility of Design

The proposed development provides efficient ease of access into the proposed parking area.

The Site is compatible with the surrounding area in terms of scale, massing, height and siting.

The proposed development will provide a transition between the existing residential uses and Elinor Street and Wyandotte Street East.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the City to provide residential infilling development.

The additional units will contribute toward affordability and intensification requirements.

Residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing built-up area that has residential uses surrounding the Site.

The additional residential units will not put any additional stress on municipal infrastructure or the current Site.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.

Mitigation measures are recommended during development and construction.

6.1.5 Municipal Services Impacts

There will be no negative impacts on the municipal system as the residential development is limited to low profile and will not add to the capacity in a significant way.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, places of worship and community amenities.

Adding additional residential units on an underutilized site in an area with residential uses contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost-effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

6.2 Conclusion

The proposal to add three (3) multiple dwellings on the Site is appropriate and should be approved by the City of Windsor.

This PRR has shown that the proposed development is suitable for intensification of affordable residential use, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

10.2.13.2 Where a Planning Rationale Report is required, such a study should:

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the Site's previous development approval history;*
- (c) Describe major physical features or attributes of the Site, including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act.*

- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the Site and indicate reasons why the proposal is appropriate for this Site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP
Principal Planner**



APPENDIX D - Excerpts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

BUILDING means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

DWELLING means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent trailer or travel trailer* is not a *dwelling*.

MULTIPLE DWELLING means one *dwelling* containing a *minimum* of three *dwelling units*. A *double duplex dwelling, semi-detached dwelling, stacked dwelling or townhome dwelling* is not a *multiple dwelling*.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

10.2 RESIDENTIAL DISTRICT 1.2 (RD1.2)

10.2.1 PERMITTED USES

- Existing Duplex Dwelling*
- Existing Semi-Detached Dwelling*
- One Single Unit Dwelling*
- Any use accessory to the preceding uses

10.2.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	12.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	360.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

11.5 RESIDENTIAL DISTRICT 2.5 (RD2.5)

11.5.1 PERMITTED USES

Double Duplex Dwelling

Duplex Dwelling

Multiple Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Townhome Dwelling

Any use accessory to the above uses

11.5.5 PROVISIONS

.1 Double Duplex Dwelling

.1	Lot Width – minimum / maximum	18.0 m / 24.0 m
.2	Lot Area – minimum / maximum	540.0 m ² / 840.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2 Duplex Dwelling

.1	Lot Width – minimum / maximum	12.0 m / 15.0 m
.2	Lot Area – minimum / maximum	360.0 m ² / 525.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i>	3.0 m / 4.0 m
	No detached <i>garage/carport</i> in <i>rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.3 Semi-Detached Dwelling

.1	Lot Width – minimum / maximum	15.0 m / 18.0 m
.2	Lot Area – minimum / maximum	450.0 m ² / 630.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i>	3.0 m / 4.0 m
	No detached <i>garage/carport</i> in <i>rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.4 Single Unit Dwelling

.1	Lot Width – minimum / maximum	9.0 m / 12.0 m
.2	Lot Area – minimum / maximum	270.0 m ² / 420.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i>	3.0 m / 4.0 m
	No detached <i>garage/carport</i> in <i>rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.5 Multiple Dwelling with four *dwelling units* or less

.1	Lot Width – minimum / maximum	18.0 m / 24.0 m
.2	Lot Area – minimum / maximum	540.0 m ² / 840.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.6 Multiple Dwelling with 5 or more *dwelling units*

.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	166.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 18.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	2.50 m

.7 Townhome Dwelling

- | | | |
|----|---|----------------------|
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 190.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – maximum | 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
- .50 Notwithstanding Section 24, for a *townhome dwelling* unit that fronts a *street*, the required number of *parking spaces* shall be one *parking space* for each *dwelling unit*.
- .50 For all *dwellings*, except a *Multiple Dwelling* with five or more *dwelling units*, the exterior walls shall be entirely finished in brick.
- .60 Where a *garage* forms part of the *main building*, no exterior wall enclosing the *garage* shall project more than 1.0 m beyond the front wall or side wall of the *dwelling*.

APPENDIX D - COMMENTS

CANADA POST - Bruno DeSando - 1-519-494-1596 or bruno.desando@canadapost.ca

This development, as described, falls within our centralized mail policy. I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service. If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

CITY OF WINDSOR - BUILDING DEPARTMENT - Barbara Rusan

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

CITY OF WINDSOR - ENGINEERING & ROW - Patrick Winters

The subject lands are located at 0 & 817 Elinor Street, designated as Residential on the Land Use Schedule D of the Official Plan. The property is zoned Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2). The applicant is proposing to construct three multiple dwellings with six dwellings units each for a total of 18 dwelling units. Parking on-site is proposed for 27 vehicles, including 3 barrier free spaces and a minimum of 3 bicycle spaces. Access to the parking area will be from a new 2-way entrance along Elinor Street. The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area and a reduction in the minimum setback from the westerly lot line.

The subject lands are serviced by a 350mm diameter asbestos cement sanitary sewer and a 675mm reinforced concrete pipe storm sewer located on Elinor Street. The applicant will be required to submit lot grading and site servicing drawings, as well as storm detention calculations restricting storm water runoff from this site to pre-development levels. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The property lies within the ERCA fill line. ERCA approval and permits are required. A sanitary servicing study will also be required

Wyandotte Street East is designated as a Class 2 Arterial road requiring a 30m right-of-way. The current right-of-way width is 24.5m, therefore, a conveyance of 2.75m is required. Elinor Street is designated as a local road requiring a 20.1m right-of-way. The current right-of-way width is 20.1m

and therefore no land conveyance is required. Furthermore, a 4.6m x 4.6m corner cut-off conveyance will be required at the southwest corner of the Elinor Street and Wyandotte Street East intersection.

The existing curbs and gutters along Elinor Street do not extend along the entire frontage. Curbs and gutters will need to be constructed at the owners expense.

In summary, we have no objections to the proposed site plan control application, subject to the following requirements:

Site Plan Control Agreement – The applicant enter into an amended agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Elinor Street and Wyandotte Street East in accordance with City of Windsor Standard Drawing AS-230.

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 30 metre wide right-of-way on Wyandotte Street East. This conveyance shall be 2.75 metres along the entire Wyandotte Street East frontage of the subject lands

Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to:

1. Construct at their own expense and according to City of Windsor Standard Specifications, a concrete curb and gutter along the entire Elinor Street frontage of the subject lands. All work to be to the satisfaction of the Corporation's City Engineer;

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

ERCA Requirements – The owner(s) further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval by the City Engineer. If applicable, the Owner will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

CITY OF WINDSOR - PLANNING DEPARTMENT - HERITAGE PLANNER - Kristina Tang

No supporting information required.

Archaeological Assessment Report Entitled, "ORIGINAL 29 December 2021 Stage 1-2 Archaeological Assessment of Proposed Wyandotte Development at 817 Elinor Street, Part of Lot 139, Concession 1 (Geographic Township of Sandwich, County of Essex), City of Windsor (AMICK File #2021-444/MHSTCI File #P058-2030-2021)", Dated Dec 29, 2021, Filed with MHSTCI Toronto Office on N/A, MHSTCI Project Information Form Number P058-2030-2021, MHSTCI File Number 0014721, has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends no further archaeological assessment of the property, the applicant is still to note the following archaeological precautions:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department: 519-255-6543 x6179, ktang@citywindsor.ca,
planningdept@citywindsor.ca

Windsor Manager of Culture and Events (A): Michelle Staadegaard, (O) 519-253-2300 x2726,
(C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services - A/Registrar of Burial Sites, War Graves,
Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499,
Crystal.Forrest@ontario.ca

CITY OF WINDSOR - PLANNING DEPARTMENT - LANDSCAPE ARCHITECT - Stefan Fediuk

Pursuant to the application for a zoning amendment to permit the construction of three multiple dwellings with six dwellings units each for a total of 18 dwelling units on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback - The proposed development and requested Site Specific Zoning would align with RD2.5 Multiple Dwelling with 5 or more dwelling units, which requires landscape setbacks as follows:

.5 Front Yard Depth – 6.0m minimum to 7.0m maximum

.6 Rear Yard Depth – 7.5m minimum

.7 Side Yard Depth – 2.5m

The proposed development also proposes a near zero rear yard setback with parking area immediately adjacent to the southern property boundary with a single-family residential home.

The proposed location of the trash enclosure does not comply with the prohibition found in Section 25.5.1.5, which states:

The placement of a refuse bin within a parking area and within 6.0 metres of the point of intersection of any two streets or any street and an access area; within a required parking space, required accessible parking space or required visitor parking space; or in a manner so as to hamper the movement or prevent the safe operation of a motor vehicle utilizing the parking area is prohibited.

The proposed location poses a conflict with the adjacent residential land use immediately south of the subject site. Relocation of the trash enclosure to a more centralized location along the south property line or at the western end of the parking area will provide greater distance from the adjacent home on Elinor.

These variances could be supported with appropriate hard and soft landscape considerations being applied.

Urban Design - An amenity space as a picnic area has been proposed near the Wyandotte and Elinor corner. This location can pose problems from a health and safety perspective for the users. A proposed bike rack is also located further south. It is recommended that the location of these two amenities be switched to provide less conflicts for the picnic users, and more security for the bike racks from CPTED perspective.

Tree Preservation - The applicant has provided a Tree Inventory and Preservation Report identifying 10 trees on or adjacent to the subject site.

There are no objections to the removal of the two trees on the property based on the TIP. The applicant has indicated some of the trees situated on the municipal right-of-way will need to be removed to accommodate the proposed site plan. However, the development will be subject to Site Plan Control and it is strongly recommended that the applicant consider shifting the access drive from Elinor Street further north to preserve the older established municipal tree (#4).

Parkland Dedication - There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication. Detailed landscape requirements will be provided at the time of site plan review.

CITY OF WINDSOR - TRANSPORTATION PLANNING SERVICES - Rania Toufeili

Elinor St is classified as a local road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.

Wyandotte St E is classified as a Class II Arterial road with a required right-of-way width of 30 meters per Schedule X of the Official Plan. The current right-of-way width is 24.5 and therefore a conveyance of 2.75 is required.

A 4.6 meter corner cut-off is required at the corner of Elinor St and Wyandotte St E.

All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENBRIDGE - WINDSOR MAPPING

After reviewing the provided drawing at 817 Elinor St and consulting our mapping system, please note that Enbridge Gas has active infrastructure along Elinor St in the proposed area. A PDF drawing has been attached for reference.

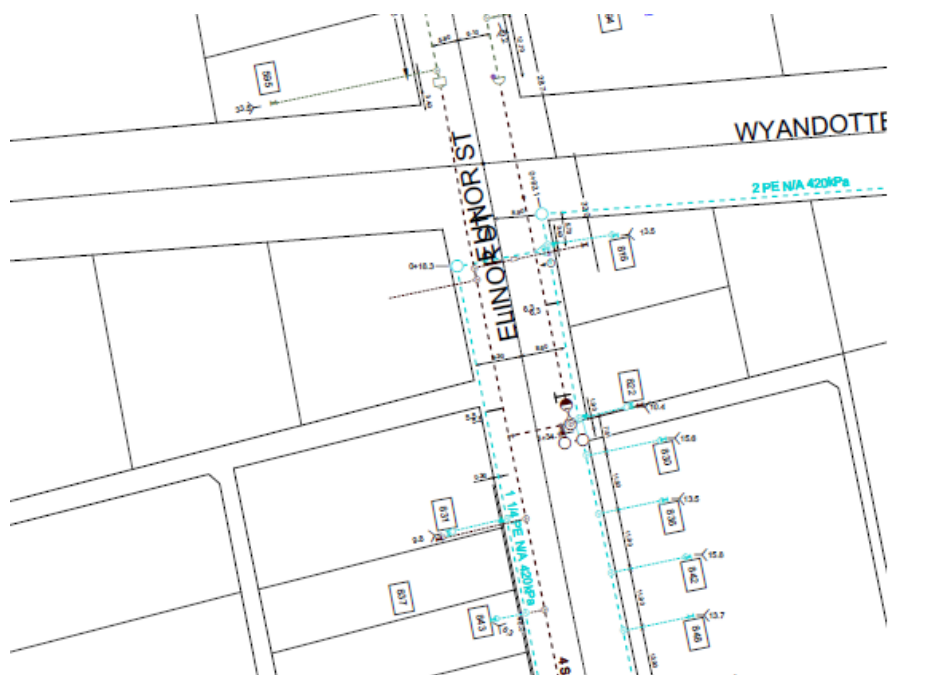
Please Note:

1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

Also, please note the following should you find any abandoned infrastructure in the area:

- Any pipe that is excavated, please assume that it is live
- If during the course of any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of our Union Gas representatives will respond to determine if that plant is in fact live or dead
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly



ENWIN

Hydro Engineering: No Objection

Water Engineering: Water Engineering has no objections.

ESSEX REGION CONSERVATION AUTHORITY (ERCA) - Vitra Chodha, E.P, Resource Planner - planning@erca.org or 519-776-5209

The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area and a reduction in the minimum setback from the westerly lot line for the construction of three multiple dwellings with six dwellings units each for a total of 18 dwelling units. The concept plan is based on each multiple dwelling building being 3 storeys and no greater than 12 m in height. The proposed buildings will be facing Wyandotte Street East. The main entrances into the buildings will be from the front and rear. Each proposed building will be 232.26 m² in size. The total building area of all 3 buildings is 696.77 m², for a total lot coverage of 30%. The development will result in a net density of 79.29 units per hectare. Proposed tenure is rental.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Little River and Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that, up until 2019, the subject property did contain a natural heritage feature that may have met the criteria for significance under the PPS, 2020. Natural Heritage policies of the PPS, 2020 state – “*Development and site alterations shall not be permitted... unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*” The demonstration of no negative impact, as required by PPS natural heritage policies, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA) [also known as an Environmental Evaluation Report (EER) in the City of Windsor].

It appears however, that the feature which previously existed on the property was effectively cleared from the property within the last three years. No vegetation clearing for development should take place on a property prior to receiving development approvals. For this particular application because of this premature manipulation of the property (prior to any approvals to conduct development or site alteration), the EER/EIA process has been compromised. A complete EER/EIA should have been completed and reviewed prior to any clearing of vegetation, in order for the current application for development under the *Planning Act* to be consistent with PPS natural heritage policies.

FINAL RECOMMENDATION

We have no further comments on the re-zoning application. If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage. Please be advised, that, the applicant must obtain a Section 28 Permit from the Essex Region Conservation Authority and stormwater management, must be addressed, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

TRANSIT WINDSOR - Jason Scott

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Wyandotte at Clover Northwest Corner. This bus stop is approximately 100 metres away from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our Council approved Transit Master Plan as a new local route will be replacing the existing Lauzon 10 bringing two way conventional transit service to this area versus the existing one way loop.

Originally submitted at the May 2, 2022
Development & Heritage Standing
Committee – Written Submission

From: Magda Swisterski
Sent: April 29, 2022 3:26 PM
To: clerks <clerks@citywindsor.ca>
Cc: Szymczak, Adam <aszymczak@citywindsor.ca>
Subject: Zoning change, dwellings at Wyandotte and Elinor Str.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

1. I welcome a development that supports young families. In support of this the individual apartment units should be of adequate size and have adequate numbers of bedrooms. Request that the majority of the units be 2 bed (50%) with 40% 3 beds and only 10% be 1 bed. One bedroom units do not support families.

2. I welcome a development that supports the local environment and park adjacency. Hard landscaped surfaces should be kept to a minimum with lots of new tree planting to the street facing sides of the development. The building elevation materials should be natural, employing the use of stone and natural wood cladding. Parking should be kept out of sight to the rear of the property or in a below grade basement.

3. I welcome a development that considers the climate crisis we are currently experiencing. A development that has sustainable goals such as net zero carbon or follows passive house principles.

4. I welcome a development that will sit harmoniously within the scale of the existing neighbourhood. A two floor development would be a better outcome.

Hoping you will take all the above concerns into your kind consideration,

Sincerely,

Magda Swisterski (from Elinor Street)



Committee Matters: SCM 130/2022

Subject: Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670]

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 389**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 3, Plan 502 (642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), located on the east side of Windermere Road, south of Wyandotte Street East, by adding a site specific provision to Section 20(1) as follows:

438. EAST SIDE OF WINDERMERE ROAD, SOUTH OF WYANDOTTE STREET EAST

For the lands comprising of Lot 3, Registered Plan 502 (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN No. 01136-0246), situated on the east side of Windermere Road, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN No. 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

- a) Fence with a height of 1.0 metre shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.
- d) Notwithstanding Table 24.20.5.1 herein and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces shall be required for the existing legal non-conforming *Business Office* use at 642 Windermere Road.

THAT Administration **BE DIRECTED** to provide additional information related to the ability of licensing to address concerns specifically related to: lighting, noise, operating

hours, safety in alleys, and vehicular movement; and recommended measures; including the implementation of traffic calming measures, reducing the hours of operation to 11:00 p.m., and prohibition of amplified music; and that this information **BE PROVIDED** when this matter proceeds to Council.

Carried.

Member Rondot discloses an interest and abstains from voting on this matter.

Report Number: S 49/2022

Clerk's File: Z/14315

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are **not** the same.
2. Please refer to Item 7.4. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

Subject: Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, Z-008/22 [ZNG/6670]

Reference:

Date to Council: May 2, 2022
Author: Brian Nagata
Planner II - Development Review
519-255-6543 Ext. 6181
Planning & Building Services
Report Date: April 12, 2022
Clerk's File #: Z/14315

To: Mayor and Members of City Council

Recommendation:

THAT the application of Vito Maggio Holdings Inc. to amend Zoning By-law 8600 by adding a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East **BE DENIED.**

Executive Summary:

N/A

Background:

Application Information:

Location: 642 Windermere Road
(Lot 3, Registered Plan 502; Roll No. 020-070-06600; PIN 01136-0246)

Ward: 4

Planning District: Walkerville

Zoning District Map: 6

Applicant/Owner: Vito Maggio Holdings Inc.

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to add a site specific zoning provision to allow a permanent patio (the patio) in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito’s Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East.

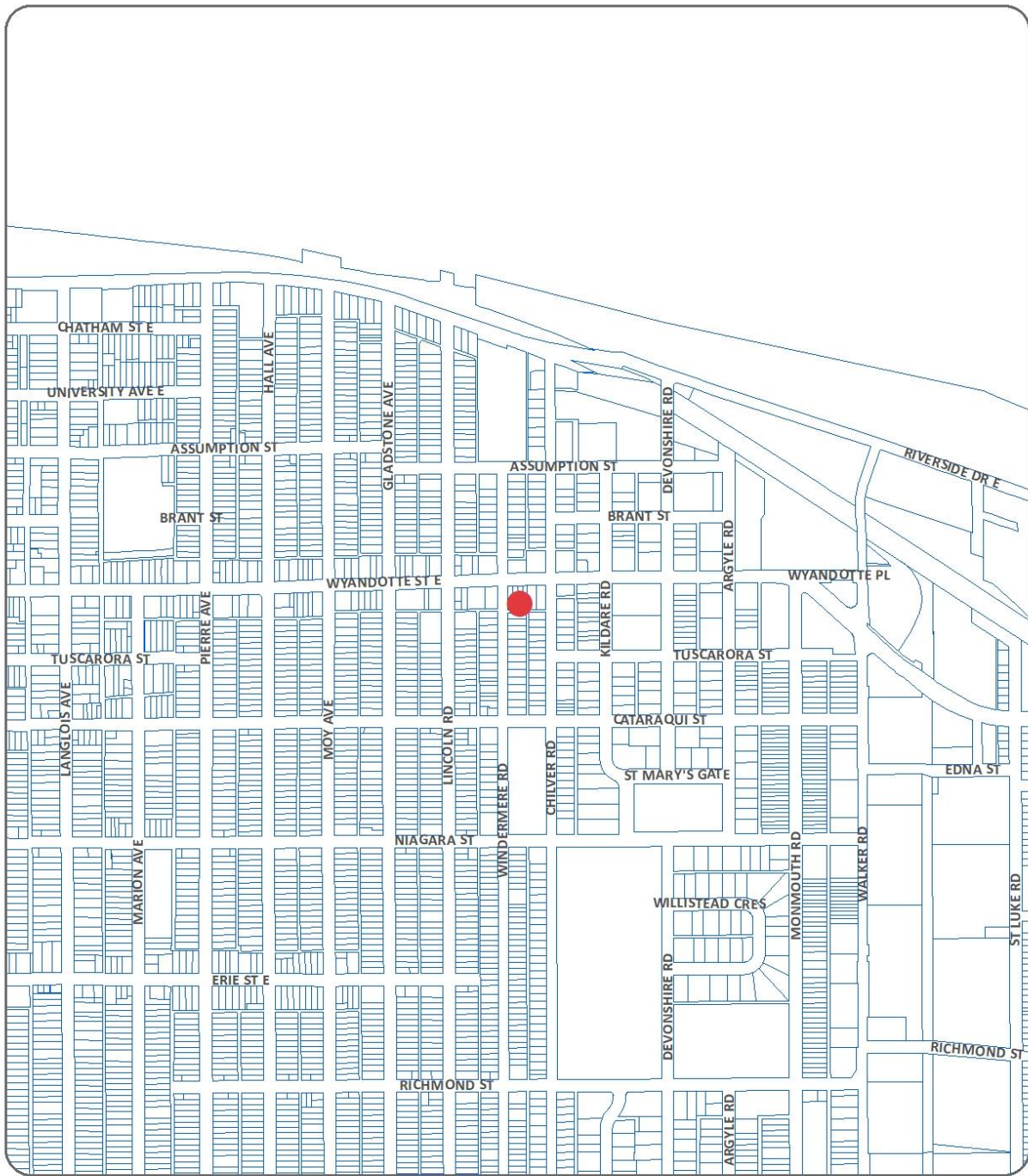
The patio is intended to provide the restaurant with additional outdoor seating to offset occupancy limitations resulting from COVID-19 restrictions. It should be noted that occupancy limitations for restaurants in Ontario were lifted on February 17, 2022, subsequent to the filing of this application on February 7, 2022.

Submitted Information: By-law 129-2021 (Temporary Use By-law) with supporting documentation provided previously to Council; Conceptual Drawings (See Appendix A), Property Ownership documentation; Zoning By-law Amendment Application Form

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	Residential District 2.2	Business Office (Legal Non-Conforming)	Single Unit Dwelling
Lot Width	Lot Depth	Lot Area	Lot Shape
10.4 m	28.7 m	298.9 m ²	Irregular
<i>All measurements are provided by applicant and are approximate.</i>			

Figure 1: Key Map

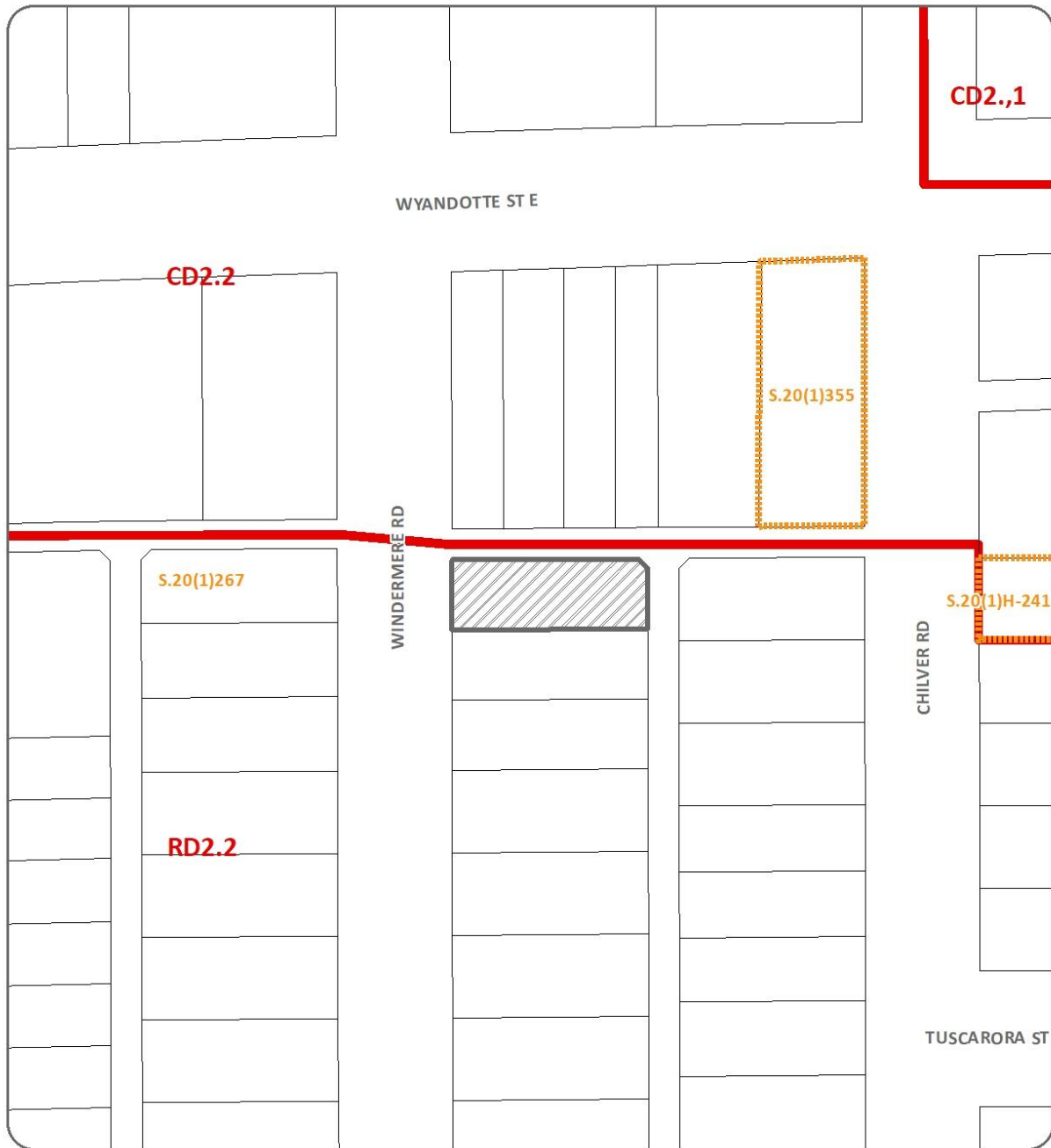


KEY MAP - Z-008/22, ZNG-6670



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 6

N.T.S.

REZONING

Applicant: Vito Maggio Holdings Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : FEBRUARY 2022
FILE NO. : Z-008/22, ZNG/6670

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-008/22, ZNG-6670



SUBJECT LANDS

Neighbourhood Characteristics:

The subject property is located on the north edge of an established residential neighbourhood in the former Town of Walkerville. The neighbourhood is occupied by a mix of low density residential uses, interspersed with institutional and neighbourhood commercial uses.

A traditional main street block, consisting primarily of street level commercial uses with dwelling units above, is located to the north along the south side of Wyandotte Street East between Chilver Road and Windermere Road. Vito's Pizzeria is situated within this block, three buildings down from Windermere Road. A paved 4.6 metre (15.0 feet) wide alley separates the block from the subject property.

Vito's Pizzeria is a two storey restaurant with street level patios to the front and rear of the building. The restaurant has an approved occupant load (occupancy) of 155 persons, which includes 80 persons for inside the restaurant and 75 persons for the patios (City of Windsor Liquor permits LQ 2014-176306 & LQ 2015-183455).

A paved parking area serving 624 and 640 Chilver Road is located to the east. The parking area has been in existence since at least 1969 (1969 City of Windsor Aerial Photo). A paved 4.6 metre (15.0 feet) wide alley separates the parking area from the subject property.

The subject property is bound by a dwelling with an undetermined number of units to the south, and across from a single unit dwelling at 643 Windermere Road to the west.

The subject property contains a legal non-conforming business office within a former single unit dwelling, and a paved rear yard for parking off of the alley. City of Windsor Directories and Fire Insurance Plans indicate that the single unit dwelling was constructed on a vacant lot around 1906.

The single unit dwelling was converted to a business office without a building permit on March 22, 1996. The Planning Department established the business office as a legal non-conforming use on August 11, 2011, via zoning letter. The rationale for this decision was an August 8, 2011 Affidavit provided by the then property owner (Julie Fodor), which stated that the subject property had been used continuously as a business office since March 22, 1996. (See Appendix G)

Windermere Road is classified as a Local Road, which has a two-lane cross section with alternate-side parking and sidewalks on both sides. Cataraqui Street and Chilver Road are classified as Local Roads. Wyandotte Street East is designated as a Class I Arterial Road on Schedule F: Roads and Bikeways to the Official Plan.

Transit Windsor operates the Crosstown 2 bus route on Wyandotte Street East, with the nearest bus stop located approximately 120 metres to the northwest at Wyandotte Street East and Lincoln Road.

A combined sewer, storm sewer and water line are located in the Windermere Road right-of-way.

No municipal infrastructure or service deficiencies have been identified.

Discussion:

Background:

A Zoning By-law Amendment Application submitted by Julie Fodor was approved by Council on March 18, 1996 (Bill No. 78, By-law No. 12502). This application added site specific provision 278, which allowed a business office as an additional permitted use subject to regulations for maximum building height, minimum front and rear yard depth, minimum side yard width, and a minimum parking requirement of four spaces. Site specific provision 278 was subsequently deleted in 2002, when Zoning By-law 8600 was amended to incorporate the partial repealing of Zoning By-law 3072.

A Site Plan Control Application submitted by Julie Fodor was approved by the Commissioner of Planning on May 16, 1996 (SPC-015-96). SPC-015-96 was for the development of a four space paved area for the business office. Site Plan Control was included as a condition of Council Resolution 210/96, which pertained to the aforementioned Zoning By-law Amendment.

A Zoning By-law Amendment Application submitted by the same applicant (Vito Maggio Holdings Inc.) was approved by Council on July 26, 2021 [Z-021/21 (ZNG-6465)]. Z-021/21 authorized a "Restaurant or Bar Patio" as defined in *Ontario Regulation 345/20* as a temporary use until the end of October 31, 2021. Staff recommended that this application be denied, being of the opinion that it was not in conformity with the Official Plan or a representation of good planning.

Ontario Regulation 345/20 was made under the *Emergency Management and Civil Protection Act* on July 2, 2020, to provide relief to the hospitality sector, which was significantly impacted by COVID-19. The relief includes exemptions from the mandatory public meeting and right to Appeal to the Tribunal for the temporary use of land, buildings or structures authorized under Section 39 of the *Planning Act*.

Section 39 allows Council to pass a by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the zoning by-law, for a specified period which shall not exceed three years from the date of passing. Council may pass subsequent by-laws to grant further periods of not more than three years, during which the temporary use is authorized.

A Zoning By-law Amendment Application to allow a use on a permanent basis is authorized under Section 34 of the *Planning Act*. Thus, *Ontario Regulation 345/20* does not apply to this application.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

1.0 Building Strong Healthy Communities

Policy 1.1.1 of the PPS states:

- *“Healthy, liveable and safe communities are sustained by:*
 - *a) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
 - The patio poses public safety concerns for patrons and restaurant staff travelling between the restaurant and patio through the east-west alley.
 - The public safety concerns cannot be effectively mitigated through the inclusion of clauses under the site specific provision or through planning tools such as Site Plan Control or a Holding Provision.
 - The proposed amendment to Zoning By-law 8600 is thus not consistent with the PPS.

Official Plan:

Relevant excerpts from the Official Plan are attached as Appendix C.

The subject property is located within the Walkerville Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan. The subject property is on the periphery of the Residential designation, having lands designated Mixed Use located to the immediate north.

An objective of the Residential designation is *“to provide for complementary services and amenities which enhance the quality of residential areas”* (Section 6.3.1.5: Service & Amenities). The Residential designation permits a range of ancillary uses, which are intended to achieve diverse and self-sufficient neighbourhoods (Section 6.3.2.2: Ancillary Uses). Neighbourhood Commercial is a listed ancillary use, which is primarily intended to serve the everyday needs of residents within the neighbourhood (Section 6.3.2.2(c): Ancillary Uses & Section 6.3.2.8: Neighbourhood Commercial Definition). A restaurant could be considered Neighbourhood Commercial based on the aforesaid definition.

A proposed Neighbourhood Commercial development within a designated Residential area shall comply with the following evaluation criteria set forth under Section 6.3.2.9: Neighbourhood Commercial Evaluation Criteria of the Official Plan:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (iv) where traffic generation and distribution is a provincial or municipal concern;
 - Refer to the Zoning By-law section herein.
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
 - This policy is not applicable to the patio, which is neither a building nor structure.
- (d) capable of being provided with full municipal physical services and emergency services; and
 - The patio is capable of being provided with municipal hydro service from the legal non-conforming business office.
 - Municipal sanitary sewers, storm sewers and water service are not required for the patio.
 - Emergency services can service the patio through the abutting alleys.
- (e) provided with adequate off-street parking.
 - Refer to the Zoning By-law section herein.

The following guidelines shall be considered when evaluating the proposed design of a Neighbourhood Commercial use within a designated Residential area (Section 6.3.2.10: Ancillary Use Design Guidelines):

- (b) the provision of appropriate landscaping or other buffers to enhance:
 - (ii) the separation between the use and adjacent uses, where appropriate;
 - Refer to the Zoning By-law section herein.

Land use compatibility throughout Windsor is an implementation goal to be achieved when administering a planning tool under Chapter 11: Planning Tools of the Official Plan. Compatibility between land uses is also an objective of the Zoning By-law Amendment planning tool (Section 11.6.1.2: Compatible Uses).

- Neighbourhood Commercial located adjacent to lands designated Mixed Use with established commercial uses is not common or typical. The expansion of a commercial use onto lands designated Residential is also not typical, nor is it desirable.

- The boundary between the said land use designations should be apparent, leaving no room for interpretation. When present, well defined physical features such as an alley are used to delineate this boundary.
- This establishes a defined edge for the residential neighbourhood, which assists in protecting it from the encroachment of commercial uses (commercial creep).
 - Commercial creep has the potential to negatively impact the fabric of a residential neighbourhood, introducing uses that are not compatible with or desirable for the sensitive residential land uses.
 - These uses typically have characteristics that are viewed as nuisances to the sensitive residential land uses, such as invasion of privacy, light pollution, noise pollution, etc.
- The protection of residential neighbourhoods from the encroachment of commercial uses is further emphasized by the establishment of several Demolition Control Areas throughout the City.
 - The by-laws establishing these areas include clauses that aim to prevent the removal of residential buildings for the development of non-residential uses (i.e. parking areas for surrounding commercial uses).
- Neighbourhood Commercial uses are intended to be located entirely within areas designated Residential, thus avoiding commercial creep from outlying commercial uses.
- The patio is a form of commercial creep, which may introduce nuisances on the surrounding residential lands. To permit the patio, risks setting a new precedence for similar development proposals in the future, which may negatively impact their respective residential neighbourhood.
- The legal non-conforming business office is not an ideal use for the subject property, however in this situation it does work. This is accentuated through the use of the former single unit dwelling and retainment of its residential characteristics, which has allowed it to operate cohesively with the surrounding sensitive residential land uses.
- The hard surfacing of a rear yard is permitted under the Residential District 2 zoning. The use of the space for the parking of up to four vehicles is also permitted, subject to meeting the criteria set forth by the Public Works Department (i.e. must be off of a paved alley or road).

The ramifications on the use of adjacent or similar lands shall be examined when considering a Zoning By-law Amendment Application [Section 11.6.3.3(e): Evaluation Criteria].

- The patio may introduce the following nuisances on the surrounding residential lands at 652-654 Windermere Road, 655 Chilver Road and 667 Chilver Road.
 - Invasion of Privacy
 - Refer to Zoning By-law section herein.
 - Light Pollution
 - Lighting for the patio may intrude on the aforesaid residential lands.
 - The *City of Windsor Lighting Intensity Standards Study* (Council Resolution 228-2005) provides guiding principles for the lighting of private lands, subject to Site Plan Control.
 - The Site Plan Control section has confirmed that the patio does not require an amendment to SPC-015/96 under Site Plan Control By-law 1-2004, thus negating the application of the said guiding principles.
 - Lighting can not be regulated by a zoning by-law.
 - Noise Pollution
 - Sound emitting from live entertainment, patrons, restaurant staff and/or sound systems are all potential sources of noise that may adversely effect the aforesaid residential lands. Such noises would be most prominent in the evening hours, when residents are more likely to be at home.
 - Noise attenuation measures such as a noise wall are not practical in this situation, and would introduce other issues such as the obstruction of views for pedestrians and vehicular operators using the alleys.
 - Sound emissions can not be regulated by a zoning by-law.
 - Noise By-law 6716 is therefore the only tool for regulating sound emissions, and would be implemented on a complaint driven basis.
- The patio presents public safety concerns within the adjacent alleys for patrons and restaurant staff travelling between the restaurant and patio.
 - There is a risk of patrons and restaurant staff being struck by vehicles travelling through the alley. These risks are heightened by the following factors:
 - Vehicles travelling east through the alley have obstructed sightlines resulting from the traditional main street block and wood privacy fence flanking the north and south sides of the alley respectively.

- There is no lighting, pavement markings, paving materials or signage demarcating the crossing area.
- The alley does not have street lights.
- The aforesaid factors will be more prominent after dusk.
- This risk can be partially mitigated through requiring a fence to be installed along the north and east lot lines, with a single opening across from Vito's Pizzeria. This will direct all pedestrian traffic to one point of crossing, which will reduce the likelihood of conflict with vehicles.
- The patio poses public safety concerns for patrons sitting adjacent to the alley.
 - There is a risk of patrons being clipped by vehicles travelling through the alleys. This may occur when patrons have extremities extended into the alley. The creation of a landscaped open space yard adjacent to the alley will alleviate this risk.
- The patio and point of crossing within the alley are required to be in compliance with the *Accessibility for Ontarians with Disabilities Act (AODA)*.
 - AODA compliance is typically reviewed through a building permit and/or Site Plan Control application, both of which are not required for the patio.

In the event Council decides to approve this application, it should be noted that the City has not received any complaints and Windsor Police has not had to respond to any incidents involving problematic activity/behaviour associated with the patio.

The execution of an Encroachment Agreement between the City and the applicant for the temporary use of part of the alley for the patio has been reviewed as an alternative to this application. The closure and conveyance of part of the alley to the applicant was also reviewed as an alternative to this application. The City Departments that utilize the alley are not in support of either of these alternatives.

The zoning amendment does not conform to the Zoning Amendment Policies of the Official Plan (Section 11.6.3.1: Amendments Must Conform and 11.6.3.3: Evaluation Criteria).

The proposed change to Zoning By-law 8600 does not conform to the general policy direction of the Official Plan.

Zoning By-Law:

Relevant excerpts from Zoning By-law 8600 are attached as Appendix D.

The applicant is requesting an amendment to Zoning By-law 8600 to add a site specific provision to allow a patio as an additional permitted use, exclusive to Vito's Pizzeria restaurant.

The patio will replace the four existing parking spaces required for the legal non-conforming business office by SPC-015/96. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to remove the parking requirement for the legal non-conforming business office.

The patio proposes privacy concerns for residents using the rear yard at 652-654 Windermere Road. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to require a 1.8 metre high screening fence to be maintained along the segment of the south lot line which bounds the rear yard.

The patio poses public safety concerns within the adjacent alleys for patrons and restaurant staff travelling between the restaurant and patio. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to require a continuous 1.0 metre high fence to be installed along the east lot line and the segment of the north lot line which bounds the rear yard (save and except a 1.5 metre wide opening to provide pedestrian access to the patio).

The patio poses public safety concerns for patrons sitting adjacent to the alley. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to require a landscaped open space yard with a minimum depth of 1.2 metres to be installed along the east lot line and the segment of the north lot line which bounds the rear yard, (save and except a 1.5 metre wide opening to provide pedestrian access to the patio).

The existing Residential District 2.2 (RD2.2) will remain.

No other zoning deficiencies have been identified.

In the event that Council should decide to approve this application, a Draft Amending By-law including the aforesaid clauses has been included as Appendix F herein.

Site Plan Control:

The existing paved area in the rear yard was approved by Site SPC-015/96.

The proposed patio does not require an amendment to SPC-015/96, as per Site Plan Control By-law 1-2004.

Risk Analysis:

The risk of conflict between pedestrians and vehicles in the east-west alley will be heightened by the increased foot traffic between the subject property and Vito's Pizzeria if the application was to be approved.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters: N/A

Consultations:

Comments received from City Departments, external agencies and/or members of the public on this application were taken into consideration when preparing this report. A record of the comments is included as Appendix E and Appendix H herein.

The Public Works Department has confirmed that an encroachment agreement must be executed with the City for any temporary or permanent features that encroach within the alleys.

Transportation Planning has confirmed that a Parking Study is required to evaluate the deficiency in parking spaces. In the case that Council decides to approve this application, Council should be aware that there could be minor ramifications resulting from the removal of the four parking spaces.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120 metres of the subject parcel.

Planner's Opinion:

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "shall be consistent with" Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to add a site specific zoning provision to allow a permanent patio at 642 Windermere Road, is not consistent with the PPS 2020, is not in conformity with the City of Windsor Official Plan, and does not constitute good planning.

Conclusion:

Staff recommends that the application to amend Zoning By-law 8600 by adding a site specific zoning provision to allow a permanent patio at 642 Windermere Road be denied.

Planning Act Matters:

I concur with the above comments and opinion of the Registered Professional Planner.

Michael Cooke, MCIP, RPP

Thom Hunt, MCIP, RPP

Manager of Policy Planning

City Planner

I am not a registered Planner and have reviewed as a Corporate Team Leader

JP JM

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administration Officer

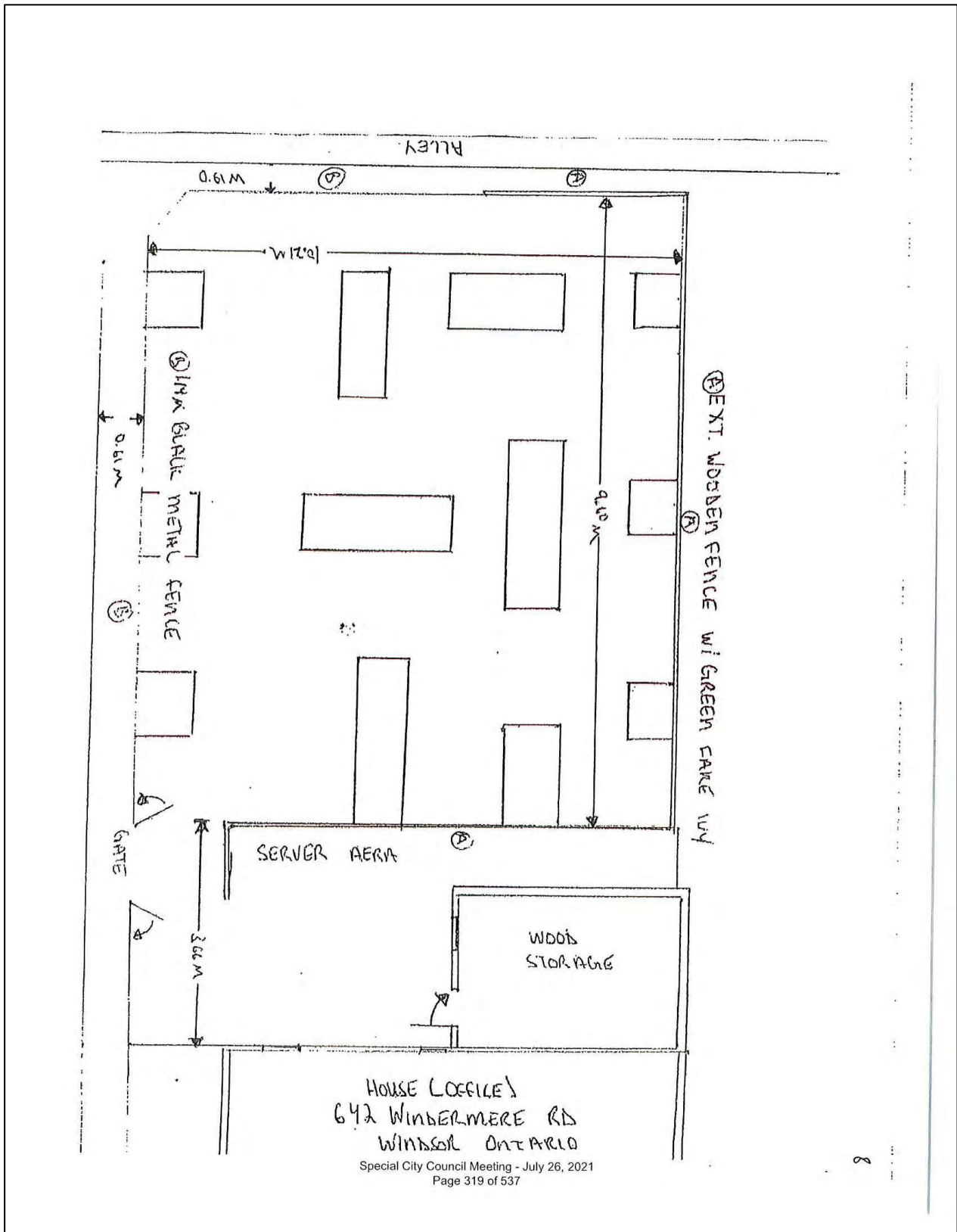
Notifications:

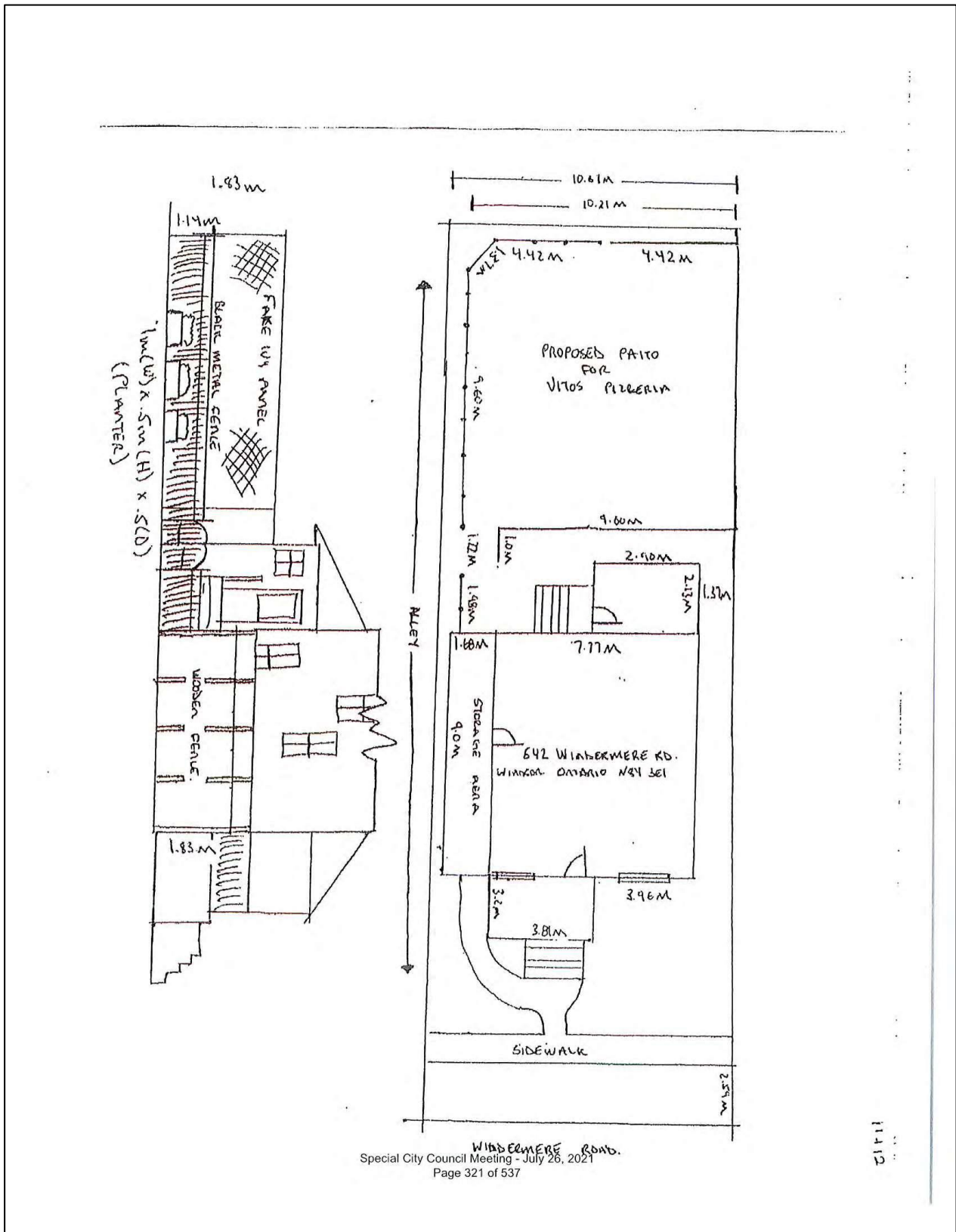
Name	Address	Email
Councillor Chris Holt	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	cholt@citywindsor.ca
Property owners and tenants within 120 m of the subject parcel		

Appendices:

- 1 Appendix A - Conceptual Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Excerpts from Official Plan Volume I
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Consultations
- 6 Appendix F - Draft Amending By-law
- 7 Appendix G - Zoning Letter & Affidavit
- 8 Appendix H - Public Comments

APPENDIX "A" Conceptual Plan





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APPENDIX "B"
Site Photos (March 18, 2022)



Figure 1 - Looking north towards Vito's Pizzeria from proposed patio at 642 Windermere Road



Figure 2 - Looking southwest towards proposed patio from east-west alley



Figure 3 - Looking west toward proposed patio from north/south alley



Figure 4 - Looking southeast towards proposed patio from east/west alley



*Figure 5 - Looking east towards east/west alley from Windermere Road
(642 Windermere Road is on the right side of the alley)*



Figure 6 - Looking east towards 642 Windermere Road from Windermere Road



Figure 7 - Looking west towards Windermere Road from intersection of north/south alley and east/west alley (642 Windermere Road is on the left side of the alley / Vito's Pizzeria's rear patio is on the right side of the alley)



Figure 8 - Looking west towards east/west alley from Chilver Road

APPENDIX “C”

Excerpts from Official Plan Volume I

6.3 Residential

The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. In order to develop safe, caring and diverse neighbourhoods, opportunities for a broad range of housing types and complementary services and amenities are provided.

The following objectives and policies establish the framework for development decisions in Residential areas.

6.3.1 Objectives

<i>SERVICE & AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
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6.3.1 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>ANCILLARY USES</i>	6.3.2.2	In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:
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(c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;

<i>NEIGHBOURHOOD COMMERCIAL DEFINITION</i>	6.3.2.8	For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods; (Added by OPA #106 – November 6, 2015, B/L 143-2015)
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<i>NEIGHBOURHOOD COMMERCIAL EVALUATION CRITERIA</i>	6.3.2.9	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:
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- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (iv) where traffic generation and distribution is a provincial or municipal concern;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

ANCILLARY USE DESIGN GUIDELINES 6.3.2.10

The following guidelines shall be considered when evaluating the proposed design of an ancillary use:

- (b) the provision of appropriate landscaping or other buffers to enhance:
 - (ii) the separation between the use and adjacent uses, where appropriate;

11.6 Zoning

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

11.6.1 Objectives

ZONING 11.6.1.1 To provide for the establishment of a zoning by-law.

COMPATIBLE USES 11.6.1.2 To ensure compatibility between land uses.

11.6.3 Zoning By-law Amendment Policies

11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.

11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant’s pre-application consultation

meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: **Added by OPA 65 – 10/22/2007– By-law 192-2007**

- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the Planning Act; and **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (c) Be given due and thorough consideration by Council. **Added by OPA 65 – 10/22/2007– By-law 192-2007**

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

APPENDIX “D”
Excerpts from Zoning By-law 8600

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 12651 Approved by OMB Order R960323, Feb 25/1997
 B/L 169-2001 Jun 1/2001; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233
 B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 142-2006 Aug 24/2006; B/L 114-2016 Sep 19/2016)
 B/L 164-2017, Dec. 7/2017 [ZNG/5270]

11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

11.2.1 PERMITTED USES

One Double Duplex Dwelling

One Duplex Dwelling

One Multiple Dwelling containing a maximum of four dwelling units

One Semi-Detached Dwelling

One Single Unit Dwelling

Townhome Dwelling

Any use accessory to any of the preceding uses

11.2.5 PROVISIONS

.1 Duplex Dwelling

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2 Semi-Detached Dwelling

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.3 Single Unit Dwelling

.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m

.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

(AMENDED by By-law 227-2002, Approved by OMB Decision/Order No. 1013, July 24, 2003; OMB Decision/Order No. 1011, July 24, 2003 and OMB Decision/Order No. 1067, August 1, 2003, OMB File No. R020192, Case No. PL020829)

(1) SITE SPECIFIC PROVISIONS

Certain parcels of land on the zoning district maps (ZDM) are delineated by a broken orange line and identified by a zoning district symbol and a paragraph(s) of this subsection. Any parcel so identified shall be considered as being within the zoning district symbol and shall be subject to the provisions of that zoning district, the identified paragraph(s) of this subsection and any other applicable provisions of this by-law. In the event of a conflict between the provisions of this Section and the provisions of the zoning district, the provisions of this Section shall apply. Where an additional main use is permitted under this subsection, any use accessory thereto, not including an outdoor storage yard except where permitted within the zoning district, shall also be permitted subject to the provisions of the zoning district and any other provisions of this by-law applicable to such accessory use.

267. For the lands bound by the Detroit River to the north; Walker road to the east; Ottawa Street to the south; and, Lincoln Road to the west (known as the Walkerville Heritage Area)

No Front yard Parking Space shall be permitted, exclusive of any existing Front Yard Parking Space.

(ADDED by B/L 127-2010, September 15, 2010)

APPENDIX “E” Consultations

BELL CANADA WSP

No comments provided

COGECO

No comments provided

ENVIRONMENTAL SERVICES

Waste collection occurs in both the east/west and north/south alleys that abut the property in question. Environmental Services requires these alleys to remain fully accessible to waste collection vehicles.

(February 23, 2022)

For my operations, the temporary closure of the alley is worse than what was originally proposed. My collection vehicles need to travel not only the alley section you have highlighted below, but also the north/south alley. I cannot support the execution of an encroachment agreement.

(April 8, 2022)

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES

No comments provided

PLANNING DEPARTMENT - HERITAGE

The subject property is located within the Walkerville Heritage Area. Official Plan section 9.3.5.1(a)(ii) states that Council will enhance heritage resources by ensuring that “Development be of compatible height, massing, scale, setback and architectural style” within any Heritage Area. The current request is for a permanent patio. The information provided concerning the design of the patio of the guard/railings/planters from the temporary patio are similar to the front design at the Vito’s Pizza Restaurant property and appear to fit within the Walkerville Heritage Area. No further information is required should the design remain the same/similar. Should there be future design changes to the patio that constitute as a structure, then Site Plan Control process may be triggered to review the proposal.

[Kristina Tang, Heritage Planner]

PLANNING DEPARTMENT – SITE PLAN CONTROL

The scope of work does not require an amendment to Site Plan Control file SPC-015/96.

(As per March 22, 2022 conversation)

[George Robinson, Site Plan Approval Officer]

PUBLIC WORKS DEPARTMENT

The subject lands are located at 642 Windermere Road, zoned Residential District 2.2 (RD2.2) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 in order to allow for an outdoor eating area (patio) related to the restaurant operating as Vito's Pizzeria at 1731 Wyandotte Street East.

SEWERS - The site may be serviced by a 375mm x 500mm brick combined sewer and a 675mm reinforced concrete pipe storm sewer, both of which are located within the Windermere Road right-of-way.

RIGHT-OF-WAY – The Official Plan classifies Windermere Road as a local road, requiring a right-of-way width of 20m. The current right-of-way width is 16.9m; requiring a land conveyance of 1.6m, however, a conveyance is not being requested at this time. Photos attached to the application show bollards where the north/south alley meets the east/west alley, as well as planters located in the east/west alley. If they are located within the right-of-way, the owner shall either relocate the bollards and planters on to private property or enter into an encroachment agreement to the satisfaction of the City Engineer.

In summary we have no objection to the proposed rezoning, subject to the following requirements (Requirements can be enforced prior to issuance of Building Permits):

Encroachment Agreement - The owner shall have the option to:

- a) Remove the encroaching bollards and planters; or
- b) Submit application for and execute an agreement with the Corporation for the bollard and planter encroachment into the alley right-of-way to the satisfaction of the City Engineer.

[Pat Winters, Development Engineer]

TRANSPORTATION PLANNING

Windermere is classified as a Local Road according to the Official Plan. No conveyance is required along the frontage of this property.

The patio area should not be enclosed with any fence over 1 meter in height in order to maintain visibility for vehicles in the alleyway. A fence of similar style and configuration as last year is appropriate.

All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings

All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

(March 10, 2022)

If the deficiency of four spaces is correct they will require a Parking Study here. We had asked about parking last year and this issue wasn't noted so I apologize for not flagging it earlier but they should provide a study if there is a deficiency.

I just realized that this property is technically outside the BIA so I'm not sure what parking requirements they will also need for the patio separate to the parking they are technically removing from the 642 Windermere building. They might actually have a larger deficiency here if they should be providing some spaces for the patio?

(March 23, 2022)

[Rania Toufeili, Policy Analyst]

WINDSOR POLICE

The Windsor Police Service has no objections with the proposed amendment to the Zoning By-law to allow a permanent patio on the subject property. It is our understanding the property has been used as a patio during the ongoing COVID-19 pandemic and our incident response records indicate this usage has not resulted in any problematic activity/behavior. The placement of a patio at this location will strengthen safe usage of the overall surrounding space by introducing "positive activity generation" into an area that typically has less overall ongoing observation capacity (due to it being located off an alley). This is a core principle of CPTED (Crime Prevention through Environmental Design) and is deemed to be beneficial. There was a rough sketch attached to the application which seems to depict the intended layout to be used. Principally speaking, the layout appears to satisfy implementing physical features (such as a black metal fence and some planter boxes) that will safely and properly separate patio patrons from passing vehicles using the abutting alley. If approved and if required, it would be helpful to review a slightly more detailed plan that clearly indicates fencing and planter box details, lighting, signage, etc. This would also include, presumably, signs and/or markings that may be necessary for the alley to alert oncoming drivers of the need to take caution while passing through an area where pedestrian traffic will be elevated.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "F"
Draft Amending By-law

B Y - L A W N U M B E R -2022

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

Passed the day of , 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. That subsection 2 of Section 20, of said by-law, is amended by adding the following clause:

438. For the lands comprising Lot 3, Registered Plan 502 (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN 01136-0246), situated on the east side of Windermere, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

- a) Fence with a height of 1.0 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.
- d) Notwithstanding Table 24.20.5.1 of Zoning By-law 8600 and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces are required for the existing legal non-conforming *Business Office* use at the subject property.

[ZDM 6; ZNG/6670]

2 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 Amendment Number	5. Zoning Symbol
1	6	Lot 3, Registered Plan 502 (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN 01136-0246; situated on the east side of Windermere, south of Wyandotte Street East)		S.20(1)438

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022
 Second Reading - , 2022
 Third Reading - , 2022

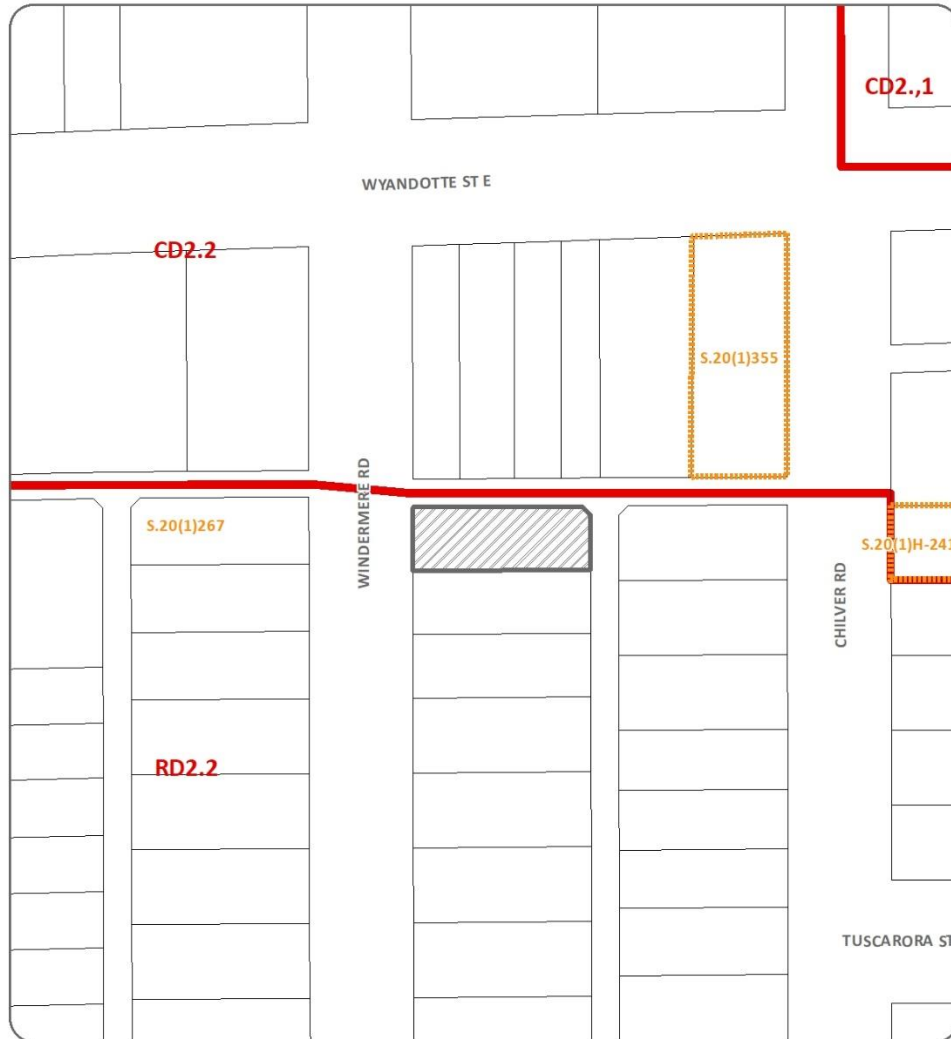
SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of Lot 3, Registered Plan 502, known municipally as 642 Windermere Road, (Roll No. 020-070-06600; PIN 01136-0246), situated on the east side of Windermere, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

- a) Fence with a height of 1.0 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.
- d) Notwithstanding Table 24.20.5.1 of Zoning By-law 8600 and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces are required for the existing legal non-conforming *Business Office* use at the subject property.

2. Key map showing the location of the lands to which By-law _____ applies.



PART OF ZONING DISTRICT MAP 6

N.T.S.

SCHEDULE 2

Applicant: Vito Maggio Holdings Inc.

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : FEBRUARY 2022
FILE NO. : Z-008/22, ZNG/6670

APPENDIX "G" Zoning Letter with Affidavit



THE CORPORATION OF THE
CITY OF WINDSOR
PLANNING DEPARTMENT

Office of the City Solicitor
Donald B. Wilson, MCIP, RPP
Manager of Development

August 11, 2011

Julie Fodor, B.A., LL.B.
Barrister and Solicitor
642 Windermere Road
Windsor, Ontario N8Y 3E1

Dear Ms. Fodor :

RE: 642 Windermere (Roll # 2-070-066)

We have received your letter and affidavit of August 8, 2011 regarding the above mentioned property.

As the business office at this location has been in existence since March 22, 1996 and your affidavit confirms this, a business office would be deemed a legal non conforming use.

Please feel free to contact me should you have any questions.

Carol Peach
Zoning Coordinator

Planning Department
Corporation of the City of Windsor
Suite 404, 400 City Hall Square East
Windsor, Ontario N9A 7K6
T (519) 255-6543 X6198
F (519) 255-6544

DO NOT DESTROY

IN THE MATTER OF THE ZONING OF 642 WINDERMERE ROAD, WINDSOR, ONTARIO BEING LOT 3, REGISTERED PLAN 502.

AFFIDAVIT

I, JULIE FODOR, of the City of Windsor, in the County of Essex and Province of Ontario, barrister and solicitor, make affirmation and say as follows:

1. I am the owner of the above-mentioned property having purchased same on March 22, 1996.
2. At the time of my purchase I brought an application to amend Zoning By-law number 8600 to permit the property to be used for the purposes of a business office.
3. The application was granted on March 19, 1996 for an amendment to Zoning By-law 8600 changing the zoning of Lot 3, Registered Plan 502 located on the east side of Windermere Road, south of Wyandotte Street East (642 Windermere) by adding a supplementary regulation permitting business offices in the existing building with minimum front, rear, and side yard widths and maximum building height, as they currently exist and a minimum of four parking spaces as set out in the letter of Thomas W. Lynd, City Clerk, a copy of which is attached as Exhibit "A"
4. This use has been in existence continually since March 22, 1996; the whole building, first and second floors are used as offices to the present day.

AFFIRMED BEFORE ME at the City of)
 Windsor, in the County of Essex,)
 this 8. day of August, 2011.)

R. [Signature]

Julie Fodor

 JULIE FODOR

A Commissioner, Notary Public in and for the Province of Ontario

APPENDIX "H"

Public Comments

ELIZABETH STRIANO

1. Why is a Zoning amendment needed for this project?
2. Can you provide me with the text of Zoning by-law 8600?
3. What is the planned use for the "permanent patio"?
4. What restrictions would need to be met, if approved, to ensure minimum impact on the surrounding neighborhood?
5. Does this applicant have any additional applications pending?

(April 11, 2022 - Email)

(April 11, 2022 - Email response provided by Planner II - Development Review)

Thanks very much Brian. I'm a little concerned by this statement:

"Please note that we do not have any planning tools to regulate potential light pollution and noise pollution in this situation."

Fences are great and all, but what if the owner decides to have live music out there? Or his trash kept nearby? Or spotlights? I'm wondering what recourse the neighborhood would have. Is this particular tenant known for complying with city regulations and/or respecting the community?

(April 13, 2022 - Email)

(April 14, 2022 - Email response provided by Planner II - Development Review)

JEREMY MCLENNAN (NEIGHBOURHOOD RESIDENT)

Issues arising in the evening and early morning hours during the period that the patio operated on a temporary basis:

1. Excessive noise
 - a. Recorded and live music at large gatherings (i.e. weddings)
 - b. Raised voices from patrons
2. Disruptive behaviour from patrons
 - a. Rowdiness

Tolerated these nuisances while the restaurant was subjected to COVID-19 restrictions, however not willing to do so on a permanent basis

(April 12, 2022 - Phone Discussion)

STEPHEN JOHN DEASY (521 LINCOLN ROAD)

Dear City of Windsor Clerks,

I received in the mail a notice that Vito Maggio Holdings requests an amendment allow a permanent patio across the alley behind the Vito's Pizzeria restaurant.

I think the city should look kindly on their request, and on other similar requests. As you know, the COVID pandemic had a profound effect on local businesses, and temporary arrangements had to be made to allow for dining on sidewalks, parking lots, repurposed parking spaces, decks and on and on. Now that things are opening up and such temporary measures begin to be disallowed, consideration should be given to permitting permanent outdoor bistro-like dining, such as the Maggio request.

My reasons are:

1. The pandemic is not over, nor is it likely to end ever. As we move from pandemic to endemic, some will be comfortable with indoor dining, some will not. Some will continue to mask, and some will not. This change supports this "new normal".
2. If approved, the owner will likely invest in permanent patio structure that will be really nice - nicer than the temporary ones. One need only look at what Milos across the street for an example of that.
3. Walkerville is fast becoming the "it" neighborhood of Windsor. Allowing changes like this will only add to our "coolness" factor.

I admit that with my location at 521 Lincoln Road, I will not be impacted by noise, et cetera, at Vito's. However, I have been impacted by the rooftop patio at Wineology and Holy Roller revivals in the Rapha parking lot, but I don't complain about them. It's about having a vibrant and alive Olde Walkerville neighborhood and maintaining its status as a desirable destination.

Best Regards,

(April 12, 2022 - Email)

From: steve deasy
Sent: April 11, 2022 7:54 PM
To: clerks <clerks@citywindsor.ca>
Subject: Amendment to zoning by-law 8600 file number ZNG/6670 Z008/22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Windsor Clerks,

I received in the mail a notice that Vito Maggio Holdings requests an amendment allow a permanent patio across the alley behind the Vito's Pizzeria restaurant.

I think the city should look kindly on their request, and on other similar requests. As you know, the covid pandemic had a profound effect on local businesses, and temporary arrangements had to be made to allow for dining on sidewalks, parking lots, repurposed parking spaces, decks and on and on. Now that things are opening up and such temporary measures begin to be disallowed, consideration should be given to permitting permanent outdoor bistro-like dining, such as the Maggio request.

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1. The pandemic is not over, nor is it likely to end ever. As we move from pandemic to endemic, some will be comfortable with indoor dining, some will not. Some will continue to mask, and some will not. This change supports this "new normal".
2. If approved, the owner will likely invest in permanent patio structure that will be really nice - nicer than the temporary ones. One need only look at what Milos across the street for an example of that.
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I admit that with my location at 521 Lincoln Road, I will not be impacted by noise, et cetera, at Vito's. However, I have been impacted by the rooftop patio at Wineology and holy roller revivals in the Rapha parking lot, but I don't complain about them. It's about having a vibrant and alive Olde Walkerville neighborhood and maintaining its status as a desirable destination.

Best Regards,

Stephen John Deasy

Originally submitted at May 2, 2022
Development & Heritage Standing
Committee – Written Submission

From: Matthew Hucker
Sent: April 15, 2022 9:30 AM
To: clerks <clerks@citywindsor.ca>
Subject: File Number ZNG/6670 Z-008/22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing today to voice my opinion of the Zoning By-Law 8600: Applicant Vito Maggio Holdings Inc. Location 642 Windermere Rd.

I believe that this amendment will benefit the Walkerville area, and its surrounding restaurants. This area has always provided a unique, and curious environment. This Permanent patio, designated for Vito's Restaurant will provide more visitors, and continue to expand the Walkerville atmosphere. As a resident of Walkerville, I support this Amendment.

Matthew Hucker

PAGE 2 OF 2

APRIL 20, 2022.

CLERK'S OFFICE, FILE NUMBER ZNG/6670 Z-008/22
CITY OF WINDSOR

TO : BY-LAW STANDING COMMITTEE

RE: VITO MAGGIO HOLDINGS APPLICATION
FOR ZONING AMENDMENT

AS A LONGTIME RESIDENT HERE IN WALKERVILLE,
I HAVE SEEN A WIDE RANGE OF CONDITIONS ADJACENT
TO MY PROPERTY AT 654 WINDERMERE RD. BOTH GOOD
AND BAD, AT ONE TIME THIS AREA WAS DARK, DIRTY
AND, AT TIMES, EVEN DANGEROUS.

IN RECENT YEARS, I HAVE SEEN SUBSTANTIAL
IMPROVEMENTS IN THIS AREA. I BELIEVE THAT THE
ADDITION OF A PERMANENT PATIO AT 652
WINDERMERE RD. WOULD SERVE TO CONTINUE THE
IMPROVEMENT PROCESS AND ALSO TO HELP UPGRADE
THE OVERALL AESTHETICS AND FUNCTIONS OF OUR
ALLEYWAYS.

THEREFORE, I STRONGLY SUPPORT THE APPLICATION
OF VITO MAGGIO HOLDINGS.

THANK YOU, I AM DONALD T. DENOMME



WINDSOR, ONT. N8Y3E1

Originally submitted at May 2, 2022
Development & Heritage Standing
Committee – Written Submission

From: Jeremy McLellan
Sent: April 26, 2022 9:19 PM
To: clerks <clerks@citywindsor.ca>; Nagata, Brian <bnagata@citywindsor.ca>
Subject: Notice of Public Meeting to Consider an Amendment to Zoning By-Law 8600 - File Number ZNG/6670 Z-008/22

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to officially express my concerns regarding the “Notice of Public Meeting to Consider an Amendment to Zoning By-Law 8600”, File Number ZNG/6670 Z-008/22. I would also like to officially request to be added as a delegate in the upcoming committee meeting so I can express these concerns in person. This is related to Applicant, “Vito Maggio Holdings Inc.” requesting to add a permanent patio to the rear of 642 Windermere Road.

I am the homeowner of 667 Chilver Road and live there with my wife and twin 4-year-old daughters. Our property boundary is approximately 30 feet from the proposed patio and one of my daughter’s bedrooms is roughly 50 feet from the patio boundary.

I have several concerns about this parking area becoming a full-time patio and I am firmly against the idea. My concerns are based on past experience of having this area used temporally as a patio during the pandemic. I was not against this area’s temporary use as a patio during the pandemic as I too wanted business to make it through the lockdowns. However, now that we are reopened, I do not want this to be a full-time patio supported by a zoning amendment.

My biggest concerns are obviously noise and having inebriated people located almost in my back yard. During this area’s use as a patio over the course of the pandemic there was at least one wedding and several instances where there were party buses pulling up and parking back there full of drunk people right behind my house. These events took place when we were supposedly under capacity restrictions for COVID. I shudder to think what will take place back there when things are back to normal. It was a regular occurrence to have drunk people, early in the day, and late at night, in the ally waiting to be seated. This is not what I want my 4-year-old daughters to be exposed to.

Past behavior of the business owner not following pandemic related restrictions and no-one doing anything about it (even when informed of what was going on) leads me to believe that any potential restrictions (proposed below) that may be put in place for this proposed patio will be ignored and worse, not enforced.

If this were to be approved, I would want to know if there would be any way of preventing the following activities and making the approval contingent on these or other similar enforceable restrictions:

- No weddings and/or any other form of party/event, live music, bands, speakers playing music, party buses, karaoke. This is basically in my back yard within a residential area. These activities woke my daughter up on several occasions during the pandemic and could be heard easily from my bedroom further back in the house. There is a difference between a patio being used for dining and a patio being used for parties/events.

I would also want to make sure that the patio area would not be allowed to be open until 2 AM as if it were a bar or nightclub.

If this were to be approved with limitations/restrictions, I want to know how they be enforced? and by who? As indicated, the “rules/restrictions” were not enforced during the pandemic. Would I call? The City? The police? And would the calls be answered and dealt within in a timely manner? The busy and loudest nights were weekends, would someone be around to answer these calls and enforce restrictions.

If approved, would the only enforceable restriction be the “noise by-law”? If so, who do I call about that? If approved, what controls will be put in-place for sound proofing/reduction? And ensuring orderly conduct in the alleyway?

Frankly, I am very surprised this motion is even being put forward and considered for the following two reasons:

- 1) This is clearly a residential area, where people with families live. I know The City wants to be business friendly; however, first and foremost The City should be thinking about neighborhoods and the people who live there. How will this impact my home’s value? I want my kids to be able to sleep at night and not see and be exposed to drunken patrons in our back residential ally right next to where they play in our backyard.
- 2) There is an active traffic thoroughfare the goes between the restaurant and the patio that I am sure must be City owned property. The servers must cross this roadway constantly with food and drinks and this is where they had patrons lining up to be seated throughout the pandemic. I would think The City would be liable if anyone were to be hit by a car. Why would The City even consider taking this risk?

Please feel free if you would like to discuss any of these concerns and please do mark me down as a delegate for the upcoming May 2 Heritage Committee meeting.

Kind regards,

Jeremy McLellan

Local business now more than ever need the support of their community.

I've been a resident of Alder Walkerville since 2004, both as a homeowner & a renter.

When I first moved to the neighbourhood it was common to see prostitutes & their john's on the corner of Wyandotte & Windermere.

That has now changed because folks like the ^{THE} Maggio's & chose our neighbourhood to open their businesses.

I fully support Vito P. keeping the patio open @ Windermere for the time requested

Jocelyn Perrier

CITY OF WINDSOR
COUNCIL SERVICES

APR 28 2022

RECEIVED

APR 28 2022

JULY 7/2021

RECEIVED

RE: VITO MAGGIO HOLDINGS INC.

642 WINDERMERE ZONING APPLICATION

TO: DEVELOPMENT & HERITAGE
STANDING COMMITTEE

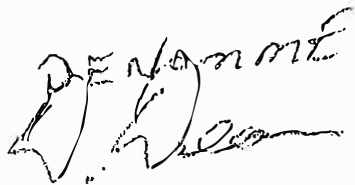
I LIVE AT 654 WINDERMERE RD. AND HAVE
RESIDED THERE FOR 45 YEARS. MY REAR YARD
AND THE PATIO IN QUESTION SHARE A COMMON
FENCE. I ALSO OWN THE 4 PLEX ACROSS THE
ST. AT 661 WINDERMERE RD.

I FULLY SUPPORT THIS PATIO APPLICATION,
AND COMMENTS I HEAR FROM MY TENANTS
ARE ALSO POSITIVE.

I BELIEVE THIS WALKERVILLE AREA HAS
BECOME A DESIRED DESTINATION POINT, LARGELY
DUE TO THE MAGGIO'S PRESENCE HERE. I
COULDN'T ASK FOR BETTER NEIGHBOURS.

THE MAGGIO'S THEMSELVES HAVE ALWAYS
TREATED ME WITH COURTESY & RESPECT. THEY
ARE EXCELLENT SEWARDS OF THEIR
BUSINESS. THANK YOU.

I AM DONALD DENONNE



-926 307

We are writing this letter to express our support for Vito's alley and back yard of the Windermere property as extra seating for their amazing restaurant.

All through the pandemic Vito's has shifted and pivoted their operation to comply with the current regulations in place.

Their business continued to draw customers from all over Windsor as they offer quality Italian food and created some amazing value deals - which as previous restaurant owners we believe were likely not big profit makers but intended to keep their business alive and to keep to their staff employed while so many other restaurants chose instead to close down and lay off their employees. Isn't this the type of behaviour we should be looking for in our business owners?

As restaurants were eventually allowed to open up outdoors, Vitos created the "backyard alley seating" which quickly became something new and fun for everyone to experience. This draw brought customers who may not have ever walked thru or down an alley - which is an experience that can be daunting for some. This new found gem benefitted in many ways: more people were coming to Walkerville thereby increasing traffic to other businesses in the area and people began to feel more comfortable using our many alleys to get around - thereby creating a safer and cleaner environment for all.

Our home abuts an alleyway a few blocks away but not directly en route to Vito's. Our alley has definitely seen an increase of alley traffic which we welcome as a matter of pride and safety. In fact - this year - for the first time ever - we actually planted flowers along our alley for these very reasons- as a way to beautify it and to welcome passers by.

The continued traffic Vito's brings to Walkerville increases the overall value and good feel that Walkerville residents continue to strive for and hope to enjoy for years to come. Increased traffic for one business helps all businesses in the area. Isn't this what we want?

Peggy O'Kane & Bob Voyvodic

CITY OF WINDSOR
COUNCIL SERVICES

APR 28 2022

RECEIVED

Subject: Additional Information Memo to S49/2022, Zoning By-Law Amendment to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Rd. - Ward 4

Reference:

Date to Council: May 30, 2022
Author: Brian Nagata
Planner II - Development Review
519-255-6543 Ext. 6181
bnagata@citywindsor.ca
Planning & Building Services
Report Date: May 19, 2022
Clerk's File #: Z/14315

To: Mayor and Members of City Council

Additional Information:

Background

The Development & Heritage Standing Committee (DHSC) approved the following motion (DHSC Decision Number 389) at their May 2, 2022 meeting, directing administration to provide additional information on Licensing Services ability to address concerns associated with the proposed permanent patio (the patio) at the subject property, known municipally as 642 Windermere Road.

*THAT Administration **BE DIRECTED** to provide additional information related to the ability of licensing to address concerns specifically related to: lighting, noise, operating hours, safety in alleys, and vehicular movement; and recommended measures; including the implementation of traffic calming measures, reducing the hours of operation to 11:00 p.m., and prohibition of amplified music; and that this information **BE PROVIDED** when this matter proceeds to Council.*

The concerns in question were raised by Administration in the planning report and by two area residents through written correspondence and delegation. The concerns stem around matters that the *Planning Act* does not authorize a zoning by-law to address. Such matters in this case being lighting, sound emissions, hours of operation and public safety in a city alley.

Discussion:

On May 11, 2022, the following members of Administration met to discuss the direction provided by DHSC: Anne-Marie Abidone (Manager of Environmental Services), Brian

Nagata (Planner II -Development Review), Craig Robertson (Acting Licence Commissioner - Deputy City Clerk), Jeff Hagan (Transportation Planning - Senior Engineer), Michael Cooke (Manager of Planning Policy - Deputy City Planner), Rania Toufelli (Policy Analyst), Shannon Mills (Technologist III), Thom Hunt (City Planner) and Wira Vendrasco (Deputy City Solicitor).

The discussion focused on Licensing Services ability to address the said concerns and public safety in the alley.

Licensing Services:

The powers of Business Licensing By-law 395-2004 (the by-law) include imposing conditions as a requirement of obtaining, continuing to hold or renewing a licence (Part 3, Section 3.1 of the by-law). The by-law requires the Licence Commissioner (the Commissioner) to recommend to the Windsor Licensing Commission (the Commission) that it impose conditions on the issuance of a licence, where the carrying on of the said business will be in any way adverse to the public interest. This determination is to be based on the opinion of the Commissioner and/or the comments provided by the municipal or provincial departments or agencies that the Commissioner deems necessary to review and approve the licence. (Part 3, Sections 3.8 & 3.25 of the by-law)

Should City Council wish to direct the Commissioner to recommend conditions as part of the review and approval of the license, the following has been prepared for Council consideration:

That the License Commission give consideration to the following conditions regarding the Hospitality Food Service/Liquor Service Ancillary business license for Vito's Pizzeria restaurant items as related to the

- *The patio shall comply with City of Windsor Lighting Intensity Standards Study (Council Resolution 228-2005) (See Appendix A1);*
- *The hours of operation for the patio shall be limited to between 7:00 am - 11:00 pm daily; and*
- *Notwithstanding Section 2 of Table 3-1 to Noise By-law 6716, the sound from or created by any radio, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind shall be prohibited on the patio. And further,*

That the Commissioner upon making a recommendation to the Commission shall give the applicant (Vito's Pizzeria) notice of the hearing at least seven days prior to its scheduled date (Part 3, Section 3.30 of the by-law). Vito's Pizzeria and municipal or provincial departments or agencies identified herein may make submissions to the Commission in respect to the said recommendation. The Commission shall give due consideration to the submissions made to it when rendering a decision on the recommendation. The decision rendered by the Commission is final and cannot be appealed by any parties.

Public Safety in the Alley:

The Transportation Planning Division confirmed that public safety features within the alley are not warranted in this situation. This position is justified by the following statements.

- Low speeds and traffic volumes are expected within alleyways.
- The narrow right-of-way in the alley creates a need for vehicles to slow down upon entry; a narrower visual field results in lower speeds.
- We are looking to activate and animate our alleys, allowing for more pedestrian and cycling activity.
 - Dedicating only a particular space within the alley for pedestrians to cross creates the perception that vehicles have the priority within the alleyway.
- We requested that the fence placed for the patio area maintains sight lines for vehicles driving through the alley. The fence that was selected (wrought iron) should not obstruct sight lines within the alley and a corner clearance is provided following the property boundaries.

The Environmental Services Division confirmed that they are not in support of any traffic calming measures within the alley, as it will impede their garbage collection vehicles which use the alley for commercial and residential pick-up.

The absence of public safety and traffic calming features within the alley thus negates the need for Vito's Pizzeria to enter into an encroachment agreement with the Corporation of the City of Windsor.

Conclusion:

This memo provides direction on the legislated process for imposing conditions on Vito's Pizzeria's business license, (as detailed above in the Licensing Services section of this report).

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Craig Robertson	Acting Licence Commissioner, Deputy City Clerk
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administration Officer

Appendices:

1 Appendix A1 – City of Windsor Lighting Intensity Standards Study (CR 228-2005)

APPENDIX "A1"
City of Windsor Lighting Intensity Standards Study
(Council Resolution CR228/2005)

COUNCIL MINUTES

Page 12

Windsor, Ontario April 18, 2005

BASIS Report Number: 11225 GF/1325 C18

CR228/2005

- I. That the following Guiding Principles **ARE ADOPTED** for the lighting of private lands, subject to Site Plan Control approval, in the City of Windsor and will be incorporated into a Lighting Standards Manual:
- a. Contribute to personal safety
 - b. Support the supervision of secure areas
 - c. Assist in wayfinding
 - d. Conserve energy
 - e. Preserve the experience of the night sky
 - f. Respect the privacy of residential space
 - g. Respect animal habitat
 - h. Heighten the enjoyment of public space and nighttime activity
 - i. Apply the above listed guiding principles consistently
 - j. Lead by example (City of Windsor);
- II. That to ensure the provision of adequate and safe full cut off lighting levels, bonding for the provision of on-site lighting **BE REQUIRED** as a condition of site plan approvals as warranted.
- III. That lighting plans and photometric charts (as required) **BE PREPARED**, and all lighting **BE INSTALLED and MAINTAINED** by the applicant, in accordance with lighting plans, to their best ability, (for all developments sites of 25,000 square feet or greater) and approved and enforced by the Chief Building Official.
- IV. That the 2005 review of the Official Plan **INCORPORATE** lighting policies in the Official Plan.
- V. That the Sign By-Law 250-2004 **BE REVIEWED** with regards to externally lit billboards and electronic changing copy signs and their impact on the night sky and traffic safety;
- VI. That lighting requirements for existing development, as included in the Property Standards By-law, **BE REPORTED** by Administration (Inspection Services Section) to Council.
- VII. That lighting requirements for public sector City rights-of-way and other publicly owned lands **BE REPORTED** by Administration (Street Lighting Committee) to Council.
- VIII. That all Site Plan Control applications in their review and approval **SHALL BE CONSISTENT** with the Guiding Principles in Recommendation I and implement as required the techniques included in Techniques to Implement Lighting Guiding Principles; Table I Illumination Requirements; Table II Guidelines for Structure Lighting and Illustrations, as follows:

Techniques To Implement Lighting Guiding Principles:

- a. *(Contribute to personal safety)*
 - i. Locate lamps so as to avoid glare
 - ii. Provide additional shielding of lamp fixtures to avoid glare
 - iii. Provide minimum illumination in accordance with Table 1: Illumination Requirements
 - iv. Provide uniform lighting without sudden light to dark transitions
 - v. Provide overlap of light distribution
 - vi. Provide illumination to articulate steps
 - vii. Coordinate spacing and height of lamps with landscaping to ensure lighting coverage is not interrupted by tree canopies

- b. (Support the supervision of secure areas)**
 - i. Provide illumination in accordance with Table 1: Illumination Requirements
 - ii. Provide good colour rendering for identification purposes using Metal Halide lamps
 - iii. Provide sufficient lighting coverage including building recesses or inside corners
- c. (Assist in wayfinding)**
 - i. Provide illumination to improve legibility of nodes, landmarks and circulation areas
 - ii. Align lamps in consistent, recognizable, and unambiguous patterns
 - iii. Provide a uniform and modest brightness along paths of travel
- d. (Conserve energy)**
 - i. Employ alternatives to incandescent or mercury vapour lamps
 - ii. Maintain light levels within recommended range set out in Table 1
 - iii. Dim down lighting to minimum levels after normal operating hours
- e. (Preserve the experience of the night sky)**
 - i. Provide full cut-off lighting (zero percent of peak intensity radiating above 90 degrees and 10 percent of peak intensity above 80 degrees)
 - ii. Employ low cut-off where full cut-off lighting alternatives are not feasible
 - iii. Beacon lights are strongly discouraged unless the use requires such lighting
- f. (Respect the privacy of residential space)**
 - i. Locate lamps to direct light away from neighbouring properties
 - ii. Provide supplementary shielding of lamps to direct light away from neighbouring properties
 - iii. Provide lamp fixture mounting heights that avoid glare to the vantage point of neighbouring residential units
 - iv. Provide recessed light fixtures that avoid glare to the vantage point of neighbouring residential units
- g. (Respect animal habitat)**
 - i. Direct illumination away from abutting City Parks and naturalized areas on abutting private lands
- h. (Heighten the enjoyment of public space and nighttime activity)**
 - i. Provide minimum illumination to encourage nighttime use
 - ii. Minimize glare using shielding or fully recessed light fixtures, as required
 - iii. Reveal the salient features of a site using a combination of diffused and spot lighting
- i. Apply the above listed standards consistently**
 - i. Provide photometric plans and lamp specifications for use by City staff in the review of site plan applications (development sites of 25,000 square feet or greater) and for inclusion in site plan development approval agreements
 - ii. Incorporate the above-mentioned techniques, including illustrative examples, as part of a site plan design manual that is available to both City staff and site plan applicants

IX That administration, in preparing its further report to Council on lighting requirements for existing development on private property, as well as for lighting requirements for public sector city rights of way (new and existing), consider a level playing field between these two sectors,

X And further, that the Lighting Intensity Standards Study (LISS) BE FORWARDED to the Association of Municipalities of Ontario (A.M.O.) for their support.

Carried, Councillor Postma was absent when the vote was taken.

Table I: Illumination Requirements	
Uses	Horizontal Illumination (in footcandles)
Uncovered Parking Areas	0.5 - 4.0
Covered Parking Areas	2.0 - 10.0
Covered Outdoor Area	0.5 - 10.0
Walkways	0.5 - 2.0
Principle Building Entrances	3.5 - 8.0
Loading and Garage Storage Areas	1.0 - 2.0
Covered Gas Pumping Areas	5.0 - 25.0
Outdoor Active Recreation Facilities	0.0 – 150.0
Auto Dealership Display	1.0 - 8.0
Outdoor Storage Yard	1.0 - 2.5
All Non-Residential uses at normal non-business hours (11:00pm to 5:00am) and when employees other than security personnel are not present	0.5 - 2.0
All Other Uses	0.0 - 2.0
None of the minimums apply to adjacent property line Requires that illumination levels at all property lines are between 0.0 and 5.0 footcandles Fully shielded is assumed in all references Luminaries will be full cut off unless otherwise not applicable	

Table II: Guidelines For Structure Lighting
1. The illumination of structures that consist of uniformly dark materials or that contain reflective-coated glass is discouraged.
2. The illumination of tall, slender structures or monuments, such as flagpoles, where stray light is difficult or impossible to control, is discouraged.
3. Equip luminaires with devices to eliminate stray light as much as possible. Examples of such devices are four-sided shields, internal louvers, and top visors.
4. Locate structure lighting luminaires in places where the unshielded light source cannot be seen be pedestrians or motorists.
5. Average illuminance levels (vertical, measured at the structure face): <ul style="list-style-type: none"> a. Bright surroundings and light surfaces: 1.0 to 5.0 footcandles b. Bright surroundings and medium surfaces: 1.0 to 6.0 footcandles c. Dark surroundings and light surfaces: 0.5 to 2.0 footcandles d. Dark surroundings and medium surfaces: 0.5 to 3.0 footcandles
Definitions
Full Cut Off Lighting - "A light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal."
Horizontal Illuminance - "The measurement of brightness from a light source, usually measured in footcandles or lumens, which is taken through a light meter's sensor at a horizontal position."
Vertical Illumination – "The measurement of brightness from a light source, usually measured in footcandles or lumens, which is taken through a light meter's sensor at a vertical position."



Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3)

Moved by: Councillor Holt
Seconded by: Councillor Gill

Decision Number: **DHSC 391**

- I. THAT the request made by Albert and Maria Folino to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 660 University Avenue East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the grant funds in the amount of \$8,550 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- III. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$8,550 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications; and,
- V. THAT the request made by Albert and Maria Folino to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 660 University Avenue East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- VI. THAT Administration **BE DIRECTED** to prepare an agreement between Albert and Maria Folino, the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City

Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,
- VIII. THAT the City Planner **BE AUTHORIZED** to sign an Assignment Agreements, if required, satisfactory in form and content to the City Solicitor, in technical content to the City Planner and in financial content to the City Treasurer; and further,
- IX. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 40/2022
Clerk's File: Z/14362

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.1. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
3. To view the stream of this Standing Committee meeting, please refer to: <http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3)

Reference:

Date to Council: May 2, 2022
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: March 28, 2022
Clerk's File #: Z/14362

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Albert and Maria Folino to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 660 University Avenue East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the grant funds in the amount of \$8,550 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- III. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$8,550 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

- V. THAT the request made by Albert and Maria Folino to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 660 University Avenue East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- VI. THAT, Administration **BE DIRECTED** to prepare an agreement between Albert and Maria Folino, the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;
- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement;
- VIII. That the City Planner **BE AUTHORIZED** to sign an Assignment Agreements, if required, satisfactory in form and content to the City Solicitor, in technical content to the City Planner and in financial content to the City Treasurer; and,
- IX. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The subject site is located on the north side of University Avenue East between Aylmer and Louis Avenues within the Glengarry-Marentette neighbourhood immediately east of Downtown (see location map). The property is 0.07 hectares (or 0.2 acres) in size and is currently vacant. The site was used for the manufacture of concrete blocks in the 1920s and has been vacant for the past 70+ years.

The subject property is designated 'Medium Profile Residential' on Official Plan Schedule E: City Centre Planning District and is zoned Residential District RD2.2.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum grant of \$15,000.

The owner proposes to redevelop the site for residential use, which involves filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed Phase 1 and 2 Environmental Site Assessments (ESA) to CSA standard to support the redevelopment plan. The Phase 2 ESA identified soil contamination in the northwest corner of the property related to the historical manufacturing use. To file a RSC the Phase 2 ESA must be revised and upgraded to the standard in Ontario Regulation 153/04.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion the City would retain a copy of the final study report.

Brownfield Rehabilitation Grant Program

The Brownfield Rehabilitation Grant Program encourages the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. development application and building permit fees, and upgrading on-site /off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification.

Annual grants are only paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided.

CIP Goals

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The clean up, redevelopment, and intensification of the site is supported by numerous policies within the 2020 Provincial Policy Statement, the City's Official Plan, Community energy plan, and the City's Environmental Master Pan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case there is also a risk of the property remaining in a derelict state, which negatively affects the surrounding properties. The proposed study will assist in mitigating these risks. The City would retain a copy of the study for future reference.

Climate Change Risks

Climate Change Mitigation:

The proposed redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

Climate Change Adaptation:

The proposed redevelopment may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices.

Financial Matters:

The cost estimate (excluding HST) for upgrading the Phase 2 ESA study to RSC standard is \$17,100. If approved, the grant would total \$8,550. Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003). The funds will be transferred from Fund 226 which has a current uncommitted balance of \$1,202,813.09 to project 7069003 when the work is complete to the satisfaction of the City Planner.

The estimated cost of soil remediation and filing a RSC is \$8,500. This amount plus Phase 2 ESA costs not reimbursed through the Environmental Site Assessment Grant Program are eligible under the Brownfield Rehabilitation Grant Program (total eligible costs of \$17,050). No redevelopment plan was provided, however the existing RD 2.2 zoning permits a multiple dwelling or double duplex with up to 4 dwelling units. If a 4 unit building was constructed administration estimates the post-development property value assessment to be \$550,000 (the current assessed value is \$17,200). The post-development total annual tax levy (i.e. municipal and education) is estimated to be \$10,003, which is an increase of \$9,690 from the current total (pre-development) annual levy of \$313.

The Brownfield Redevelopment grants are paid back to the applicant after redevelopment has occurred, property assessment value has been reassessed by MPAC, and total taxes as it relates to the redevelopment have been paid to the City in full. Based on the estimated increase in assessment the annual grant would be \$6,212, which would reimburse 100% of the eligible costs of \$17,050 within 3 years of grant commencement.

The property would continue to generate \$2,949 in annual municipal taxes, which would be retained by the City through the first 3 years of the grant. After the grant programs cease the full amount of increased annual municipal taxes (i.e. \$9,161) would be retained by the City in perpetuity.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

Administration recommend Council approve the requests from Albert and Maria Folino to participate in the Environmental Site Assessment and Brownfield Rehabilitation Grant Programs. The recommended grant package would offset 100% of all eligible costs under the Brownfield Redevelopment CIP (e.g. environmental remediation and application fees).

The proposed clean-up and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP; assists the City in the achievement of a number of CIP, Official Plan, Community Energy Plan, and Environmental Master Plan goals; and exemplifies the purpose for which the Brownfield Redevelopment Strategy was created.

Planning Act Matters:

N/A

Approvals:

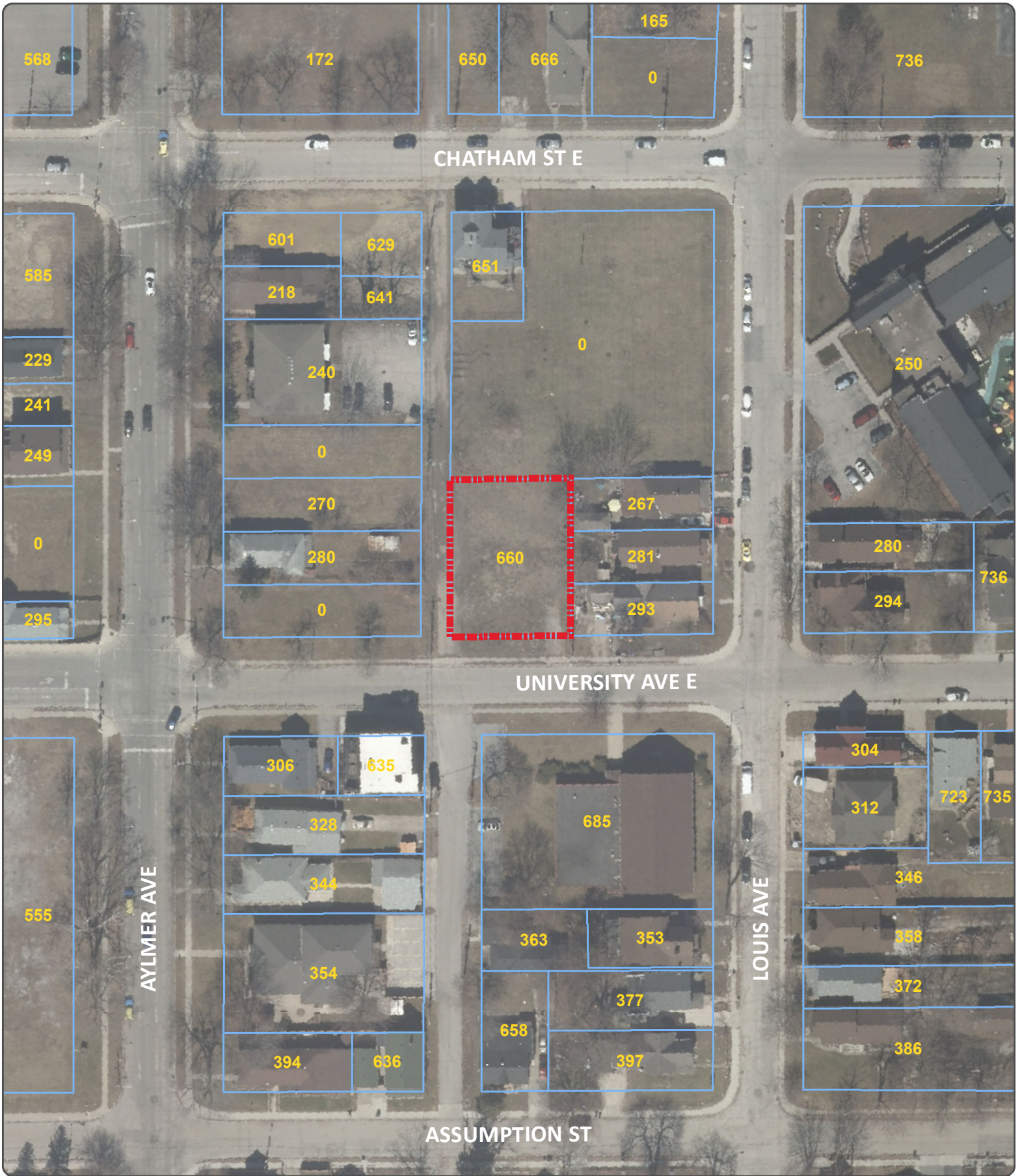
Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Tony Ardovini	Acting Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Joe Mancina	Acting Chief Administration Officer

Notifications:

Name	Address	Email
		Radwan.tamr@wsp.com
		ajfolino@hotmail.com

Appendices:

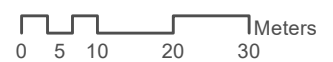
- 1 Location Map



LOCATION MAP : 660 UNIVERSITY AVENUE EAST



SUBJECT PROPERTY





Committee Matters: SCM 132/2022

Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

Decision Number: **DHSC 392**

- I. THAT the request made by Bijoy Foods Inc. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3190 Devon Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City, Bijoy Foods Inc., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and further,
- IV. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 48/2022

Clerk's File: Z/14364

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.2. from the Development & Heritage Standing Committee Meeting held May 2, 2022.

3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

**Subject: Economic Revitalization Community Improvement Plan (CIP)
application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9**

Reference:

Date to Council: May 2, 2022
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca

Tracy Tang
Planner II- Revitalization & Policy Initiatives
519-255-6543 x 6449
ttang@citywindsor.ca

Planning & Building Services
Report Date: April 12, 2022
Clerk's File #: Z/14364

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Bijoy Foods Inc. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3190 Devon Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan;
- II. THAT, Administration **BE DIRECTED** to prepare an agreement between the City, Bijoy Foods Inc., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications;
- III. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and,
- IV. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within

one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Executive Summary: N/A

Background:

City Council approved the Economic Revitalization Community Improvement Plan (CIP) at its January 31, 2011 meeting via CR 50/2011. The adopting By-law 30-2011 was passed by Council at its February 14, 2011 meeting.

The Economic Revitalization CIP provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. The CIP allows the City to take a variety of measures to further the objectives of the Economic Revitalization CIP that would otherwise be prohibited by Ontario's *Municipal Act*. This includes the acquisition and preparation of land; construction, repair, rehabilitation or improvement of buildings; the sale, lease or disposal of land and buildings; and the provision of grants to owners or tenants of land—all of which must conform with the objectives and policies contained within the CIP.

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

The principle owner of Bijoy Foods Inc., Hema Patel, has applied for financial incentives under the Business Retention and Expansion Grant Program for the property located at 3190 Devon Drive (see Appendix 'A' - Location Map). The subject property is operating as Medicap Laboratories.

Medicap Laboratories is a nutraceutical company that is a contract manufacturer of dietary and nutritional supplement products. The company has been in business since 2009, and specializes in contract manufacturing, formulation development, regulatory affairs consulting, private labeling, technical writing, and storage and fulfillment. Medicap Laboratories manufactures and packages their products on-site in their facility.

The property is 1.08 hectares (2.67 acres) in size, designated 'Industrial' in the City's Official Plan and zoned Manufacturing District 1.1 (MD 1.1), which permits a range of Light Industrial with limited Commercial uses. The subject property is currently occupied by a one-storey 5,760 m² (62,000 ft²) industrial building.

Discussion:

Business Retention and Expansion Grant Program

The Business Retention and Expansion Grant Program is intended to stimulate investment in targeted economic sectors for the purpose of expanding and diversifying Windsor's economy. Existing manufacturing business that retain or create a minimum of 50 jobs are eligible to apply under the program.

Successful applicants are eligible to receive an annual grant for up to 100% of the municipal property tax increase created by an investment in development or redevelopment of a building or property—provided it conforms with the Economic Revitalization CIP. The annual grants may continue, at Council's discretion, for up to 10 years or until up to 100% of the eligible investment costs are repaid.

Proposed Construction

The applicant proposes to renovate a vacant section of the existing building to add production area. Approximately 1,728m² (18,600 ft²) of manufacturing space will be renovated to accommodate expansion of manufacturing and production lines. Proposed facility upgrades include: clean rooms, epoxy flooring, electrical/lighting, HVAC system, microbiology testing lab, and chemical testing lab. Details are provided in Appendix 'B' – Application Overview.

Eligible Sector

Medicap Laboratories falls under the eligible Manufacturing sector, which is defined as:

Manufacturing

Companies engaged in the fabricating, processing, assembling, packaging, producing or making goods or commodities, including ancillary repair, storage, wholesaling or office uses.

Employment

According to the CIP application, Medicap Laboratories currently has 26 employees located at 3190 Devon Drive. These employees would be retained, and 50 employees are expected to be added as a result of the proposed renovation and expansion.

CIP Objectives

The proposed renovation of the industrial building located at 3190 Devon Drive and recommended Business Retention and Expansion Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Attract investment based on the community's strengths and competitive advantages;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs;
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster -related synergies; and,
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

Risk Analysis:

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the eligible employment uses and issuance of annual grants will also be required over the next ten years. Should Council refuse the CIP request, there is a risk that Medicap Laboratories may not proceed with the proposed renovations.

Climate Change Risks

Climate Change Mitigation:

The proposed addition to the existing industrial building implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

Climate Change Adaptation:

The proposed renovation of the existing industrial building may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices.

Financial Matters:

Business Retention and Expansion Grant Program

The tax increment portion of the Business Retention and Expansion Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by MPAC. Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax class, and municipal tax rate.

Summary of Potential Financial Incentives

The applicant proposes to spend a total of \$3,735,530 in eligible costs on the project. The current assessment value for the property is \$984,000 and the annual property taxes are \$41,669 with the municipal share being \$33,010.

City staff anticipate the post-development assessment value to be \$1,184,000. Total annual property taxes on the increased assessment value would be \$50,138—an increase of \$8,469. The post-development annual municipal tax levy would be \$39,719—an increase of \$6,709. This would result in a total grant value of \$67,090 over the lifespan of the 10-year grant program and would offset approximately 1.8% of the eligible investment proposed by Bijoy Foods Inc. These estimates are based on the current Commercial classification of tax rates; however, should MPAC reassess the classification category of the subject property to Industrial, the total grant related to the municipal tax increase would become \$126,606 (\$12,660 annually).

Because the Business Retention and Expansion Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program, however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Additionally, Medicap Laboratories has received \$926,640 in funding through the Southwestern Ontario Development Fund program and is also pursuing funding from FedDev Ontario. This funding will be deducted from the determination of eligible costs for purposes of the grant calculation.

Consultations:

The Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application for the

Business Retention and Expansion Grant Program. Staff from the Planning, Finance, and Legal departments were consulted in the preparation of this report.

Conclusion:

Administration recommends that Council approve the request made by Bijoy Foods Inc. to participate in the Business Retention and Expansion Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed development located at 3190 Devon Drive be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

It is also recommended that approval to participate in the CIP expire if the grant agreement is not signed within one year following Council approval. The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives.

Planning Act Matters: N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Tony Ardovini	Acting Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Joe Mancina	Acting Chief Administration Officer

Notifications:

Name	Address	Email
Mani and Hema Patel		rahul@medicap.ca mani@medicap.ca
Amanda Gellman		amanda@fundingenvelope.com

Appendices:

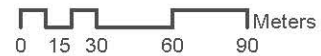
- 1 Appendix A - Location Map
- 2 Appendix B - Application Overview



LOCATION MAP : 3190 DEVON DRIVE



SUBJECT PROPERTY



City of Windsor – CIP

Business Plan – Medicap Laboratories

3190 Devon Drive, Windsor, ON N8X4L2

Zurich Pharma, owned by Manish and Hema Patel, operates as Medicap Laboratories. Since 2010 it has grown to become one of the leading nutraceutical companies in Southwestern Ontario. Medicap is a contract manufacturer of Dietary and Nutritional Supplement products, located in Windsor, ON. The company specializes in contract manufacturing, formulation development, regulatory affairs consulting, private labeling, technical writing, and storage and fulfillment. Medicap owns a 62,000 sq ft manufacturing facility that is licensed by Health Canada and GMP certified by NSF-GFPC, and also registered with the US Food and Drug Administration. Medicap strictly adheres to over 300 SOPs and regulations set forth as per 21 CFR and Health Canada.

Medicap employs ~ 26 highly trained and motivated formulation chemists, research scientists, pharmacists and product formulation managers who are available to solve problems for our customers. Medicap's Team of experts develop customers' current formulas from planning to production, optimize existing formulas, and produce new and unique formulas. Our Team assists clients in identifying bonafide product ingredients and absorption of nutrients for set outcomes/results. They also identify the best delivery system for clients' product(s), no matter the medium - capsules, gels, tablets, liquids and powders - and provide solutions for the same.

Medicap has been working for several years on a long-term plan to achieve increased automation in our manufacturing facility, which is 30% vacant, in order to acquire an increased foothold on the domestic and export markets. We investigated partnerships, collaborations, acquisitions and more. The end result is a plan to work with the newly incorporated, SofTab Technologies Inc., as our exclusive in-house contract manufacturer. SofTab does not have a facility. The new company will be manufacturing out of Medicap.

PARTNER:

SofTab: SofTab Technologies Inc. has been established and will be setting up, within the Medicap Laboratories facility, as a contract manufacturer to offer a patented dosage delivery system (ConCordix) to the North American Market. SofTab Technologies has a total of seven investors to-date, each playing a significant role in the development of the company and our products.

Medicap is responsible for providing the space and securing the funding for the launch, and will own all leasehold improvements and equipment. This plan supports Medicap's goal to increase automation and clean manufacturing space to respond faster and more efficiently to a growing demand from existing and new customers. This will allow revenue streams that diversity

offerings and create new jobs resulting from increased levels of production that meet growing demand in domestic and export markets.

THE EXPANSION PROJECT:

Medicap will automate its operation to expand current business contracts and acquire new contracts, as well as grow new client business by adding an exclusive in-house contract manufacturer.

Medicap has been operating a clean manufacturing plant in Windsor, Ontario for 10 years. The growth has been slow but steady, which has built confidence and stability. The company is now ready to accelerate future growth. Medicap has great potential for expansion, especially with respect to exports, but our facility first needs to be automated. We also have a unique opportunity to house a patented, innovative product in-house that is currently being produced in Norway. Bringing this innovative technology to Canada will mean that we are the only company with the patented machinery and product.

JOB CREATION:

During Medicap's expansion, growth and automation, Medicap will be creating 50 new jobs, as well as retain 26 jobs, in two priority areas – clean tech and health sciences/health technology. Windsor-Essex has been designated by the Windsor Essex Economic Development Corporation, which is supporting this application (see letter of support), as a cluster for the health-science industry.

Medicap works with both St. Clair College and the University of Windsor, and has paid co-op students on-site. We pride ourselves in being a diverse workplace, and we are an equal opportunity employer. Medicap is 50% owned by a visible minority female, Hema Patel, who built the company from scratch – she perfected the operations while her spouse drove sales.

Further, it is anticipated that the jobs will continue to grow long after the project since nutraceuticals is a high growth industry that will help to diversify the economy in what has historically been an automotive region.

Although a great training ground to kick-start a career, the company has a very low turnover and will continue to invest in both salaries and in-house training. Experts will be brought in to train on new equipment. Medicap did not lay off any employees during COVID-19, and had no issues. The company has strict policies and procedures that were followed.

EXPORT:

Export is another priority and 65% of good manufactured will be exported, while close to 50% of the suppliers will come from Ontario.

The expansion will allow Medicap to offer new products and services, as well as diversify our revenue stream, which also provides opportunities to current and new suppliers. As business grows so will our economies of scale. We will work closer with our key suppliers on incentives from which we will both benefit. In today's ever changing innovative and competitive nutraceutical marketplace, Medicap can no longer stay as small as the risk is too great in that other innovative and competitive companies will take over our markets. The goal was to complete the facility and expand following 10 years of operation, and that time has come. We have found the perfect solution for expansion and growth, and our suppliers will grow along with us - especially in the export market.

Approximately 50% of Medicap's current business is export to the US, and this business continued to grow during the global pandemic. This project will help Medicap to improve competitiveness, productivity and pursue new markets in ways that were not previously possible, diving export business to 65% and greater in future years. The company has had 10 years of steady, stable growth and is now ready to take a leap forward by offering new products and expertise.



Committee Matters: SCM 133/2022

Subject: Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc.

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: **DHSC 393**

- I. THAT Council **APPROVE** a Cost Sharing payment to Carthage Developments Incorporated estimated at \$313,069, excluding HST (final payment to be based on actual construction costs), as the City's share of infrastructure costs associated with the Northway Avenue Development, to be funded from the New Infrastructure Development Project (Project ID# 7035119).
- II. THAT the CAO and City Clerk **BE AUTHORIZED** to execute a Servicing Agreement with Carthage Developments Inc. for the installation of full municipal services on Northway Avenue from Malden Road to Manitoba Street, satisfactory in form to the Commissioner of Legal & Legislative Services and in content to the Commissioner of Infrastructure Services in accordance with the following terms:
 - a. The general servicing requirements as detailed by CR233/98.
 - b. Cost Sharing - The Corporation agrees to pay to the Owner **THREE HUNDRED THIRTEEN THOUSAND SIXTY NINE DOLLARS (\$313,069)** excluding HST, based on estimated construction costs, final payment to be based on actual progress certificate payments, representing the Corporation's share of costs associated with the following:
 - i. The extension of Malden Road from Daytona Avenue east to Northway Avenue [The City is responsible for 70% of the construction costs];
 - ii. Curb and base asphalt repairs, as well as the installation of surface asphalt on Northway Avenue, north of Malden Road [The City is responsible for 100% of the construction costs]; and
 - iii. The installation of storm and sanitary private drain connections, as well as water and hydro connections needed to service two new building lots fronting Daytona Avenue and Northway Avenue.

Carried.

Report Number: S 27/2022
Clerk's File: SW/14365

Clerk's Note:

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.3. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>

Subject: Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Developments Inc.

Reference:

Date to Council: May 2, 2022

Author: Patrick Winters

Development Engineer

pwinters@citywindsor.ca

Report Date: February 16, 2022

Clerk's File #: SW/14365

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **APPROVE** a Cost Sharing payment to Carthage Developments Incorporated **estimated at** \$313,069, excluding HST (final payment to be based on actual construction costs), as the City's share of infrastructure costs associated with the Northway Avenue Development, to be funded from the New Infrastructure Development Project (Project ID# 7035119).
- II. THAT the CAO and City Clerk **BE AUTHORIZED** to execute a Servicing Agreement with Carthage Developments Inc. for the installation of full municipal services on Northway Avenue from Malden Road to Manitoba Street, satisfactory in form to the Commissioner of Legal & Legislative Services and in content to the Commissioner of Infrastructure Services in accordance with the following terms:
 - a. The general servicing requirements as detailed by CR233/98.
 - b. Cost Sharing - The Corporation agrees to pay to the Owner **THREE HUNDRED THIRTEEN THOUSAND SIXTY NINE DOLLARS (\$313,069)** excluding HST, based on estimated construction costs, final payment to be based on actual progress certificate payments, representing the Corporation's share of costs associated with the following:
 - i. The extension of Malden Road from Daytona Avenue east to Northway Avenue [The City is responsible for 70% of the construction costs];

- ii. Curb and base asphalt repairs, as well as the installation of surface asphalt on Northway Avenue, north of Malden Road [The City is responsible for 100% of the construction costs]; and
- iii. The installation of storm and sanitary private drain connections, as well as water and hydro connections needed to service two new building lots fronting Daytona Avenue and Northway Avenue.

Executive Summary:

N/A

Background:

In 2020 Carthage Developments Inc. (Carthage) acquired a few non-viable, unserviced parcels of land on Northway Avenue between Malden Road and Manitoba Street from the City. At that time, Carthage already owned the balance of the vacant land parcels on that section of Northway, which they intended to develop. Following acquisition of the City lands, Carthage retained Dillon Consulting to act as their agent for the design and construction of full municipal services on Northway Avenue from Malden Road south to Manitoba Street.

Under existing conditions Northway Avenue ends in a cul-de-sac at the Malden Road right of way. There is an existing emergency access which extends from the cul-de-sac west to Daytona Avenue, which has collapsible bollards at each end. Since it's construction in 2007, the existing emergency access has routinely created operational issues for the City, with local area residents often using the emergency access as a secondary means of ingress/egress from Northway Avenue to Malden Road. Because of this, Administration has requested that the existing emergency access be removed during site servicing for the Northway Avenue Development, and replaced with a standard 8.6m wide road built to full municipal standards, with sidewalks on both sides of the street. The extension of Malden Road is not a requirement of the development, and as such the City has agreed to cover the majority of the associated costs [70% of construction costs].

The elimination of the emergency access also creates a development opportunity for the City. Under existing conditions, the emergency access is located on two vacant land parcels owned by the City, each having an approximate frontage of 110.5ft on Northway Avenue, and Daytona Avenue respectively. As specified above, Malden Road is proposed to be extended from Daytona Avenue to Northway Avenue under this project. Concurrent to the construction of the new road, a new, 66ft right of way will be established for this section of Malden Road, which will create two new land parcels north of the new right of way, each having approximately 44.5ft of frontage on Daytona Avenue and Northway Avenue. These two new land parcels represent viable building lots, and as such, Administration is requesting approval from Council to service them under this report.

Discussion:

As part of the required site servicing for the Northway Avenue Development, Administration is recommending cost sharing be provided to the Developer based on the following:

Malden Road Extension – Daytona Avenue to Northway Avenue:

As mentioned above the City requested that Malden Road be extended from Daytona Avenue east to Northway Avenue as part of this development. The inclusion of the extension will eliminate operational issues with the existing emergency access at the Northway cul-de-sac, and should help to improve overall connectivity for the transportation network in the area. The new road will include 8.6m wide asphalt pavement, with sidewalks on both sides of the street. Recognizing a mutual benefit to the extension of the roadway, the Developer has agreed to cover 30% of the costs associated with the extension, with the City agreeing to cover the balance of the work which is estimated at \$147,234 [Excluding HST].

Northway Completion – North of Malden:

Northway Avenue from Quebec Street to Malden Road was originally constructed in 2007, and remains without surface asphalt. The section of roadway is approximately 15 years old and requires curb and base asphalt repairs prior to the placement of surface asphalt. In order to take advantage of economies of scale, Administration has requested that work required to complete the road be included as part of the scope for the overall development. Costs associated with the completion of the work are estimated at \$75,000 [Excluding HST].

Servicing Costs for Two New Building Lots – North of Malden Right of Way:

Private drain connections for both sanitary and storm water, as well as individual water and hydro connections are needed to service the two new proposed building lots specified above. Again, in order to take advantage of economies of scale, it would be beneficial to have this work completed concurrent with the work being undertaken for the overall development. Costs associated with the completion of the work are estimated at \$50,000 [Excluding HST].

An overall summary of the City's share of the costs is provided below:

Description	Amount
Estimated Project Costs	
1) City's Share Malden Road Tender	\$122,234
2) Contingency	\$25,000
3) City's Share Existing Northway Work	\$75,000
4) Servicing Costs 2 New Building Lots North of Malden	\$50,000
5) City's Share of Engineering and Construction Administration	\$40,835
SUB TOTAL (excluding tax)	\$313,069
Non-Recoverable HST	\$5,511
TOTAL NET CITY COST	\$318,580

Risk Analysis:

Associated risks to the Corporation resulting from the undertaking of this project include risks typical to facilitation private development, mainly non-performance by the Developer. These risks are mitigated through the terms of the servicing agreement entered into, including the requirement of the Developer to provide performance securities and insurance. Performance securities can be drawn upon in the event the Developer breaches the terms of the agreement with the Corporation, and the insurance will indemnify the Corporation against potential damage and claims which may arise during construction and the maintenance period.

Climate Change Risks

Climate Change Mitigation:

Construction of the project will result in greenhouse gas emissions that are accounted for within the annual community greenhouse gas emissions inventory.

Climate Change Adaptation:

In 2018, the City of Windsor, together with our partner municipalities and under the direction of ERCA developed a new regional guideline for stormwater management [Windsor/Essex Region Stormwater Management Standards Manual – by Stantec Consulting, Initial Publication dated December 6, 2018]. Detailed design for the Northway Avenue Development includes construction of a new, enlarged storm sewer meeting the current guidelines.

Financial Matters:

Tender Submissions for the Northway Avenue Development were received by Dillon Consulting on November 19, 2021. The contract was competitively tendered, with bids received from 9 contractors. D'Amore Construction (2000) Ltd. was the low bidder with an overall tender amount of \$1,170,717 excluding HST. Based on the low tender, the

City's share of the construction costs are estimated at \$147,234 [Excluding HST] plus an additional \$125,000 [Excluding HST] estimated to be needed for the completion of Northway Avenue, north of Malden Road, as well as to service two new building lots on the north side of Malden Road. The final payment will be based on actual costs following construction. It is the intention of Administration to bring back a separate report in the future regarding disposal of the two new building lots proposed under this project. Traditionally, commitments have been made to Developers to compensate them for oversizing of services following the installation of said services. Currently, there are sufficient uncommitted funds available in the New Infrastructure Development Account [Project ID #7035119] available for the estimated payment. Payment will be made to the Developer once the project is deemed substantially performed and accepted onto maintenance.

Consultations:

Carrie McCrindle – Financial Planning Administrator [Engineering]

Wira Vendrasco – Deputy City Solicitor

Frank Scarfone – Manager of Real Estate Services

Conclusion:

Administration recommends a cost sharing payment to Carthage Developments Inc. estimated at \$313,069 [plus taxes] as compensation for the City's share of municipal infrastructure needed to support the proposed development; payment to be funded from the New Infrastructure Development Project ID# 7035119 based on the timing specified.

Planning Act Matters:

N/A

Approvals:

Name	Title
Patrick Winters	Development Engineer
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Acting Commissioner, Corporate Services CFO/City Treasurer

Name	Title
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
Jim Morrison – Councillor Ward 10		jmorrison@citywindsor.ca
Kyle Edmunds – Dillon Consulting		kedmunds@dillon.ca
Mohamed Tabib – Carthage Developments Inc.		rinad03@gmail.com

Appendices:



Committee Matters: SCM 134/2022

Subject: Minutes of the International Relations Committee of its meeting held February 2, 2022

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 394**

THAT the minutes of the International Relations Committee of its meeting held February 2, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 82/2022
Clerk's File: MB2022

Clerk's Note:

1. Please refer to Item 12.1. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
2. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>



Committee Matters: SCM 82/2022

**Subject: Minutes of the International Relations Committee of its meeting held
February 2, 2022**

International Relations Committee

Meeting held February 2, 2022

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Fred Francis, Chair
Councillor Fabio Costante
Councillor Gary Kaschak
Councillor Ed Sleiman
Daniel Ableser
Jerry Barycki
Maria Belenkova
Ronnie Haidar
William Ma
Scott Despina

Regrets received from:

Steven Spagnuolo

Also present are the following resource personnel:

Wadah Al-Yassiri, Manager Parks Development
Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 3:33 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Kaschak, seconded by J. Barycki,
That the minutes of the International Relations Committee of its meeting held
October 20, 2021 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Twin City Post

W. Al-Yassiri provides a presentation **attached** as Appendix “A” illustrating the final design of the Twin City Post, as follows:

- Mock-up provided which depicts the look of the signs for the post.
- Pole location with the directional signs
- Confirmed all aspects of the post have been vetted with other city departments.
- The signage on the post will replicate the city street signs with the addition of colours, fonts and according to the direction of the Committee. The sign will be on a white backdrop with a black border, with the arrow and lettering in black with the exception of the flag which will be in colour.
- Seeking direction on how the signage will look, i.e. which option is preferred by the Committee.
- Signs will be double-sided.

The Chair indicates that any reference to the Post should be “Twin Cities” rather than “Sister Cities”. He suggests that the country of the respective twin city should be included on the signage.

J. Barycki states that the country should not be included on the post as the public should be aware of that particular country’s flag.

M. Belenkova concurs with Mr. Barycki and adds if people are unaware of a country’s flag; it will offer an opportunity to do research about that country.

Discussion ensues regarding the font size on the signage.

R. Haidar remarks that the Twin City Post is more about the twin city than the country.

D. Ableser leans towards including the country name. He states that he would not recognize Las Vueltas or the country flag and visually prefers the third option from the presentation.

Councillor Sleiman is in agreement with adding the country to the Twin City Post.

R. Haidar suggests that the current rectangular sign be tapered off as an arrow pointing in the direction of the respective country.

W. Al-Yassiri indicates that the amount of space on the sign will be affected by the tapering of the sign to create an arrow. He adds that he will contact the Traffic Department regarding this request. He remarks that the majority of the signs will be pointed in a northeast direction.

In response to a question asked by the Chair regarding the font size on Option #1 and Option #4, W. Al-Yassiri responds that Option #1 has four inch lettering and Option #4 has two inch lettering.

The Chair asks which of the four options is favoured by the Committee and the vote indicates that five members prefer Option #1 (includes the country) and four members choose Option #4. The Chair indicates that #1 is the preferred option.

W. Al-Yassiri advises that the Twin Cities Post will be placed at the northwest corner of City Hall, south of the Councillor's parking lot. The Post will have a cobra head, which will provide light to the signs and will ensure that the signs are staggered in a way so they will fit nicely and will be out of reach of any vandals.

The Chair requests that W. Al-Yassiri provide a full mock-up for Option #1 that includes the tapered signs and the post.

W. Al-Yassiri states that the sign at the top of the Post sign will say "Twin Cities of Windsor" with the Canadian flag. He asks what the verbiage will be on the plaque at the bottom the Post.

The Chair responds that there is verbiage that outlines the purpose of the Twin Cities.

5. Communications

Moved by Councillor Costante, seconded by Councillor Sleiman,
That the following Communications **BE RECEIVED:**

- 5.1 Sister City Partnership Agreement between the Sovereign State of Shrikailasa and the City of Windsor.
- 5.2 International Children's Games to be held in 2022 in Coventry, England.
- 5.3 2021 Virtual Children's Art Exhibition – E-mail from Pia Schanne, Mannheim, Germany
- 5.4 Letter from Mayor Dr Kurz, Mannheim, Germany thanking Mayor Dilkens for congratulating him on receiving the World Mayor International Award.

- 5.5 E-mail from Pia Schanne, Mannheim, Germany regarding the Youth Workcamp – Garden of Twin Cities.

Carried.

6. New Business

None.

7. Date of Next Meeting

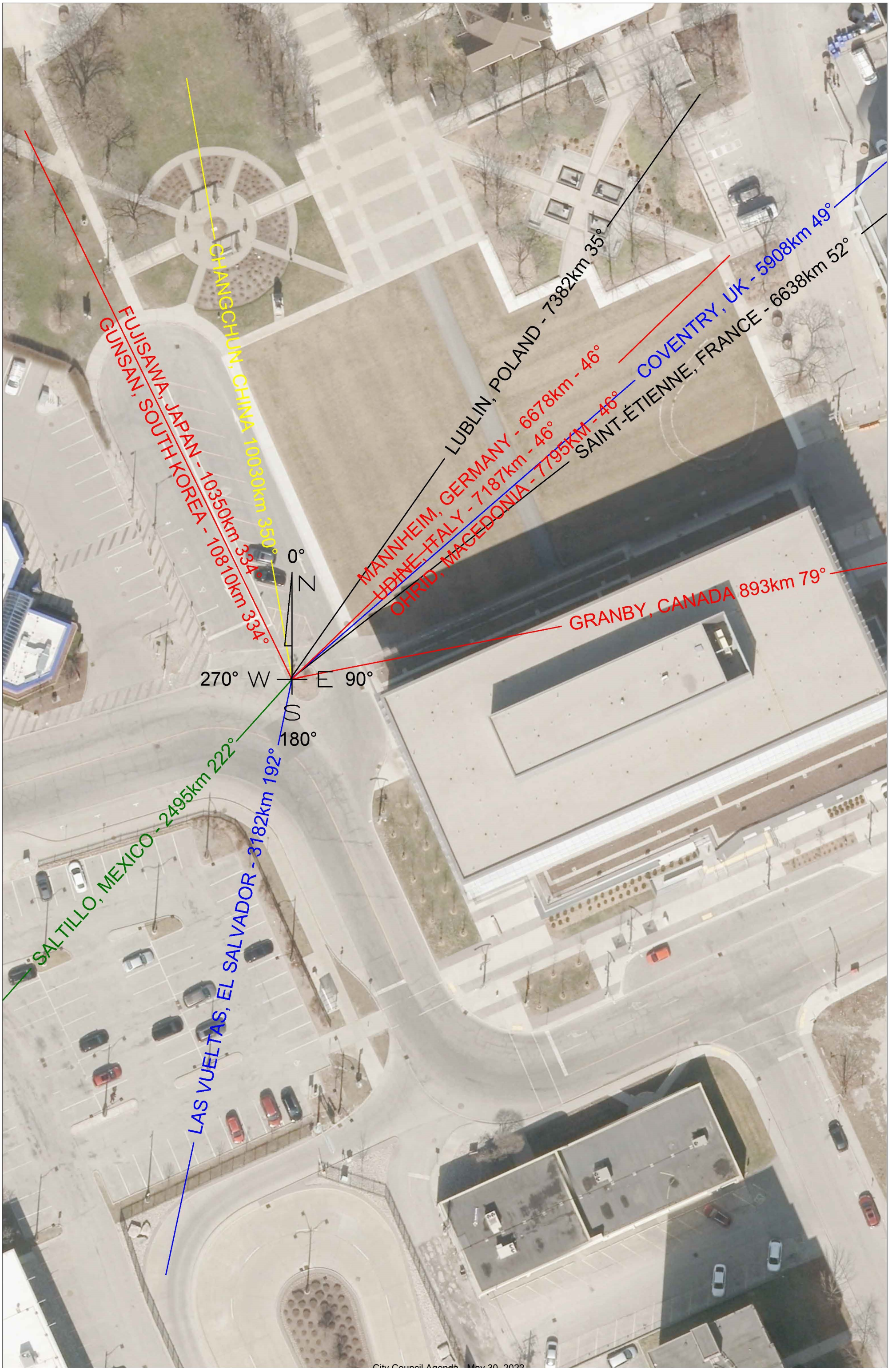
The next meeting will be held at the call of the Chair.

8. Adjournment

There being no further business, the meeting is adjourned at 3:56 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR



3'-0"

6"

LAS VUELTAS, EL SALVADOR 3182km  

1

LAS VUELTAS  **3182km** 



2

HIGHWAY GOTHIC FONT 4" LETTER HEIGHT

GUNSAN  **10810km** 

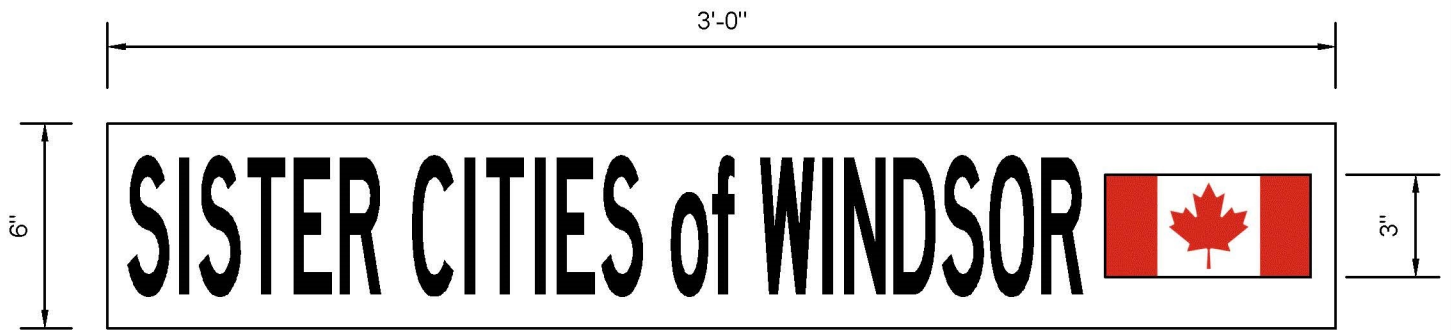
3

HIGHWAY GOTHIC FONT 3½ " LETTER HEIGHT

GUNSAN, SOUTH KOREA
10810km  

4

HIGHWAY GOTHIC FONT 2" LETTER HEIGHT



HIGHWAY GOTHIC FONT 4" LETTER HEIGHT

1



HIGHWAY GOTHIC FONT 2" LETTER HEIGHT

2



Committee Matters: SCM 135/2022

Subject: Minutes of the International Relations Committee of its meeting held March 31, 2022

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 395**

THAT the minutes of the International Relations Committee of its meeting held March 31, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 95/2022
Clerk's File: MB2022

Clerk's Note:

1. Please refer to Item 12.2. from the Development & Heritage Standing Committee Meeting held May 2, 2022.
2. To view the stream of this Standing Committee meeting, please refer to:
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220504/-1/7325>



Committee Matters: SCM 95/2022

**Subject: Minutes of the International Relations Committee of its meeting held
March 31, 2022**

International Relations Committee

Meeting held March 31, 2022

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Fred Francis
Councillor Fabio Costante
Councillor Ed Sleiman
Daniel Ableser
Jerry Barycki
Maria Belenkova-Buford
Ronnie Haidar
William Ma
L.T. Zhao

Regrets received from:

Steven Spagnuolo

Also present are the following resource personnel:

Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 3:51 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Adoption of the Minutes

Moved by J. Barycki, seconded by L.T. Zhao,
That the minutes of the International Relations Committee of its meeting held February 2, 2022 **BE ADOPTED** as presented.
Carried.

4. Communications

The Chair advises that the purpose of this meeting relates to discussions held with our Sister City in Lublin, Poland and the number of Ukrainian refugees that have crossed into Poland as a result of the conflict between Ukraine and Russia. City Administration has gathered information for fundraising initiatives and have worked with other stakeholders to assist.

The Chair states that he worked with D. Ableser and Administration on a motion to be considered and supported. The proposed motion is read by D. Ableser.

Moved by D. Ableser, seconded by L.T. Zhao,

WHEREAS the City of Windsor, Ontario, Canada and the City of Lublin, Poland are twin cities and respect and honour our long standing relationship and friendship; and

WHEREAS the City of Lublin is approximately 100 kms from the border with Ukraine and, as the largest major city in Poland near the Ukraine border, has become the host community and point of first refuge for many refugees fleeing the ongoing war in Ukraine; and

WHEREAS the City of Windsor International Relations Committee wishes to support its twin city, the City of Lublin and relief agencies operating in Lublin, in their humanitarian efforts to support residents from Ukraine fleeing the war in Ukraine;

NOW THEREFORE BE IT RESOLVED THAT:

1. That the IRC contribute Five Thousand (\$5,000.00) dollars from the International Relations Committee's 2022 operating budget towards a humanitarian organization operating in Lublin to support refugees in Lublin from Ukraine;
2. That the IRC's contribution be to the Stowarzyszenie Homo Faber (Homo Faber Association) unless Administration, in consultation with local Polish and/or Ukrainian community organizations or our municipal partners in Lublin, Poland identify an alternative humanitarian organization to best support support refugees in Lublin from Ukraine.

Carried.

D. Ableser remarks that two of the objectives of the IRC are to support the efforts of Mayor and Council in the enhancements of the City of Windsor's image and to promote and enhance our relationship with our Twin Cities. These objectives can be met by supporting Lublin, one of our Twin Cities. Due to COVID, there has not been much of an opportunity to promote our Twin Cities relationships and spend money as directed to us by Council. The letter from the Mayor of Lublin identifies three Non-Governmental

Organizations (NGO's). The motion was crafted to mention the first NGO listed as the target for the donation but attempted to leave it open in the event that a determination by administration indicates that there is a better target organization.

M. Belenkova-Buford asks what the identified organization does.

S. Gebauer responds that Director Stanowski advised in the Zoom meeting held March 10, 2022, that they had selected these three NGO's that are providing humanitarian aid – everything from financial support to helping refugees coming across the border to help integrate them into the community. The money being collected is also used to provide free public transit.

In response to a question asked by Councillor Sleiman regarding providing notice to Lublin relating to the donation from the IRC, the Chair responds that Administration will reach out to the contacts in Lublin and to the organization who will receive the donation.

Moved by Councillor Costante, seconded by Councillor Sleiman,
That the following communications **BE RECEIVED:**

- 4.1 Letter from Mayor Zuk, Lublin, Poland dated March 3, 2022 regarding the current refugee crisis resulting from the conflict in Ukraine.
- 4.2 E-mail from the Coventry Association for International Friendship (CAIF), Coventry, England dated March 1, 2022 providing CAIF's Statement on Ukraine.
- 4.3 E-mail from the Coventry Association for International Friendship (CAIF), Providing their Second Statement on Ukraine.
- 4.4 Notes from a Zoom meeting held March 10, 202 regarding the current situation in the City of Lublin.
- 4.5 Windsor Star Article – Ukrainians seek refuge in Windsor's sister city in Poland.
- 4.6 Windsor Star Article – Plea for help from our twin city in Poland.
- 4.7 Mannheim Study Tour to Windsor – April 4-2022 .
- 4.8 Fundraising event for the refugees coming to Windsor to be held on April 6, 2022.
- 4.9 Article from The Associated Press dated March 11, 2022 entitled "China locks down city of 9 million amid new spike in cases".

Carried.

The Chair refers to the Mannheim Study Tour coming to the City of Windsor from April 4-6, 2022 and asks if three members of the IRC are available to welcome the delegations.

S. Gebauer responds that due to the restrictions, it was requested that the IRC host a luncheon for a small group (for two of their sessions on April 4, 2022). The lunch will be a “box lunch” and a motion for an expenditure in the upset amount of \$250. is required. The Study Tour offered three spots for IRC members to attend the networking event to be held on April 5, 2022. W. Ma, L.T. Zhao and D. Ableser have agreed to attend.

Moved by M. Belenkova-Buford, seconded by W. Ma,
That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$250. to sponsor a luncheon for the delegation of the Mannheim Study Tour to be held on April 4, 2022.

Carried.

5. News Business

None.

6. Date of Next Meeting

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

7. Adjournment

There being no further business, the meeting is adjourned at 4:04 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR

Item No. 10.1



Auditor General Report: SCM 144/2022

Subject: Auditor General Annual Internal Audit Plan

THAT the Auditor General Annual Internal Audit Plan 2022-2023 (*attached*) **BE RECEIVED** for information and **BE APPROVED**.

Clerks File: AF/14041

The Corporation of the City of Windsor

2022-23 Annual internal audit plan

May 30, 2022

Limitations and responsibilities

This report was developed in accordance with our engagement letter addendum dated January 24, 2020 and is subject to the terms and conditions included therein.

Our work was limited to the specific procedures and analysis described herein and was based only on the information made available at the time we prepared the report. Accordingly, changes in circumstances after the date of this Report could affect the findings outlined herein. We are providing no opinion, attestation or other form of assurance with respect to our work and we did not verify or audit any information provided to us. This information has been prepared solely for the use and benefit of and pursuant to a client relationship exclusively with the Corporation of the City of Windsor. PwC disclaims any responsibility to others based on its use and accordingly this information may not be relied upon by anyone other than the Corporation of the City of Windsor.



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Plan summary

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What should Management be focused on?



Context

Leveraged our traditional risk based 3-year rotating approach

This plan, and related projects under this plan, will be executed in accordance with the Auditor General Charter and the contract between the City and PwC LLP. The AG may exercise the powers and shall perform the duties with respect to the City of Windsor's:

- departments;
- local boards;
- controlled corporations; and
- grant recipients (where the grant received is directly or indirectly from the municipality, a local board or a municipally-controlled corporation for grants received 2006 or later).

(For a listing of these areas by type please see Appendix E.)



Other sources of comfort

New, emerging and changing risks required plan adaptation and leveraged consultation with peers

In developing our internal audit risk assessment and plan we have taken into account other sources of assurance and have considered the extent to which reliance can be placed upon these other sources. The other sources of assurance for the City of Windsor are as follows:

- annual external audit of the City's financial statements;
- program reviews carried out by various Ministries of the Provincial Government for compliance purposes; and
- other consultant and advisory work planned or underway at the City.



Plan development

Considering risks and perspectives

We considered the inherent and residual risks based on our research, perspectives and discussions with key City contacts in the development of the proposed internal audit projects and plan in the context of the City strategy. We also considered prior projects we have conducted.



Limitation

Risk considerations recommended for consideration exceed available resources

- By approving this plan, or modified plan, the City is acknowledging that the Auditor General and Internal Audit will be covering a small portion of the legacy and emerging risk landscape.
- In Appendix B we have also included what we see as changing risks and the areas that we would ideally recommend to cover that do not fit within the current budget and available resources.

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Summary of proposed audit plan



Portfolio program management design review

A review of the current project portfolio management (PPfM) practices the City has in effect and an assessment of the current design of those controls or a roadmap to enhance maturity will provide support across the project landscape.

Nov 2022 Effort Allocation 21%



Employee wellness indirect indicators analysis

Consider indirect indicators of employee wellness such as overtime, leave taken/not taken, workloads and broader environment considerations to identify key risk indicators of the City's employee wellness.

May 2023 Effort Allocation 26%



Procurement – Education compliance

Education of individuals who have purchasing authority and are required to comply with the By-law is a significant awareness and preventative control mechanism. Equipping these individuals as it relates to the proper use and interpretation of the Purchasing By-law helps to reduce the risk of non-compliance with the by-law.

Nov 2022 Effort Allocation 14%



Auditor General functions

Provide Auditor General oversight, input, investigations and support.

May 2023 Effort Allocation 12%



Management action plan validation

Follow-up on and report back to the City on the status and sufficiency of management's resolution of prior findings. An annual internal audit report on management's resolution of planned findings will be provided to management and the City Council. Cut off for the activity is scheduled for December 31, 2022.

May 2023 Effort Allocation 8%



Risk assessment refresh

Development of annual risk assessment and 3 year internal audit plan (2023-25). We will update our risk assessment for the City as a basis for identifying areas of audit emphasis.

May 2023 Effort Allocation 6%



Oversight, administration and reporting

Ongoing status reporting and key performance metrics to the City. Maintain awareness of the City organisational risks, strategy and operational execution, Semi-annual reporting to the CLT and City Council will occur. Summary of the plan's completion status/progress.

May 2023 Effort Allocation 5%



Concerned citizen and employee hotline

Monitor the City's Hotline for accusations of fraud or abuse/waste of City assets. Internal Audit will investigate appropriate accusations as per the CCEHN Protocol (last updated July 2015).

May 2023 Effort Allocation 8%

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Additional project description

#	Project	Scope idea
1	Project Portfolio Management – Design Review	<p>Project portfolio management (PPfM) is fundamentally different from project and program management. Project and program management are about execution and delivery---doing projects right. In contrast, PPfM focuses on doing the right projects at the right time by selecting and managing projects as a portfolio of investments. It requires completely different techniques and perspectives. Currently, the City has many ongoing initiatives which require oversight, the future is expected to bring more projects and changes to the organization. A review of the current PPfM practices the City has in effect and an assessment of the current design of those controls or a roadmap to enhance maturity will provide support across the project landscape. Specific consideration will be given to the practices management has in place for the portfolio to:</p> <ol style="list-style-type: none"> 1. Clarify business objectives 2. Capture and research requests and ideas 3. Select the best projects using defined differentiators that align, maximize, and balance 4. Validate portfolio feasibility and initiate projects 5. Manage and monitor the portfolio
2	Employee Wellness Indirect Indicators Analysis	<p>Employee wellness has been a rising imperative for attracting and retaining the talent an organization needs. The recent pandemic circumstances have increased the relative imperative of this wellness while also creating significant additional stressors on personnel. This internal audit will consider indirect indicators of employee wellness such as overtime, leave taken/not taken, workloads and broader environment considerations to identify key risk indicators of the City's employee wellness.</p>
3	Procurement – Education Compliance	<p>Education of individuals who have purchasing authority and are required to comply with the By-law is a significant awareness and preventative control mechanism. Equipping these individuals as it relates to the proper use and interpretation of the Purchasing By-law helps to reduce the risk of non-compliance with the by-law. Our review will consider managements:</p> <ul style="list-style-type: none"> • Practices to identify and monitor attendance at requisite training for individuals with purchasing authority. • Alignment of the training materials with the by-law including its use and interpretation. • Approach to enabling sustained awareness of the by-law over time.

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Summary of rolling audit plan by audit type

5-year perspective

For a description of Audit types please see Appendix D.

Audit type	2019/20	2020/21	2022/23 (planned)	2023/24 (planned)	2024/25 (planned)
Financial (excluding attest and assurance)	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Liquidity Management 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Workforce Management System - Post Implementation Review
Operational, compliance, performance/VFM	<ul style="list-style-type: none"> Purchased Services for Winter Control - VFM Audit HR Recruiting Process and Retention Strategy Cyber Response Strategy Security Programs & Safety Incident Management Planning & Development Risk Assessment & Planning 	<ul style="list-style-type: none"> Covid based policy and practice amendments Fraud risk mitigation enhancement Risk Assessment & Planning 	<ul style="list-style-type: none"> Portfolio Program Management Design review Employee Wellness Indirect Indicators Analysis Procurement - Education Compliance Risk Assessment & Planning 	<ul style="list-style-type: none"> Environmental, Social and Governance Current State Digitization Strategy Review Performance Audit-Community Use of Facilities (Space Management) Risk Assessment & Planning 	<ul style="list-style-type: none"> Ransomware Performance Audit — Review of Sewer Masterplan (Roadmap and progress to date) Risk Assessment & Planning
Fraud and waste hotline	<ul style="list-style-type: none"> Concerned Citizen & Employee Hotline Lancaster Stabilizers Chimczuk Funds Sewer Insurance Letter 	<ul style="list-style-type: none"> Concerned Citizen & Employee Hotline Auditor General Complaint Handling 	<ul style="list-style-type: none"> Concerned Citizen & Employee Hotline Auditor General Complaint Handling 	<ul style="list-style-type: none"> Concerned Citizen & Employee Hotline Auditor General Complaint Handling 	<ul style="list-style-type: none"> Concerned Citizen & Employee Hotline Auditor General Complaint Handling
Follow-up	<ul style="list-style-type: none"> Annual Management Action Plan Validation 	<ul style="list-style-type: none"> Annual Management Action Plan Validation 	<ul style="list-style-type: none"> Annual Management Action Plan Validation 	<ul style="list-style-type: none"> Annual Management Action Plan Validation 	<ul style="list-style-type: none"> Annual Management Action Plan Validation
Management and oversight	<ul style="list-style-type: none"> Management & Oversight Ad Hoc 	<ul style="list-style-type: none"> Auditor General Management & Oversight Ad Hoc 	<ul style="list-style-type: none"> Auditor General Management & Oversight Ad Hoc 	<ul style="list-style-type: none"> Auditor General Management & Oversight Ad Hoc 	<ul style="list-style-type: none"> Auditor General Management & Oversight Ad Hoc

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Appendix A

Risk and process universe

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Risk universe

Project risk coverage indicators: Direct risk coverage / Indirect risk coverage

External factors	Financial and funding	Infrastructure	Operational and execution	Regulations and compliance	Technology	People and organization	Strategy
<ul style="list-style-type: none"> • Business and market fluctuations • Provincial culture impact • Terrorism • Transparency • Supply chain • Demographic pressures • Health epidemic/pandemic • Community partnerships in service delivery • Minimum wage • Natural disaster & crisis response • Civil unrest* • Climate change 	<ul style="list-style-type: none"> • Asset planning • Budgeting and realizing savings • Government funding and grants • Funding new infrastructure • Fraud, bribery and corruption • Tax governance & collection • Accounting changes • Income generation 	<ul style="list-style-type: none"> • Housing • Infrastructure • Public facilities • Transport system • Vandalism • Pollution control • Rationalisation of property portfolio 	<ul style="list-style-type: none"> • Change management • Transformation* • Social assistance • Third party & contract management • Community engagement • Physical security of facilities • Facilities management • Management information • Project management • Alternative delivery models 	<ul style="list-style-type: none"> • Legislative & regulatory • Procurement • Environmental, social and governance* • Regulatory inspection (H&S, labour) • Litigation 	<ul style="list-style-type: none"> • Cybersecurity • Ransomware* • Data protection • Digital disruption • IT infrastructure • Third party and cloud • Privacy • Business resilience 	<ul style="list-style-type: none"> • Culture and behaviours • Employee wellness • Succession planning • Health & safety • Workforce planning and talent management • Reward and performance management • Compensation & benefits • Training and development • Inadequate governance structures/ Operating models • Labour relations • Flexible working • Security • Loss of morale 	<ul style="list-style-type: none"> • Governance • Leadership • Equity diversity, & inclusion • Digitization of records • Conflict of interest • Insurance risk management • Political change • Reputation/brand • Risk management • Shared services • Social media • Systems and processes • Funding limitations

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City functional audit universe

A: Corporate Wide	B: Commissioner, Corporate Services/Chief Financial Officer & City Treasurer	C: Commissioner, Infrastructure Services	D: Commissioner, Economic Development & Innovation	E: Commissioner, Legal & Legislative Services	F: Commissioner, Human & Health Service	G: Commissioner, Community Services	
A1 Corporate Governance	B1 Asset Planning	C1 Development, Projects & Right of Way	D1: Information Technology	E1 Fire & Rescue	F1 Employment and Social Services	G1 Parks	
A2 Strategic Planning	B2 Financial Accounting	C2 Infrastructure & Geomatics	D2 Planning & Building Services	E2: Legal & Real Estate Services	F2 Housing and Children's Services	G2 Recreation and Culture	
A3: City Council	B3 Financial Planning	C3 Pollution Control	D3 Economic Development	E3 Council Services	F3 Huron Lodge	D6 Library Services	
A4: Committees of Council	B4 Taxation & Financial Projects	C4 Transit Windsor		E4 Policy, Gaming, Licensing & By-Law Enforcement			D1 Communications & Customer Service
	B5 Human Resources	C5 Public Works Operations		E5 Purchasing, Risk Management & Provincial Offences			
	B6 Employee Relations	C6 Fleet Management					
		C7 Facilities					
		C8 Engineering					

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Agency, board and commission auditable universe

Local board	Municipally controlled corporation	Grant recipient*	Committees of Council	Optional Participants
H1: Essex Windsor Solid Waste Authority	H4: Roseland Golf & Curling Club	H14: Handi Transit	H22: Diversity Committee	H29: Committee of Adjustment
H2: Windsor Licensing Commission	H5: Transit Windsor	H15: Invest Windsor Essex (formerly known as Windsor Essex Economic Development Corporation)	H23: International Relations Committee	H30: Essex Region Conservation Authority
H3: Nine BIAs	H6: Windsor Detroit Tunnel Corporation	H16: Life After Fifty	H24: Seniors Advisory Committee	H31: Windsor Public Library
1. Downtown Windsor BIA				
2. Wyandotte Towne Centre	H7: Windsor Detroit BorderLink Limited (WDBL)	H17: Tourism Windsor Essex Pelee Island	H25: Town & Gown Committee	H32: Windsor Police Services
3. Erie BIA				
4. Ford City BIA	H8: Your Quick Gateway	H18: Windsor Symphony	H26: Windsor Accessibility Advisory Committee	H33: Windsor Essex County Health Unit
5. Olde Riverside BIA				
6. Olde Sandwich Towne BIA	H9: Windsor Utilities Commission	H19: Arts Council Windsor & Region	H27: Windsor Bicycling Committee	
7. Ottawa Street BIA				
8. Pillette Village BIA	H10: Windsor Canada Utilities	H20: The Safety Village	H28: Windsor/Essex Environmental Committee	
9. Walkerville BIA				
	H11: Enwin Utilities Ltd	H21: Artcite		
	H12: Enwin Energy Ltd	Art Gallery of Windsor		
	H13: Windsor Essex Community Housing Corporation	Windsor Parade Corporation Windsor International Film Festival Habitat for Humanity		
Included in potential full scope (subject to any legislative restrictions)	Inscope for grant elements per Municipal Act	Declined participation		

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Appendix B

Project view by functional area over time

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Overview of proposed audit projects

Audit domain	Audits completed in past 4 years				Proposed audits for next 4 years			
	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24	2024–25	2025–26
Corporate wide	Social Media Strategy	-	Fraud Risk Mitigation Enhancements	-	Portfolio Program Management Design review	Environmental, Social and Governance Current State Digitization Strategy Review		ERM Strategy, Policy, Monitoring and Reporting
Commissioner, Corporate Services CFO/City Treasurer	Pursuit of Grant Funding Asset Planning	HR Recruiting Process & Retention Strategy	Liquidity management Covid Based Policy and practice amendments		Employee Wellness Indirect Indicators Analysis		Workforce Management System - Post Implementation Review	
Commissioner, Economic Development & Innovation	-	Cyber Response Strategy Planning & Development	-	SmartCity Cyber Risk Mitigation Ransomware (Cancelled)			Ransomware	Business Continuity Planning
Commissioner, Infrastructure Services		Purchased Services — Winter Road Clearing		Performance Aud Road Infrastructure Maintenance processes			Performance Audit - Review of Sewer Masterplan (Roadmap and progress to date)	Performance Aud - Transit Windsor - Service Delivery Review

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Overview of proposed audit projects (cont'd)

Audit domain	Audits completed in past 4 years				Proposed audits for next 3 years			
	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24	2024–25	2025-26
Commissioner, Legal & Legislative Services	Legislative Emergency Management	-	-		Procurement - Education Compliance			Insurance Risk Management
Commissioner, Human & Health Services	WECHC Asset Management	-	-	-				
Commissioner Community Services	Facilities Operations	Security Programs & Safety Incident Management	-	-		Performance Audit-Community Use of Facilities (Space Management)		
Agencies, Boards and Commissions (ABCs)	WECHC - Asset Management - Housing Portfolio	-	-	<i>Review of Nine BIAs (added)</i>				

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Appendix C

Projects considered but not included
in plan due to capacity constraints

Projects considered but not included in plan

1. Inclusion, Diversity and Equity
2. Risk Culture Audit
3. Review of pandemic related funding download dispersal and allocation in accordance with funding purposes and coverage
4. Strategic Investments in Innovation and Technology
5. Performance Aud — Use of City Vehicles Audit
6. Municipal Licensing & Standards
7. Future Recruitment strategy
8. Pension, payroll and employee benefits
9. IT Disaster Recovery
10. Digitization and Archiving Strategy: Windsor Public Library
11. Cyber Risks in IT Asset Management
12. Performance Audit — Housing Services: and Homeless Programs
13. Huron Lodge — Compliance Management and Quality Inspection Program
14. Performance Audit — Recreation master plan assessment
15. Operational Review — Windsor Detroit Border Link (WDBL)
16. Industrial/Corporate Development Permit Process Review

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Appendix D

Summary of audit types

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Categorization of audit types

As part of updating this year's plan we have used category labels which align to those published by the Auditor General for the City of Toronto. All of our predecessor projects align to the framework with the bulk of the project conducted in the past 7 years fitting into the category of "Operational, Compliance, Performance Audits". Below, and on the following page, you will find a description of each audit type and then a summary 5 year perspective of the past and planned projects.

Financial assurance or attest audits (not permitted)			
Financial audits (excluding attest and assurance)	Operational, compliance, performance audits	Fraud and waste hotline	Follow-up audits
Management and oversight			

Financial assurance or attest audits

The Municipal Act specifically precludes the Auditor General from being the Financial Statement Auditor of the Municipality. As such we are precluded from annually auditing the accounts and transactions of the City and its agencies and corporations. The external auditor expresses an opinion on the financial statements of these bodies based on the audit in a report which is considered by the then City Council.

The Auditor General co-operates with the work of the external auditor and exchanges relevant information therewith. Currently, KPMG LLP has been engaged to conduct audits of financial statements of the City and its major agencies and corporations. The City's external audit contract establishes KPMG as the auditor for all entities except for EWSWA. The audit of EWSWA is contracted by the County of Essex, however KPMG is also the auditor for the County.

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Categorization of audit types

Financial audits (excluding attest and assurance)

Financial-related audits include determining whether:

- (a) financial information is presented in accordance with established or stated criteria;
- (b) the entity has adhered to specific financial compliance requirements; or
- (c) the entity's internal control structure over financial reporting and/or safeguarding assets is suitably designed and implemented to achieve control objectives.

Operational, compliance, performance audits

These audits may include any or all of:

- (a) determining the extent to which the desired results or benefits established by the legislature or other authorizing body are being achieved;
- (b) the effectiveness of organizations, programs, activities, or functions;
- (c) whether the City division is acquiring, protecting, and using its resources (such as personnel, property, and space) economically and efficiently; and
- (d) whether the City division has complied with laws and regulations applicable to the program.

Fraud and waste hotline

Manages the Concerned Citizen and Employee hotline referring issues to senior management or the City's Internal Audit team as defined by the Council approved mandate.

Follow-up audits

On an annual basis, the Auditor General notifies the City of outstanding recommendations. Management staff will report back to the Auditor General on recommendations that have been implemented. The Auditor General then verifies that the recommendations have in fact been implemented.

The results of the follow-up of recommendations are reported to the Audit Committee annually and cover findings raised across the City, agencies, boards or commissions.

Management and oversight

This involves regular Auditor General efforts.

It further includes the oversight of project activities, meetings, interacting with complainants, review/observation/attendance at Council meetings, status reporting, report writing, and Committee reporting.

Time is also set aside to deal with requests as they arise (ad hoc).

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Subject: Internal Audit Summary Report - December 1, 2021 to April 30, 2022

THAT the attached Internal Audit Summary report provided by PricewaterhouseCoopers LLP (PwC) for the period December 1, 2021 to April 30, 2022 comprised of the following:

- a) Summary of use of unallocated effort
- b) Complaints and Investigations
- c) Road Infrastructure Maintenance Processes VFM Internal Audit Report
- d) Smart City Cyber Risk Mitigation Internal Audit Report
- e) Management Action Plan Validation Report
- f) Annual Performance Report

BE RECEIVED for information; and further

THAT City Council **AUTHORIZE** administration to proceed to implement the Management Action Plans as prescribed in the internal audit reports; and

THAT City Council **DIRECT** administration to report on the progress of the implementation of the management Action Plans and that such reports should coincide with the Auditor General's internal audit updates to City Council.

Clerks File: AF/14041

The Corporation of the City of Windsor

Internal Audit Summary Report

December 1 2021 to April 30 2022

Prepared as of May 6, 2022

Limitations and responsibilities

This report was developed in accordance with our engagement letter addendum dated January 24, 2020 and is subject to the terms and conditions included therein.

Our work was limited to the specific procedures and analysis described herein and was based only on the information made available at the time we prepared the report. Accordingly, changes in circumstances after the date of this Report could affect the findings outlined herein. We are providing no opinion, attestation or other form of assurance with respect to our work and we did not verify or audit any information provided to us. This information has been prepared solely for the use and benefit of and pursuant to a client relationship exclusively with the Corporation of the City of Windsor. PwC disclaims any responsibility to others based on its use and accordingly this information may not be relied upon by anyone other than the Corporation of the City of Windsor.



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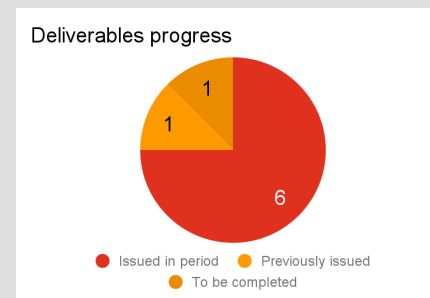
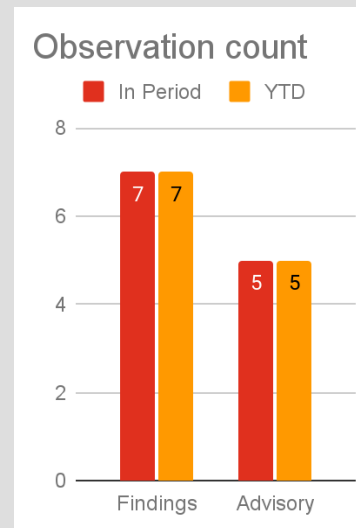
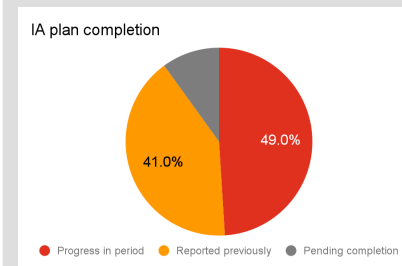
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1. Performance and status summary

Planned projects	Percent complete	Report issued
Risk Assessment and Annual Plan Development 2022-23	<div style="width: 100%;"></div> 100%	✓
IA Attendance at City Meetings	<div style="width: 100%;"></div> 100%	✓ ✓
a) Periodic Status & Reporting		✓
b) Periodic Status & Reporting		✓
Management Action Plan Validation (Annual)	<div style="width: 100%;"></div> 100%	✓
Hotline Administration	<div style="width: 100%;"></div> 100%	NA
Auditor General Complaint Handling	<div style="width: 100%;"></div> 100%	NA
Road Infrastructure Maintenance Processes	<div style="width: 100%;"></div> 100%	✓
Smart City Cyber Risk Mitigation	<div style="width: 100%;"></div> 100%	✓
BIA Operational Review	- 10%	○
Annual Performance Review	<div style="width: 100%;"></div> 100%	✓
Unallocated	<div style="width: 100%;"></div> 100%	NA

Legend	Issued in current period	Issued in prior period	In progress/ Not yet issued
	✓	✓	○



SME information

- Road Infrastructure
- Cybersecurity and Privacy

Items under investigation		
Source	In progress	Reported in period
CCEP	0	0
AG Route	0	0

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2. Reports issued in period

2.1 Road Infrastructure Maintenance Processes

Road maintenance overview

The City of Windsor (the City) is responsible for the maintenance of road infrastructure throughout the municipality. The City has developed an inspection and condition rating program to assess the pavement condition of the various road assets. The results aid in identifying, prioritizing, and planning for road rehabilitation, reconstruction, and maintenance needs. Planned road maintenance is accounted for in the City's capital budget. Smaller short term repairs such as pothole patching are accounted for in the operating budget.

Road assets noted

Metric	2018 Asset Management Plan (AMP) (m)	2018 Asset Management Plan (AMP) Replacement Value (\$K)
C1 Arterial	9,847	\$80,920
C1 Collector	96,504	\$183,109
C2 Arterial	126,141	\$593,772
C2 Collector	78,530	\$133,326
Expressway	56,275	\$198,698

Project purpose

We conducted a Value for Money (VFM)/Performance Audit of road infrastructure maintenance processes. Our approach was based on both Internal Audit and Performance Auditing approaches and frameworks in accordance with the Auditor General Charter. For the VFM audit, we focused on:

- a set of key performance indicators evaluated as part of this internal audit.
- internal controls and processes over the three key areas: regulatory compliance, road maintenance strategies/capital budget, and people, governance and technology.

Specific scope, objectives and exclusions are described in Appendix B.

What we did

To conduct our work we completed various activities including, but not limited to:

- Examined the progress made to comply with Table 4 in Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure since March 31, 2019 as it specifically relates to maintenance for road classifications which are in-scope on this project (effectiveness).
- Conducted a gap analysis of the road maintenance strategy documented in the 2018-2019 AMP against processes developed to implement those strategies to determine areas of improvement.
- Conducted a peer comparison analysis to determine if the spend for roads and the condition of roads is consistent among peers. Municipalities for comparison were selected based on their ability to fall within a defined range regarding

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population, weather conditions, level of government, inflation, city size and city density.

- We evaluated the road maintenance strategies that CoW included in their 2018-2019 AMP as compared to common practice guidelines from Federation of Canada Municipalities to determine if any key elements were missing.
- Performed a comparison of key job descriptions involved in road maintenance at CoW to current job descriptions of municipalities/relevant comparables to determine if the qualifications required are adequate.
- We conducted walkthroughs with key stakeholders in the road maintenance lifecycle to uncover any areas of concern regarding people, governance and technology.
- Data analysis was completed in regards to the KPI's agreed upon during scope finalization based on the level of data granularity that the City was able to provide.

Overall assessment

VFM/Performance Metrics: Although the original four performance measures were **Not Assessed** as originally agreed upon, we were able to obtain alternative data from the City to conduct an analysis for four **Revised KPI's**. **Of these four revised performance measures, three were Attained and one was Partially Attained.**

A total of **four findings** were **identified** in the operational area whereas three considerations for improvements are raised over the review of the 2018-2019 AMP road maintenance strategies, lack of 2025 SCI projections and an apparent decline in road conditions of C1 arterials and expressways during 2016-2020.

Management comments

Management appreciates the findings and considerations for improvement contained in the report as it relates to improving the efficiency of the overall road maintenance process and are pleased with the results showing that we have an effective and efficient service. We agree as you noted that controls are properly designed and are operating effectively and no internal control weaknesses were noted as a significant control deficiency. That being said, Management continually strives to improve its road maintenance process so as to ensure the effective and efficient use of City resources. Detailed Management Action Plans and timelines to address the four findings identified in the report are presented below.

Name:

Chris Nepszy

Title:

Office of the Commissioner of Infrastructure Services

Date:

March 24, 2022

2.2 Smart City Cyber Risk Mitigation

SmartCity Context The City of Windsor has been undergoing restructuring including the introduction of a new role within its Corporate Leadership Team, the Commissioner, Economic Development & Innovation. This new role and portfolio was created to support the City of Windsor’s “progressive and forward thinking vision of growth and diversification.” This role will provide leadership and strategic direction to the departments of Economic Development, Information Technology, Planning and Building Services while championing innovation across the Corporation. It is expected that many of the elements and initiatives under “SmartCity” would align with the new division.

The above information is recent however at time of planning and our review, we noted that the City of Windsor (the City) did not specifically track SmartCity initiatives and we could not locate a published City definition of SmartCity initiatives. Given the advancement of technology and the escalating need for digital engagement with public, Internal Audit used the following context for the purposes of the project:

A smart city uses information and communication technology (ICT) to improve operational efficiency, share information with the public and provide a better quality of government service and citizen well-being.

The main goal of a smart city is to optimize city functions and promote economic growth while also improving the quality of life for citizens by using technology and data analysis. The value lies in how this technology is used rather than how much technology is available.¹

Based on the above external definition Internal Audit worked with management to identify some projects which align to the definition (not a complete list). The City has planned and implemented several IT / SmartCity initiatives / projects. Such projects are assessed via conducting a security assessment considering the IT, Cyber, and privacy risks. The City’s communications department informs citizens about new initiatives / SmartCity initiatives via various media sources,

A SmartCity/IT initiative includes various components including, but not limited to, project governance, project management, performance measurement, concept, design/ development/acquisition, testing/validation, user experience etc. The scope of this internal audit was focused on cyber and privacy elements and did not assess the myriad of practices and controls in place to address these other key elements of a SmartCity Initiative.

¹ <https://www.twi-global.com/technical-knowledge/faqs/what-is-a-smart-city>

SmartCity Numbers

Given that management does not currently track, or have an identifier for, SmartCity Initiatives providing information such as:

- Departments impacted
- SmartCity Initiatives Completed
- SmartCity Initiatives in Progress
- SmartCity Initiatives Projected
- Budget for in progress SmartCity Initiatives

is not readily possible.

Project purpose

We conducted an assessment of the internal controls and processes management has implemented to enable systematic approach to SmartCity risk mitigation as it relates to cybersecurity and privacy. We considered the City practices related to:

- approach to considering security and privacy risks for SmartCity initiatives
- the use of a consistent framework to ensure that privacy and cyber security risks are assessed and managed for Smart City initiatives
- monitoring mechanisms to indicate if the privacy and cyber risk mitigation plans have been or are being implemented for SmartCity initiatives.

Specific scope, objectives and exclusions are described in Appendix B.

What we did

To conduct our work, we completed various activities including, but not limited to:

- Worked with management to identify a selection of City projects that align to the definition of SmartCity provided above for use in our evaluation of internal controls (see Appendix A).
- Inquired of management regarding the roles and responsibilities related to privacy and security of information for SmartCity initiatives (Projects).
- Reviewed cyber and privacy risk assessment processes and controls. This included Security Assessments and Privacy Impact Assessments.
- Considered management's data protection and privacy processes and controls and management's mechanisms for assessing adherence thereunto.
- Understood how cyber and privacy risks are considered through the project lifecycle.
- Considered if a risk register is maintained for specific projects including cyber and privacy risks.

**Overall
assessment**

Overall, our assessment of SmartCity Cyber & Privacy Risk Mitigation at the City is one of **Some Improvement Opportunities**. We identified no findings rated as significant internal control weaknesses.

A total of three findings have been identified and two considerations for improvement have been provided as well.

**Management
comments**

"Smart City" is a broad term with multiple definitions but all includes the use of technology, and as such the City of Windsor uses its IT Project Management Framework to manage any project that would fall under all definitions of a "Smart City" project.

The City's IT Project Management and Security Framework used for IT projects has built in components to assess Cyber and Privacy risk.

However, we do acknowledge there is always room for improvement.

Norm Synnott, CIO/Executive Director of IT
Date: March 25, 2022

Management offers comment considering PwC's definition that "the main goal of a smart city is to optimize city functions and promote economic growth while also improving the quality of life for citizens by using technology and data analysis. The value lies in how this technology is used rather than how much technology is available." Acknowledging that the City of Windsor does not necessarily label modernization initiatives under a "Smart City" category, the corporation does maintain a project list and each project considers a variety of risk factors, which may include cyber and IT security.

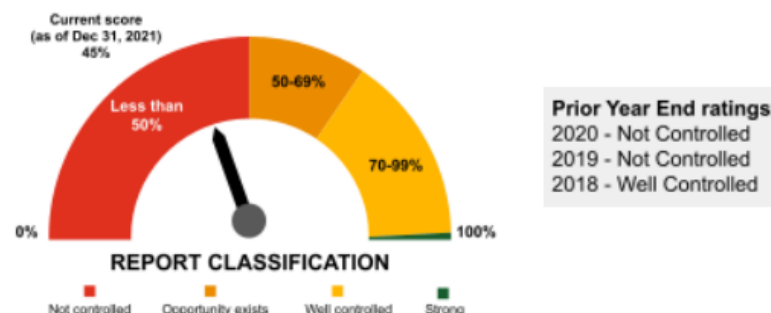
That being said, to further identify and promote these city initiatives, and to align and support those being undertaken in the community, City Council has approved the creation of the new Economic Development and Innovation portfolio. This new division will pursue improved methods of communicating such initiatives and other successes publicly. While we endeavor to "improve operational efficiency, share information with the public and provide a better quality of government service", we strive to do so in a purposeful and clear manner.

Jelena Payne, Commissioner, Economic Development & Innovation
Date: March 25, 2022

2.3 Management Action Plan Validation Report

1. Executive summary

Key measures:	All findings	Significant findings
Average age of open findings :	3.3 years	4.1 years
Average age of past due findings:	3.4 years	4.1 years
Age of oldest past due finding:	6.6 years	6.6 years
Number of Past Due Findings:	16	5



In the above, ratings consideration is also given to the number of retargeted observations with a rating reduction for every 2% of action plan dates retargeted for the **second time or more in this period**. See Appendix E for ratings scale.

Rating	Opening balance (as of December 31, 2020)	Additions in the year	Expected to be closed by Dec 31, 2021	Validated as closed by IA	Formally Accepted risk (No validation)	Open at end of period (A+B-D-E)	Open – on track	Open & delayed
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
<i>Details included in</i>				<i>Appendix A</i>	<i>Appendix B</i>		<i>Appendix C</i>	<i>Appendix D</i>
Significant	6	0	5	1	0	5		5
High	1	0	1	0	0	1		1
Moderate	15	0	10	7	1	7		7
Low	7	0	7	5	0	2		2
Not Rated*	6	2	7	6	0	2	1	1
Total	35	2	30	19	1	17	1	16

Scope Period: January 1, 2021 through December 31, 2021

Approach: For validating management action plan, the activities undertaken by internal audit included:

- Requesting status updates and contact information from management;
- Testing/validating evidence of management's resolution/disposition of the original finding for items expected to be closed and/or indicated as closed by management;

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City Council Agenda - May 30, 2022

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- Preparing a report on the outcomes of the management action plan internal audit activity.

Conclusion: In total 20 (67%) management action plans were closed in the period, 1 was retargeted for the first time, and 11 were retargeted for the second time or more (22% penalty) resulting in an overall final conclusion of 45% - “Not Controlled”.

- **Closed as planned and closed in advance:** In the period 20 items were closed versus an expected 30, a total closure rate of 67%:
 - 18 management action plans were closed, out of the 30 due in the period
 - 1 management action plan was closed ahead of schedule
 - 1 management action plan was closed via formal risk acceptance
- **Additions:** 2 management action plans were added during the period
- **Retargeted Items:** 12 management action plans were retargeted in the period:
 - 1 was retargeted for the first time
 - 11 were retargeted for the second time or more (11*2% penalty = 22%)

Management is showing strong progress on most open action plans as this year the total open action plans is the second lowest it has been in 9 years; however, the proportion of “Open & Delayed” management action plans is also the highest it has been in those 9 years.

The past 2 years have been unique and challenging for society, business and government. In the face of this pandemic, management was able to progress and close 20 management action plans of the intended 30 action plans originally expected in the period. However, it is important to also note that the majority

(16 out of 17 or 94%) of the prior internal control findings are past due (Open & Delayed). Of these 16 Open & Delayed findings, 11 relate directly to City departments (69%) and 5 open findings relate to Agencies, Boards and Commissions (31%).

While it is important to consider the fact that management made progress in resolving more than half of the issues that were previously open, it is also important that management and City Council understand that risk exposures remain until known gaps are mitigated. For the Open & Delayed findings 100% (16) are anticipated to be resolved in the next 12 months.

Given the state of the world, the pandemic situation, and local initiatives City Council and Management should ensure that the timely resolution of open actions is considered, prioritized and the risk understood amidst the City’s other initiatives and operational requirements.

Management’s report on open findings will provide additional detail and rationale whereby management believes that many of the open action plans have made significant progress and that there is a reasonable basis to complete the actions on time. We have not audited this management report, nor the underlying statements of action, but the information provides a plan and context.

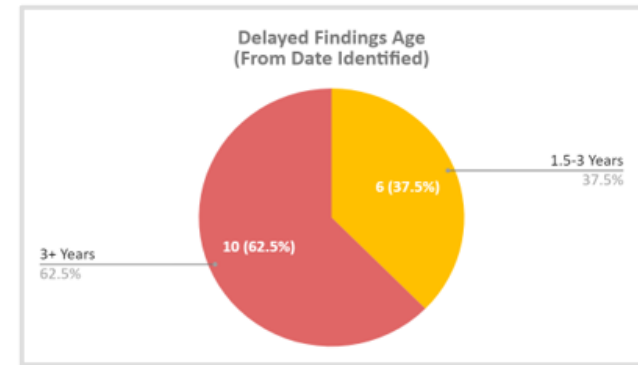
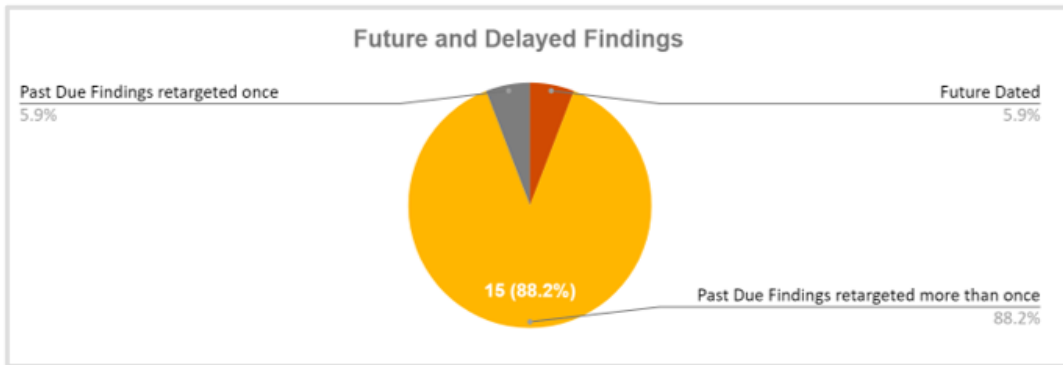
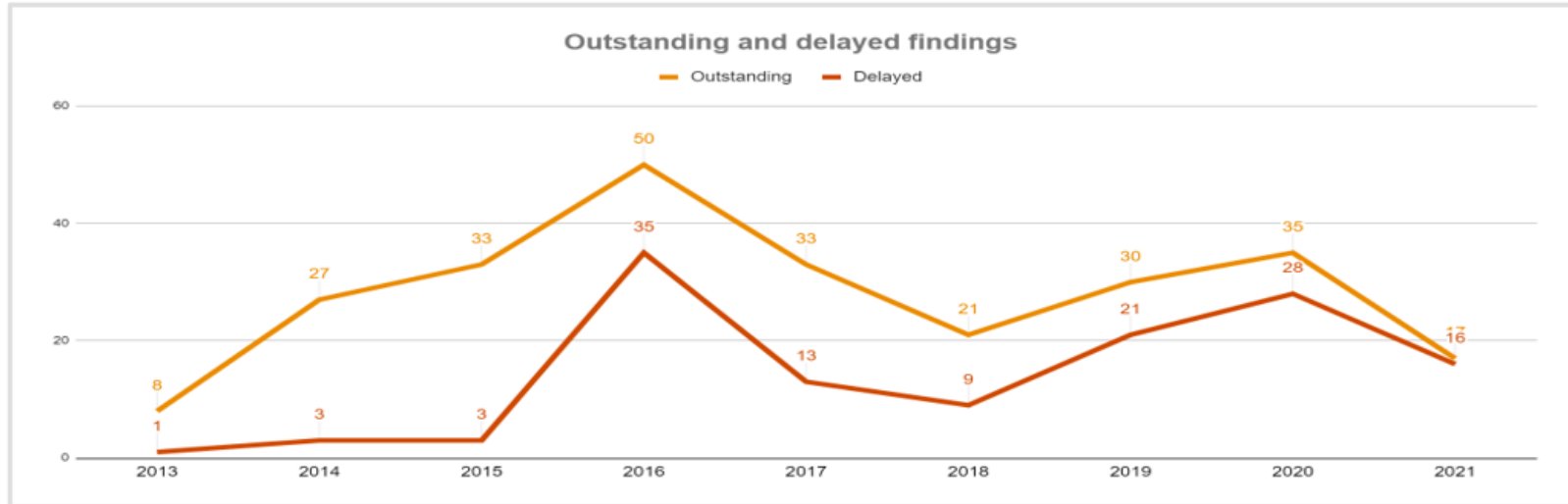
It is important that management and City Council understand that these specific risks are implicitly being accepted, or tolerated, in the medium and long term. As such management should consider either:

1. Risk accepting the Open & Delayed Findings with City Council agreement or
2. Implementing a mechanism by which the CLT/Commissioners are able to ensure that the management action plans outlined in Appendix D are completed in the revised timeframes.

Note: Subsequent to the report closing date we noted findings 205, 207 and 209 related to YQG were addressed early in 2022. As such will be included in the closed count of next year’s report.

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Open and delayed trends as at December 31, 2021



Overall the number of open management actions plans is the second lowest it has been in 9 years; however, the proportion of “Open & Delayed” management action plans is the highest it has been in those 9 years.

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2.4 Annual Performance Report

Internal auditing is an independent, objective assurance, and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes (Source: The Institute of Internal Auditors).

The purpose of this annual performance report is to summarize and highlight the achievements and how the City Auditor General (AG) and the Internal Audit (IA) team delivered on its mandate.

We have completed 90% of our 2021-22 Internal Audit Plan. The IA projects this year ranged in scope and included testing over: performance audit procedures, assessment of internal controls, testing the efficiency and effectiveness of processes and procedures. During the period, IA conducted findings follow-up for management actions to address internal audit findings/recommendations and also administered the Concerned Citizen & Employee Hotline.

IA work was conducted using PwC's Global Internal Audit Manual, which is aligned with the International Standards for the Practice of Internal Auditing as outlined in our contract. We also leveraged performance audit/value-for-money auditing standards in selected projects where applicable.

The remainder of this report highlights how:

- the AG charter was fulfilled,
- how we leveraged 13 team members, including 5 specialists, to conduct our work program;
- an overview of management's closure of 246 of 263 findings tracked since 2014;
- areas where we may be of further assistance to management;
- an overview of potential fraudulent activities we have been informed of;
- a summary of the Concerned Citizen and Employee Hotline activities in the year;
- our progress against the agreed to performance measures; and
- a summary of emerging trends for your information.

Appendices

Appendix A - Summary of use of unallocated effort

Unallocated Effort			
Activity	Requested by	2021-22 effort hours	Result
IA met with City's Finance and Legal team to confirm and agree on the various categories each City's ABC would qualify for. Subsequently, IA prepared letters for such ABCs which outlined some key information regarding the Auditor General ("AG") role and the entity's participation in the potential scope of the AG.	Management	32	We have sent the letters to the entities representing the respected categories i.e., Local Board, Municipally Controlled Corporation, Grant recipient, and Optional Participants. See Appendix C for listing of entities issued letters. An updated listing with responses received from Grant recipients and Optional Participants will be provided upon receipt of all responses due in mid-January 2022. This auditable universe will inform the annual risk assessment and project plan development.
Total		32	

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Appendix B - Complaints & Investigations

Complaints & Investigations							
Activity in the period	Checked within required time frame	# of Contacts Received	# of hang ups	# of handoffs to management	# of items under analysis	# of items under investigation	# of items investigated
Concerned Citizen and Employee Hotline Channel	Yes	20	3	16	0	1	0
Auditor General Channel	-	-	-	-	-	-	-

Item under analysis/investigation		
Description of item	Activities to date	Results
Complaint allegation of misuse of authority or circumvention of process controls	Initial analysis completed. Further consideration and review warranted.	Pending

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Appendix C - Road Infrastructure Maintenance Processes

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The Corporation of the City of Windsor

Value for money audit: Road Infrastructure Maintenance Processes

Distribution list

For action

Chris Nepszy, Commissioner, Infrastructure Services
Shawna Boakes, Executive Director Operations/Deputy City Engineer
Phong Nguy, Manager, Contracts, Field Services & Maintenance
Natasha Couvillon, Senior Manager, Asset Planning
Diana Digirolamo, Manager, Technical Support

For Information

Joe Mancina, Chief Administrative Officer (A)
Tony Ardovini, Commissioner, Corporate Services CFO/City Treasurer (A)
Marco Aquino, Executive Initiatives Coordinator

Final Internal Audit Report

April 29, 2022

Limitations and responsibilities

This Report was developed in accordance with our engagement letter addendum dated January 24, 2020 and is subject to the terms and conditions included therein.

Our work was limited to the specific procedures and analysis described herein and was based only on the information made available at the time we prepared the report. Accordingly, changes in circumstances after the date of this Report could affect the findings outlined herein. We are providing no opinion, attestation or other form of assurance with respect to our work and we did not verify or audit any information provided to us. This information has been prepared solely for the use and benefit of and pursuant to a client relationship exclusively with the Corporation of the City of Windsor. PwC disclaims any responsibility to others based on its use and accordingly this information may not be relied upon by anyone other than the Corporation of the City of Windsor.

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Overall assessment

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A total of **four findings** were **identified** in the operational area whereas three considerations for improvements are raised over the review of the 2018-2019 AMP road maintenance strategies, lack of 2025 SCI projections and an apparent decline in road conditions of C1 arterials and expressways during 2016-2020.

Management comments

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Name:

Chris Nepszy

Title:

Office of the Commissioner of Infrastructure Services

Date:

March 24, 2022

Summary of internal audit results

Report classification

In general, controls are properly designed and are operating effectively for the purpose envisaged. Given the nature of this internal audit, we are providing an overall assessment using performance auditing measures as well as standard internal controls assessment methods.

The purpose of this VFM review was intended to analyze various components of the road maintenance process to determine if any recommendations or insights could be provided to improve the efficiency of the overall process. Key tests performed included a regulatory component, an assessment of the 2018-2019 road maintenance strategies included in the 2018-2019 AMP, and an assessment of the design of governance, people and technology processes in place to achieve efficiency in operations throughout the road maintenance lifecycle.

As per professional standards and VFM practices, prior to conducting fieldwork for this VFM review, the performance measures were identified and agreed upon with management. These four performance objectives/measures formed the basis for evaluating the results of this VFM review. There are some recommendations for further improving the processes which have been noted in terms of process documentation and areas that may require further analysis to determine root cause. Further, during execution, it was noted that the required data sources were not reasonably available for all the performance measures and alternatives were considered where possible.

We examined the progress that the City has made to comply with Table 4 in the Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure since March 31, 2019. Upon review of the 2018-2019 AMP, evidence of the requirements listed were observed. No findings were identified.

We assessed the road infrastructure maintenance program strategies; implementation plans and current performance against the City's 2018-2019 AMP and common practice. Management provided documentation, supporting evidence and commentary for each strategy listed in the 2018-2019 AMP which included 16 strategies in total. Of the 16 strategies, 2 (12.5%) were identified as lacking support that progress was being made towards achieving the desired strategy. Management should consider reviewing the road maintenance strategies to determine if it needs to be removed or modified to align with the current needs of the City. The next AMP review and update is scheduled for the year 2023.

In addition, we reviewed the "Roads & Sidewalks - Priority Planning and Budgeting Process for Pavement Maintenance and Rehabilitation" from the Federation of Canadian Municipalities to determine if there were any gaps in common practice as it pertained to road maintenance strategies and processes. No gaps were identified.

We conducted an analysis where we identified and compared three MBNC municipalities selected based on inflation, population, size, density, average weather conditions and level of government. The following municipalities were identified for purposes of comparison: City of Hamilton, City of London, City of Winnipeg. We compared two indicators identified in the MBNC report as it related to road quality and road spending to determine if any trends could be identified. Upon review, it was noted that during 2017-2019, the City of Windsor had the lowest % of roads considered to be good to very good in comparison to these three municipalities, however, they spent an amount aligned with these municipalities in regard to maintaining the roads; however, the MBNC report does not provide enough information to determine the root cause. Please refer finding #3 for more details.

Lastly, we conducted a test where we assessed the design of governance, people and technology processes in place to achieve efficiency in operations throughout the road maintenance lifecycle. We conducted walkthroughs with various stakeholders and reviewed various process documents as it pertained to road maintenance to identify any areas of concern. We selected four positions applicable to road maintenance (Contracts Coordinator, Technical Support Manager, Maintenance Coordinator and Executive Director of Operations) and compared the requirements of these roles to the job postings from municipalities/private organizations looking to fill similar roles. We noted that the City of Windsor has strict qualification requirements to fill these roles. This provides comfort that the City is hiring competent individuals with the required skill set.

Performance-based audit results¹

We worked with management to identify performance measures which could be used to measure the value and/or performance related to road infrastructure maintenance. The road infrastructure maintenance financial and operational performance objectives were established in coordination with the City’s Public Works - Operations prior to the commencement of our field work. The results are based on our detailed review of the data provided by the City in regards to road quality, spending and funding.

Performance Objective	Assessment (% Attained)	Summary
<p>1. Road quality: % of total paved lanes for in-scope road classification where paved lane km has a structural condition index of < 5 (Includes 2025 SCI Projections)</p>	<p>Not Assessed</p>	<p>Subsequent to the performance measures that were mutually determined it was noted that SCI projection data for 2025 was not readily available. As such we were unable to assess this KPI in its entirety. To attain some comfort, we agreed on a revised KPI</p>
<p>Revised KPI Road Quality: % of total paved lanes for in-scope road classification where paved lane km has a structural condition index of < 5 (Excludes 2025 SCI Projections)</p>	<p>Attained 100%</p>	<p>The City was able to provide the Mid-Year Road Needs Summary Reports for 2016-2020 where the percent (%) of adequate roads (SCI 1-4) SCI’s could be determined. We were able to conduct an analysis for in-scope roads for the 2016-2020 period. Our analysis indicated the following:</p> <p>a) The condition of C1 arterials declined from 22.79% in 2016 to 11.49% in 2017 (a decline of 11.30%) and remained at 11.47% in 2018. However, the % of C1 arterial adequate roads increased significantly through 2020 to 29.80%, which exceeds the 2016 value of adequate roads of 22.79%.</p> <p>b) The condition of expressways declined from 2017 (18.73%) through 2019 (9.90%) by an amount of 9.93%. However, the % of adequate roads for expressways rose to 24.24% by 2020, which exceeds the % of adequate expressways roads in 2016 (16.06%)</p>

¹ Performance rating scale and definitions contained in Appendix C.

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Performance Objective	Assessment (% Attained)	Summary
		<p>Although two of the in-scope function classes saw a notable decline in the % adequate roads during a period between 2016- 2020, neither function class saw a persistent decline through 2020. In fact, the ending % of adequate roads for both Expressways and C1 Arterials exceeded the 2016 amount.</p> <p>In addition, the analysis on the remaining in-scope function classes (C1 collector, C2 collector and C2 arterial) indicated a stable/flat trend from 2016-2020.</p> <p><i>Note: Projections for 2025 could not be provided, please refer to CFI 2 for more details.</i></p> <p><i>Please refer to Appendix A, KPI 1 for visuals.</i></p>
<p>2. Road rehabilitation spend:</p> <p>Variance in actual to planned spend per lane km by roadway treatment category was within 5%</p>	<p>Not Assessed</p>	<p>Subsequent to the performance measures that were mutually determined it was noted that without significant effort, management was unable to break down the cost by activity in the manner required to conduct this analysis . The City acknowledged that extensive budget monitoring by contract is performed, however, steps to break down the monitoring by road treatment category are not in place. As such we were unable to assess this KPI at the level of specification originally anticipated.</p> <p>To complete this analysis, we requested the budget and actual spending for 2016-2020 and projections for 2025 broken out by road rehabilitation treatments. Management indicated that the data for road rehabilitation cannot be easily broken up by type of road rehabilitation treatment as each tender in each project includes various types of rehabilitation treatments and function classes.</p> <p>It was also noted that management does not have an efficient way to allocate the “non-tender” costs to these rehabilitation treatment categories/function classes.</p> <p><i>Please refer to finding #4.</i></p>
<p>Revised KPI Road rehabilitation spend:</p> <p>Variance in actual to planned spend for the Road Rehabilitation category was within 5%.</p>	<p>Attained 100%</p>	<p>Management was able to provide the total budget and actual expenses for the road rehabilitation category for 2016-2020. The analysis based on the consolidated information indicated that the actual spend was on average overspent, by 4.41%. This falls within the 5% threshold. No exceptions noted.</p> <p><i>Please refer to Appendix A, KPI 2 for visuals.</i></p>

Performance Objective	Assessment (% Attained)	Summary
<p>3. Road spend: Increase in funding allocation should be at least 1.16% (amount dedicated to tax levy for AMP)</p>	<p>Not Assessed</p>	<p>Subsequent to the performance measures that were mutually determined it was noted that without significant effort, management was unable to break down the funding in the manner required to conduct this analysis. As such we were unable to assess this KPI at the level of specification originally anticipated. To attain some comfort, we agreed on a revised KPI.</p> <p>To complete this analysis, we requested the funding sources for the various function classes (C1 & C2 Collector, C1 & C2 Arterial and Expressways) for 2016-2020, with projections for 2025.</p> <p>Management confirmed that funding cannot be broken down by function class (ie. Arterial, Collector and Expressways) as the budget is approved at a high level. Having the budget approved at "Road Infrastructure" level allows for greater flexibility.</p> <p>The City is able to compare budget and actuals for a PeopleSoft Project number, however the PeopleSoft Project number is not linked to the overarching Questica Project (Program) number. Management indicated that to compile budget and actual for the Questica project IDs would be time consuming as this would have to be compiled manually from PeopleSoft and there is no link between the systems. There are multiple PeopleSoft Project numbers for each Questica Project number.</p>
<p>Revised KPI: Road Spend Increase in funding allocation at the Capital Budget level.</p>	<p>Attained 100%</p>	<p>To revise this KPI, we looked at the individual capital budget for road spend for each year from 2016-2020 and the approved 2021 capital budget for years 2021-2030.</p> <p>We examined the % change in the budget for road spend from 2016-2030. The trend indicates an overall increase in road spending. The average trend indicates a year over year funding increase of 10.87%.</p> <p><i>Please refer to Appendix A, KPI 3 for visuals.</i></p>
<p>4. Road condition assessment: Road condition assessment over time with a target of no decline in score from 2016-2020 and projected improvements by 2025</p>	<p>Not Assessed</p>	<p>Subsequent to the performance measures that were mutually determined it was noted that SCI projection data for 2025 was not readily available. As such we were unable to assess this KPI in its entirety. To attain some comfort, we agreed on a revised KPI</p>

Performance Objective	Assessment (% Attained)	Summary
<p>Revised KPI: Road condition assessment over time with a target of no decline in score from 2016-2020.</p>	<p>Partially Attained 70-89.99% of performance measure</p>	<p>Management was able to provide mid-year data that would allow for the analysis of the SCI by function class (C1 & C2 Collector, C1 & C2 Arterial and Expressways) for the years 2016-2020.</p> <p>When conducting this analysis of a target of “no decline” in score from 2016-2020, we considered a negative change of 0.5 to be noteworthy. In addition, we considered whether the weighted average SCI at 2020 fell above or below the weighted average SCI value as at 2016 as an indicator of trend in road conditions.</p> <p>The analysis indicated the following:</p> <p>a). C1 Arterials: An overall decline in road condition when comparing the 2016 and 2020 weighted average SCI, and year over year decline in road conditions by an amount ≥ 0.5 for the period 2016-2018.</p> <p>b). Expressways: An overall decline in road condition when comparing the 2016 and 2020 weighted average SCI, and year over year decline in road conditions by an amount ≥ 0.5 for the period 2016-2019.</p> <p><i>Note: Projections for 2025 could not be provided, please refer to CFI 2 for more details.</i></p> <p><i>Please refer to Appendix A, KPI 4 for visuals.</i></p>

Internal controls assessment²

Based on the controls identified and tested, we have determined that there is reasonable evidence to indicate that:

#	Objective	Report classification				
		Optimally Controlled	Managed	Some Improvement Opportunity	Major Improvement Opportunity	Unacceptable Risk Exposure
1	The City has complied with Table 4 in Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure since March 31, 2019 as evidenced by the 2018-2019 AMP.	✓				
2	The City has clearly established road infrastructure maintenance program strategies and substantial implementation progress has been made towards most documented strategies.		✓			
3	The City has effective governance, people, and technology processes in place to achieve efficiency in operations throughout the road maintenance lifecycle.			✓		

During the audit, we noted the following good practices implemented by Public Works – Operations.

- A process has been implemented in which capital projects exceeding a specified threshold are required to be included in a separate report to Council outlining the reasons for the deficit. The requirement of disclosure depicts that concerns are raised to the highest level of authority and that the various departments are held accountable.
- The City of Windsor has an established 2018-2019 Asset Management Plan which includes timeframes and frequency of review of the various inputs that contribute to the AMP, such as the AM Policy, Corporate AMP, State of Infrastructure Report, Service Area AMPs, Review of AMP implementation progress and the Capital Budget. The level of detail and visualizations provided within the AMP provide the reader with clear and concise details regarding the quality and trends of the City’s various assets. The AMP is expected to be reviewed and updated in 2023.
- Process/informational documents applicable to road maintenance are defined. In particular, the “Road & Alley Inspection Program Guide”, excerpts from the “IMS Procedure Manual” and “2021 Road Conditions Ratings Map”, amongst others. We inspected various policies applicable to road maintenance from the City’s Dashboard. These policies identify the purpose, scope, responsible parties as well as governing rules and regulations.
- The City follows a process to allow for the coordination and planning of road maintenance projects through the Utilities Coordinating Committee. Visuals of future projects are also mapped for city-based items such as road construction, mill & pave, engineering, sewer rehabilitation and drainage rehabilitation.

² Rating scale described in Appendix C

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The consolidation of various projects on the map of the city allows for efficient detection of overlap between projects.

We identified areas where internal control weakness exists, however, none were noted as a significant control deficiency. If implemented, our recommendations would serve to provide greater financial accuracy, operational effectiveness, and better leveraging of existing technology capabilities.

Management has provided comprehensive action plans, which we believe will address the deficiencies noted. Below we provide a summary of the findings noted as part of our work:

Summary of findings

#	Topic	Rating ³		Management action plan
1	Establish a formal process relating to road maintenance coordination and road project deficiencies		Significant	The City will formalize its current process for identifying and addressing road deficiencies that may be under warranty.
			Moderate	
		X	Low	
2	Document a formal process to assist in identifying opportunities to merge related projects		Significant	The City will continue to work with the Utilities Coordinating Committee to identify opportunities to merge related projects. These meetings are documented through formal meeting minutes which are then distributed to committee members.
			Moderate	
		X	Low	In addition, the City will continue to work with the Windsor Utility Commission with respect to merging lead watermain replacement with road rehabilitation projects.
3	Investigate the root cause for the difference in results from the MBNC indicators for road maintenance spending and road quality		Significant	Management will continue to work with the established MBNC expert panel and City internal processes that are in place, specifically: <ul style="list-style-type: none"> A. Investigate and provide rationale for any year to year City measure result differences of +/- 10%. B. Participate in the MBNC Road Expert Panel peer review of measure results prior to finalization of data for the annual MBNC Performance Measurement Report. C. Compare City measure results to the median of MBNC
			Moderate	
		X	Low	

³ See Appendix C for Basis of Finding Rating and Report Classification

				municipalities and provide rationale to Council for any differences of +/- 10%.
4	Explore options to enhance data granularity in regards to road treatment spending and funding allocation by function class		Significant	<p>Management will continue to work with Asset Planning to finalize the implementation of the Assetic Predictor program, which will provide a formal process to effectively coordinate maintenance and address future projects through the prioritization of road work by type. Assetic Predictor will include enhanced data granularity in regards to road treatment spending and funding allocations.</p> <p>With respect to the tracking of expenditures, cost related to road rehabilitation cannot be easily categorised by type of treatment as each tender in each project includes various types of rehabilitation treatments and function classes. Opportunities for enhanced financial reporting will be investigated as we move forward with additional tools for automated procurement, budgeting and reporting. This will be addressed as opportunities to enhance our various systems arise.</p>
			Moderate	
		X	Low	

Detailed findings

1. Establish a formal process relating to road maintenance coordination and road project deficiencies		Overall rating: Low	
Impact:	Low	Likelihood:	Likely
<p>Observation: The City has an informal process for identifying and addressing road deficiencies that may be under warranty. In particular we noted the two following methods:</p> <p>a) Correspondence via email between the City’s Contract Supervisor and a Contractor indicating a list of outstanding deficiencies noted subsequent to the inspection. The deficiency list within this email did not include a timeline for rectification or the deficiency identification date.</p> <p>b) Correspondence via document (Project Deficiency List) with a contractor that specified the project number, contractor, and date of substantial completion. A table was included in the document which included the deficiency item, the location, the date the deficiency was added as well as the date it was completed.</p> <p>We noted that there is no formal process document established to guide and control activities within this process.</p> <p>A process guiding the communication channel between the management team and the maintenance team does not exist. To ensure that road maintenance work is completed by the responsible party, communication between the two departments is crucial.</p>			
<p>Implication: A lack of established process for communicating and tracking outstanding deficiencies related to contractors may result in operational inefficiencies and having the City pay for work that might be under warranty.</p>			
<p>Recommendation: The City should consider developing a formal process to track and communicate with the contractors with respect to deficiencies noted. The process may include a standardized template to capture relevant and necessary details including but not limited:</p> <ul style="list-style-type: none"> • Contractor • Project number • Details of the deficiency • The date the deficiency was identified • Timelines for rectification of the issue <p>The overall process should also include a procedure to inspect roads under warranty that have a month left before warranty expires to make sure any remaining deficiencies can be communicated to the contractor prior to warranty expiration.</p> <p>An overall tracking document should be maintained to track and follow up on the progress of the outstanding deficiencies.</p>			

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A process to enable/guide coordination between the contract management team and the road maintenance team should be documented to ensure that timely communication is performed, and deficiencies are mitigated by the responsible parties. This may result in increased efficiencies between teams and cost savings.

Management Action Plan

<p>Recommendation: The City will formalize its current process used to track and communicate with the contractors with respect to deficiencies noted. The process will capture relevant and necessary details including the:</p> <ul style="list-style-type: none"> • Contractor; • Project number; • Details of the deficiency; • The date the deficiency was identified; and • Timelines for rectification of the issue. <p>The process will include a procedure to inspect roads under warranty that have a month left before warranty expires to make sure any remaining deficiencies can be communicated to the contractor prior to warranty expiration.</p> <p>The process relating to tracking and following up on the progress of the outstanding deficiencies will be documented.</p> <p>Communication between the contract management team and the road maintenance team relating to mitigating deficiencies will also be documented.</p>	<p>Responsible party:</p>	<p>Manager, Contracts, Field Services, & Maintenance</p>
	<p>Due date:</p>	<p>2022 Q4</p>

2. Document a formal process to assist in identifying opportunities to merge related projects

Overall rating:
Low

Impact: Low

Likelihood:

Likely

Observation:

A Utilities Coordinating Committee exists which helps in coordination and planning of future similar projects related to utilities including identifying areas of road construction, mill & pave, engineering, sewer rehabilitation, drainage rehabilitation. The consolidation map includes collective plans and provides indication of overlap between projects.

We also inspected email evidence of the City's attempt to merge other projects including Westminster storm sewer costs, and Windsor Utility Commission (WUC) project. Additionally, the City emails the Roads Need Study results (data report and map) to WUC each year upon completion of the road inspection program for their reference and use in planning & coordination of works.

Although the City provided evidence of various attempts to merge projects, of which some attempts were successful, a formal process documenting criteria to identify projects which can be potentially merged does not exist. Also, an overall communication and negotiation process to deal with the project managers does not exist.

Implication:

Absence of a formal process to identify opportunities to merge projects may lead to operational inefficiencies and missed opportunities to realize potential cost savings for the City.

Recommendation:

A formal process to document criteria for identifying opportunities to merge projects to create potential synergies and achieve economies of scale and efficiency in the process should be developed. The process should also include guidance / directions in regard to communication with the respective project managers.

A frequency to perform this exercise should be also defined, we would recommend annually as part of the annual planning exercise.

Management Action Plan

Through regular meetings with the Utilities Coordinating Committee (documented with meeting minutes), Management will continue to work with the Utilities Coordinating Committee to identify opportunities to merge related projects. Similarly, the City will continue to work with the Windsor Utility Commission with respect to merging lead watermain replacement with road rehabilitation projects.

Management will continue to work with Asset Planning to finalize the implementation of the Assetic Predictor program which will provide a formal process to effectively coordinate

Responsible party:

Manager, Contracts, Field Services, & Maintenance

Senior Manager of Asset Planning

Due date:

2024 Q1

maintenance and address future projects and deficiencies.		
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3. Investigate the root cause for the difference in results from the MBNC indicators for road maintenance spending and road quality

Overall rating:
Low

Impact: Low

Likelihood: Likely

Observation:

We conducted a peer analysis regarding the key indicators related to road maintenance using the information from the 2019 Municipal Benchmarking Network Canada (MBNC) report. In selecting municipalities for comparison, we considered the following factors:

- Inflation
- Average Weather Conditions
- Level of Government
- Population
- City Size (Squared KM's)
- City Density

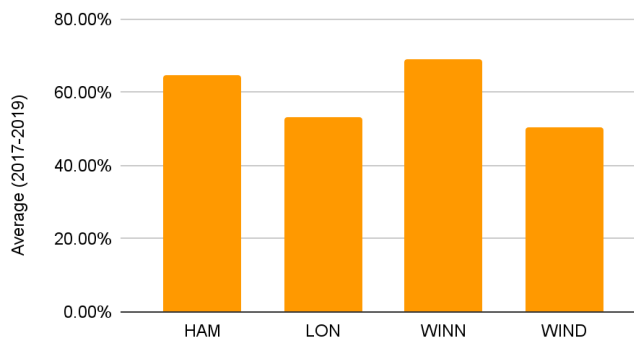
We selected the City of Hamilton, City of London, and City of Winnipeg to perform the analysis. The 2019 MBNC Report includes various measures for identifying municipalities' performance, relevant to peers, in regards to road maintenance and quality. We performed our analysis on the following two measures:

a) Percent of paved lane km where the condition is rated as good to very good

Note: This measure reflects the percent of paved lane km where no maintenance or rehabilitation action is required except for minor surface maintenance. Municipalities may use different approaches to assess and rate road conditions.

The average % of paved lane km where the condition was rated good to very good during the 2017-2019 period for City of Windsor and the selected comparators are as follows:

Average Road Conditions (2017-2019)



City of Windsor⁴: 50%

City of Hamilton: 65%

City of London: 53%

City of Winnipeg: 69%

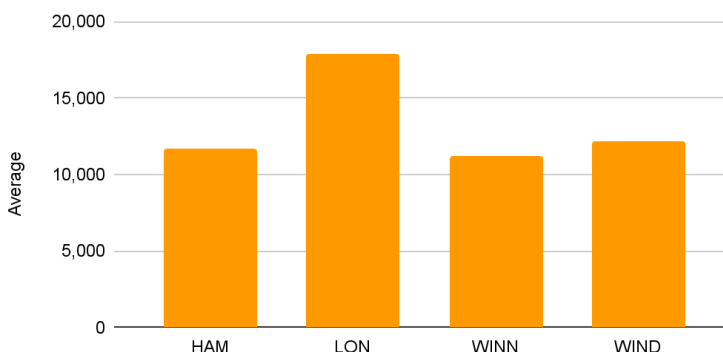
⁴ The results of this analysis includes years 2017-2019. The results of KPI 3, seen in Appendix A, indicate a significant increase in the road infrastructure budget in 2020. It is acknowledged that the impacts of the increased spending on road infrastructure and the resulting impacts on the road condition are not reflected in this analysis.

b) Total Cost for Paved Roads per Lane Km (Hard Top) (in Thousands)

Note: This measure represents the total cost to maintain hard top (paved) roads. It includes operating costs and amortization associated with capital costs for paved road maintenance. A lane km is defined as a kilometre long segment of roadway that is a single lane in width. For example, a one km stretch of a standard two-lane road represents two lane km.

The average cost for paved roads per Lane Km (Hard Top) during the 2017-2019 period for the City of Windsor and the selected municipalities are as follows:

Total Average Cost for Paved Roads per Lane KM (2017-2019)



City of Windsor: \$12,147
City of Hamilton: \$11,697

City of London: \$17,908
City of Winnipeg: \$11,177

The results of this analysis indicate that the City of Windsor had the lowest % of roads ranked “Good to Very Good” even though the amount spent aligned with the selected municipalities in maintaining hard top roads. Management indicated that the method used to calculate the costs of paved roads per lane km may differ across municipalities based on the amortization method used for tangible capital assets and the method used to allocate overheads. In addition, whether or not a municipality includes laneways (ie. alleys) in the costs and lane km lengths can contribute to differences amongst municipalities in the result of this MBNC cost metric because laneways/alleys typically have a lower level of service. Management indicated that Windsor, being more southern in location, is typically subject to more freeze-thaw events which are damaging to road pavements. (Note: Management expressed concern regarding the inclusion of the City of Winnipeg as a comparator due to differing provincial reporting requirements, weather conditions, and a significant length of laneways included in the cost measure calculation; however the municipality has been used for other comparison previously and met the six factors considered by the internal audit project team).

Implication:

The results from the MBNC report may lead to ambiguities in public perception with respect to road maintenance spending and quality of roads.

Recommendation:

Management should investigate the root cause for the difference in results from the MBNC indicators with respect to road maintenance spending and quality of roads. We understand that the comparability of the result of the analysis, particularly regarding the City of Winnipeg, may be difficult given the difference in provincial reporting standards, inclusion or exclusion of laneways/alleys within the MBNC calculation and geographical concerns, particularly regarding weather conditions. However, the City of Winnipeg did fall within the acceptable range for various factors that resulted in its inclusion. Additionally, the exclusion of this municipality would not change the resulting conclusion.

Management should continue to independently conduct internal analysis of road quality indicators specified in the MBNC report and assess the results.

Management Action Plan

<p>Management appreciates the analysis performed by the Auditor on the two MBNC road measures as it suggests further analysis and comparison with other municipalities may lead to potential opportunities for improvement.</p>	Responsible party:	<p>Manager, Contracts, Field Services, & Maintenance; Manager, Technical Support</p>
<p>Currently, internal and MBNC processes are in place to review and analyze our own data from year to year and to compare it to the group of 15 MBNC municipalities as a whole. Historically, the City's results have been consistent and in line with the median results of the MBNC municipalities. These results are reported annually to Council.</p>	Due date:	<p>A. 2022 Q3 B. 2022 Q4 C. 2023 Q1</p>
<p>As the audit suggests, there may be potential benefits in performing further analysis of other municipalities' data and processes. However, investigating for root causes of MBNC result differences between municipalities may prove challenging. For example, the Total Cost measure is based by definition on Ontario FIR financial calculations which are complex and have variability amongst municipalities with respect to amortization, expense allocation, etc. In addition, the MBNC Report & Road Expert Panel provide 7 Influencing Factors that affect comparability of these road measures between municipalities (eg. capitalization policy, maintenance standards / level of service, traffic volumes, weather, etc.).</p>		
<p>Through the MBNC program, further work is taking place at the expert panel level to develop service level profiles for all panels. Service level profiles will provide additional information to help inform measure results</p>		

<p>and will aid in addressing differences amongst participating municipalities by providing additional insight into the root cause of data differences. This information could be used to supplement and enhance the annual MBNC reporting to both the public and to Council.</p> <p>With respect to the three municipalities selected for comparison for the 2017-2019 time period, an analysis by Management yielded the factors outlined in the Observation Section for this Finding as well as the following observations:</p> <ul style="list-style-type: none"> ● Windsor had the lowest average <i>Operating Cost for Paved Roads per Lane Km</i> ● Windsor had the highest average Amortization (depreciation of capital costs/assets) per lane km. ● London (nearest to Windsor in population, paved lane kms, & geographic location) had higher average <i>Total Cost for Paved Roads per Lane Km</i> and marginally better pavement condition. <p>In addition, it should be noted that Windsor's <i>Percent of Paved Roads Rated Good to Very Good</i> has increased from approximately 39% in 2004 to 50% in 2019. Amortization accounts for 76% of Windsor's <i>Total Average Cost</i> noted above and this represents the ongoing depreciation cost of historical and current capital improvements & roads added to the network.</p> <p>Management will continue to work with the established MBNC expert panel and City internal processes that are in place, specifically:</p> <ol style="list-style-type: none"> A. Investigate and provide rationale for any year to year City measure result differences of +/- 10%. B. Participate in the MBNC Road Expert Panel peer review of measure results prior to finalization of data for the annual MBNC Performance Measurement Report. C. Compare City measure results to the median of MBNC municipalities and 		
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provide rationale to Council for any differences of +/- 10%.		
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4. Explore options to enhance data granularity in regards to road treatment spending and funding allocation by function class

Overall rating:
Low

Impact:

Low

Likelihood:

Likely

Observation:

Two of the following agreed upon KPI's were not fully assessed due to the lack of data granularity. As a result, the required analysis and relevant results could not be identified. The two KPI's that could not be completed as originally intended were the following:

KPI 2: Variance in actual to planned spend per lane km by road treatment category

- To complete this analysis, we requested the budget and actual spending for 2016-2020 and projections for 2025 broken out by road rehabilitation treatments. The intention was to determine the volatility in actual spend to budgeted spend to uncover if there were any trends for consistent overspend or underspend and identify which particular road rehabilitation treatment methods were causing the greatest amount of variability.

Management communicated that data for road rehabilitation cannot be easily categorised by type of road rehabilitation treatment as each tender in each project includes various types of rehabilitation treatments and function classes. It was noted management does not have an efficient way to allocate “non-tender” costs to these rehabilitation treatment categories/function classes. Therefore, we were unable to conduct the analysis of this KPI at the level of specification originally anticipated.

The City is able to compare budget and actuals for a PeopleSoft Project number, however the PeopleSoft Project number is not linked to the overarching Questica Project (Program) number. Management has indicated that compiling budget and actual cost data for the Questica project IDs would be extremely time consuming as this would have to be compiled manually from PeopleSoft and there is no link between the systems. There are multiple PeopleSoft Project numbers for each Questica Project number.

KPI 3: Increase in Funding allocation

- To complete this analysis, we requested the funding sources for the various function classes (C1 & C2 Collector, C1 & C2 Arterial and Expressways) for 2016-2020, with projections for 2025. The intention was to determine if the amount of funding was increasing year over year at least by the amount of 1.16% (dedicated tax levy for AMP).

Management confirmed that funding cannot be categorized by function class (ie. Arterial, Collector and Expressways) as the budget is approved at a high level. Having the budget approved at “Road Infrastructure” level allows for greater flexibility.

Please refer to Appendix A, KPI 2 & KPI 3 for visuals.

Implication:

Lack of granularity requirements when reporting budgets and actuals in regards to road maintenance may result in the inability to perform analysis at a level of specificity that could provide valuable insights. The inability to identify trends in a timely manner may result in operational inefficiencies.

Recommendation:

Given the importance and investment in road infrastructure the City should clearly define meaningful key spending and funding allocation performance indicators by which progress, and performance may be measured. Once this is defined by management there should be an assessment to ensure that supporting data and records are collected in a manner sufficient to provide current, historical and, ideally, forecasted performance of these performance indicators.

The City should explore options to enhance data granularity. This may include performing a cost benefit analysis to determine if the benefits associated with obtaining additional resources would outweigh the expense. This in turn would allow the City to identify trends and provide timely analysis of information which may lead to enhanced transparency and operational effectiveness.

Management Action Plan

<p>The City has invested in the Assetic Predictor software that is expected to assist in assessing the condition ratings of various assets (such as our roads and sewers) and in the prioritization of the repair and maintenance work related to those assets. Management will continue to work with Asset Planning to finalize the implementation of the Assetic Predictor program which will provide a formal process to effectively coordinate maintenance and address future projects and deficiencies.</p>	<p>Responsible party:</p>	<p>Executive Director, Operations Deputy Treasurer Financial Planning Senior Manager Asset Planning</p>
<p>The program will also assist with prioritization of road work by type and provide the ability to develop and monitor budgets on a more granular basis. Assetic Predictor will include enhanced data granularity in regards to road treatment spending and funding allocations. Adjustment can then be made based on future needs such as road function class, budget availability, social and economic needs, etc.</p>	<p>Due date:</p>	<p>2024 Q1</p>
<p>With respect to the tracking of expenditures, as noted, cost related to road rehabilitation cannot be easily categorised by type of treatment as each tender in each project includes various types of rehabilitation treatments and function classes. Despite this limitation, in 2022 enhancements were made to track road work costs related specifically to the EC Row Expressway. Under our current systems, this has created a tremendous amount of manual intervention to set-up and maintain this tracking for both Public Work Operations and Financial Planning staff. In order to roll this out to all roadways and maintenance types, significant staffing resources, along with process changes related to procurement and financial tracking, would be required.</p>		

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<p>Opportunities for enhanced financial reporting will be investigated as we move forward with additional tools for automated procurement, budgeting and reporting. This will be addressed as opportunities to enhance our various systems arise.</p>		
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Considerations for improvement

1. Consider reviewing road maintenance strategies within AMP for strategies not being considered for implementation

Observation

The City of Windsor has an AMP in place which was last updated in 2018-2019 AMP. This AMP includes strategies for various road maintenance activities. Upon inquiry of the following two strategies, we noted:

a). *Pre-commitments out up to five years for large projects*

- Management indicated that pre-commitment approvals for five-year intervals are not obtained, rather the approval is obtained on an annual basis. As per management, the ability to pre-commit funds out to five years exists however it is not practical for road rehabilitation. Management's current stance is to deal with on a year-on-year basis.

b). *Specifications for utility cuts have been enhanced to help maintain the road segment integrity and retain proper condition rating and useful life projections.*

- Management provided evidence of improvement regarding the utility cut process that occurred during 2011-2012. However, management indicated that no additional progress has been made towards this strategy as the changes implemented in 2012 addressed the concern and no additional improvements were required.

Consideration

Management should consider reviewing the above noted road maintenance strategies to determine if it needs to be removed or modified to align with the current needs of the City. The next AMP review and update is scheduled for the year 2023.

2. Consider the viability of generating 2025 SCI projections

Observation:

The following two KPI's were agreed upon when the scope was finalised that would include SCI projections for 2025:

a). *KPI 1: % of paved lane km where no maintenance or rehabilitation action is required (good to very good condition, having a Structural Condition Index 1-4*

b). *KPI 4: Road condition assessment over time with a target of no decline in score from 2016-2020 and projected improvement by 2025.*

The analysis for KPI 1 & KPI 4 included the analysis for the SCI values by function class (C1 & C2 Collector, C1 & C2 Arterial and Expressways). The data was originally requested for 2016-2020 and the projection for 2025. Management confirmed that funding is provided on a yearly basis, as a result, they cannot project future SCI's as they do not know specifically which roads will be given priority.

Consideration:

Upon completion of modelling in the Predictor software, Management should determine whether to include or exclude 5-year projections of SCI in the Asset Management Plan. ⁵

3. Consider defining realistic measurements or targets for monitoring road conditions**Observation:**

KPI 4: Road condition assessment over time with a target of no decline in score from 2016-2020 and projected improvement by 2025 for specific in-scope function class roads (C1 & C2 Collector, C1 & C2 Arterial and Expressways).

For this KPI we considered two factors in generating our conclusions:

- A negative change of the weighted average SCI greater than or equal to 0.5, year over year from 2016-2020 for that specific in-scope function class would be noted.
- In addition, we considered whether the weighted average SCI at 2020 fell above or below the weighted average SCI value as at 2016 as an indicator of trend in road conditions. If the weighted average SCI for that particular in-scope function class for 2020 was above the value in 2016, this would indicate a decline in that particular function class's road condition.

The results of KPI 4 indicated a decline in road conditions, via the calculated weighted average SCI metric, for two in-scope function classes:

- a). C1 Arterials: Weighted Average SCI saw an overall deterioration in condition from 2016 (SCI: 8.88) to 2020 (SCI: 11.26), a decline in condition of 2.38. In addition, a negative trend ≥ 0.5 was exceeded in each year from 2016-2018. Although the Weighted Average SCI trend has shown some improvement from 2018-2020, the 2020 weighted average SCI exceeds that weighted average SCI during 2016.
- b). Expressways: Weighted Average SCI saw an overall deterioration in condition from 2016 (SCI: 12.11) to 2020 (SCI: 14.09), decline in condition of 1.98. In addition, a negative trend that ≥ 0.5 was exceeded in each year from 2016-2019. Although the Weighted Average SCI trend has shown some improvement from 2019-2020, the 2020 weighted average SCI exceeds the weighted average SCI during 2016.

Consideration:

This KPI was agreed to by management. It is recommended that management define a relevant measurement or target that aligns with the AMP in order to monitor road conditions. In particular, specific targets which specify acceptable tolerances for different roads and different segments may be beneficial.

⁵ Management provided screenshots and commentary regarding Predictor software currently being implemented for use by the City and WUC. The screenshots indicate that the City can forecast the road condition ratings based on current asset data. In addition, the software will have the sophistication to recommend road treatments as well as allocation for each type of road treatment. Management confirmed that this project has been in progress for 18 months and is near completion.

Appendix A: KPI Analysis

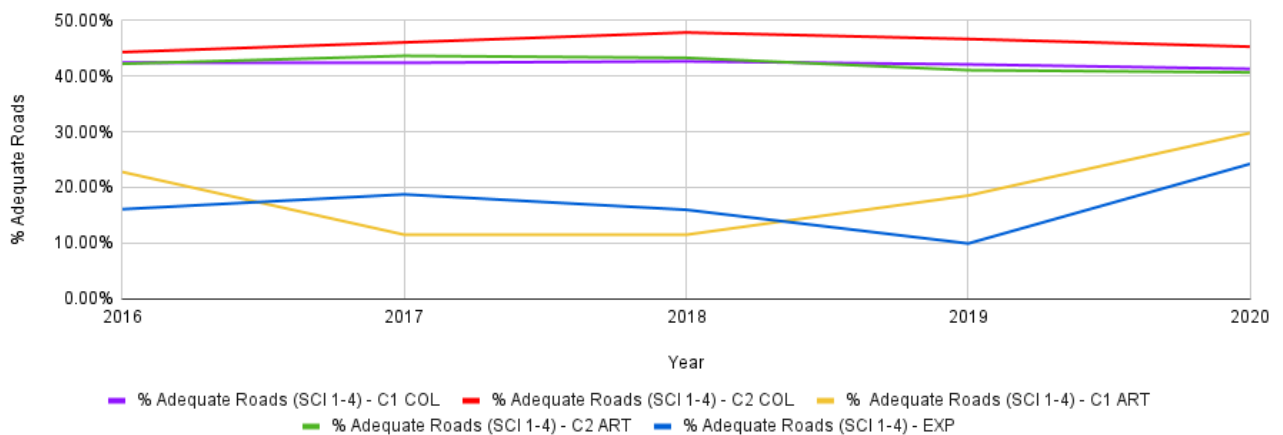
Revised KPI 1: % of total paved lanes for in-scope road classification where paved lane km has a structural condition index of < 5 (Excludes 2025 SCI projections)

Expectation to inform audit conclusion: % of total paved lanes for in-scope road classification where paved lane km has a structural condition index of < 5

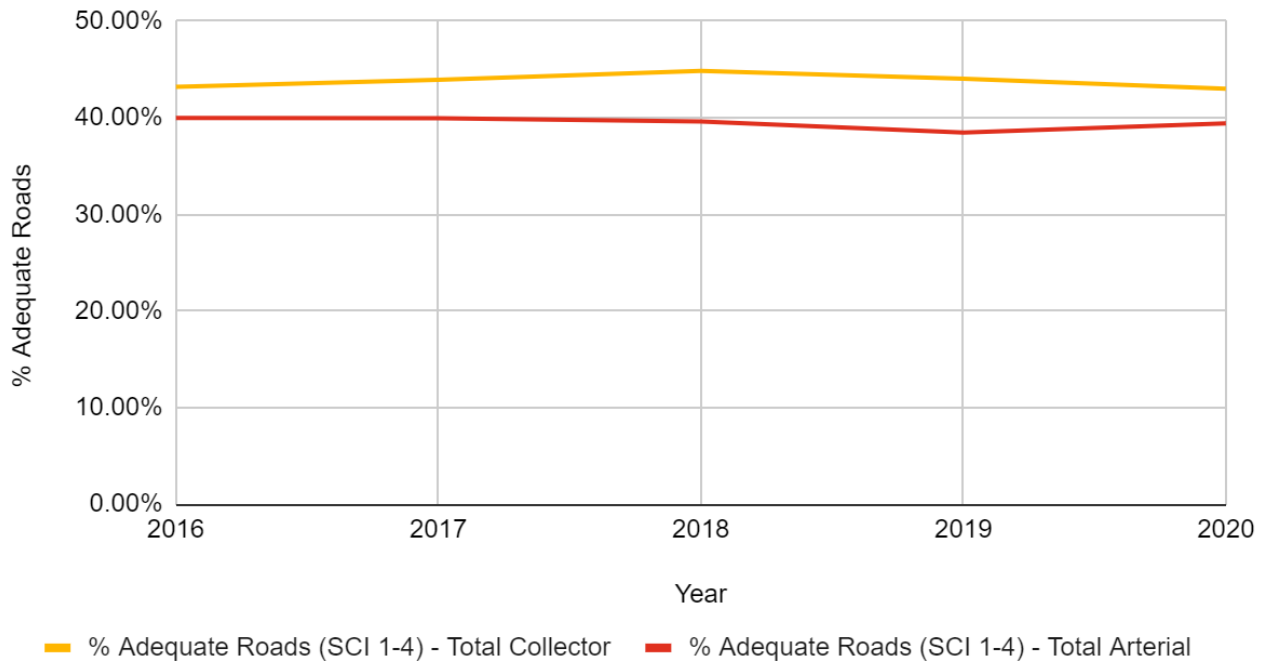
Note: The graphs were developed using the Mid-Year reports provided by management. The % adequate roads were calculated as the adequate km (LN/L) for the specific in-scope function class, divided by the total km for that in-scope function class. Increases in the line graph indicate an improvement in the % of roads that are deemed adequate for that specific in-scope function class.

For the purposes of interpreting the results, the 2017 Mid-Year report results are reflected in 2016 in the graph below. The mid-year reports are generated in early to mid June once all scheduled inspections have been performed and all the inspection data processed to the Hansen system. Therefore, the inspections are actually performed closer to the year end of the previous year than the year end of the current calendar year. For example, an inspection performed in March/April 2017 is closer to the year end 2016 than it would be to year end 2017.

% Adequate Roads (SCI 1-4) by In-Scope Function Class



% Adequate Roads (SCI 1-4) - Total Collector & Total Arterial

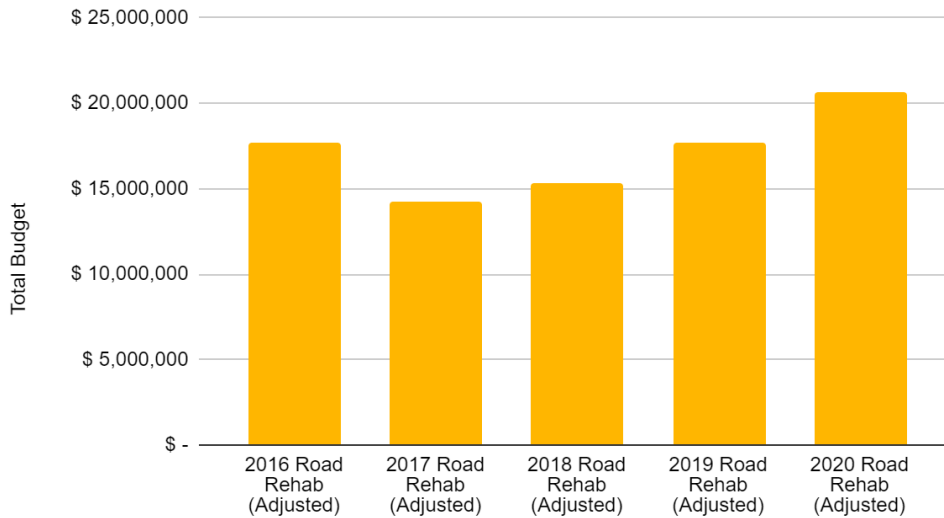


Revised KPI 2: Variance in actual to planned spend for the Road Rehabilitation category was within 5%

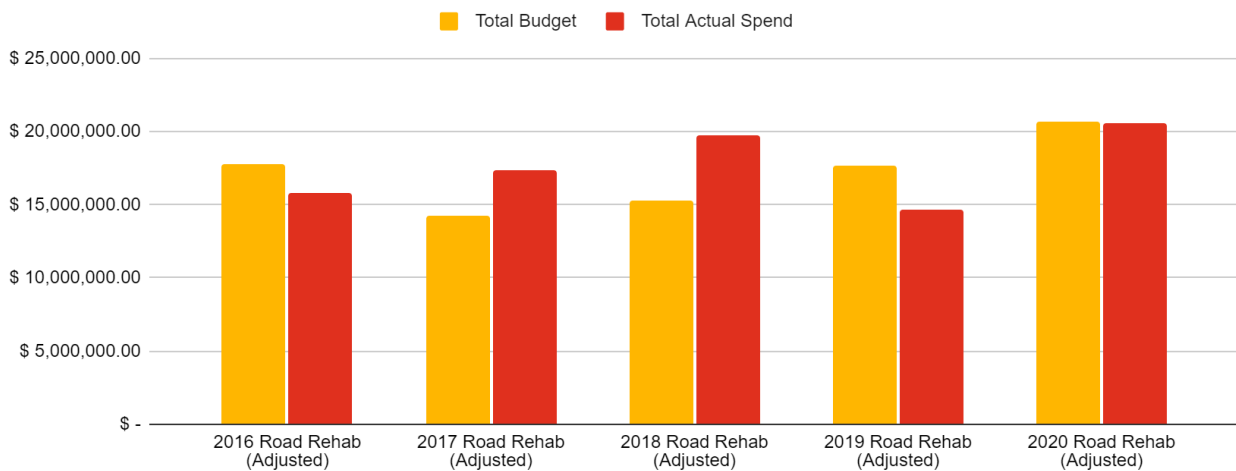
Expectation to inform audit conclusion: Less than 5% of plan

Note: For the purposes of this analysis, the City provided the road rehabilitation budget for 2016-2020 along with additional projects that would be considered road rehabilitation. The term “adjusted” in the graphs references the inclusion of the budget and actuals for road rehabilitation as well as the inclusion of the budgets and actuals that would be considered road rehabilitation projects.

Adjusted Road Rehabilitation Budget (2016-2020)

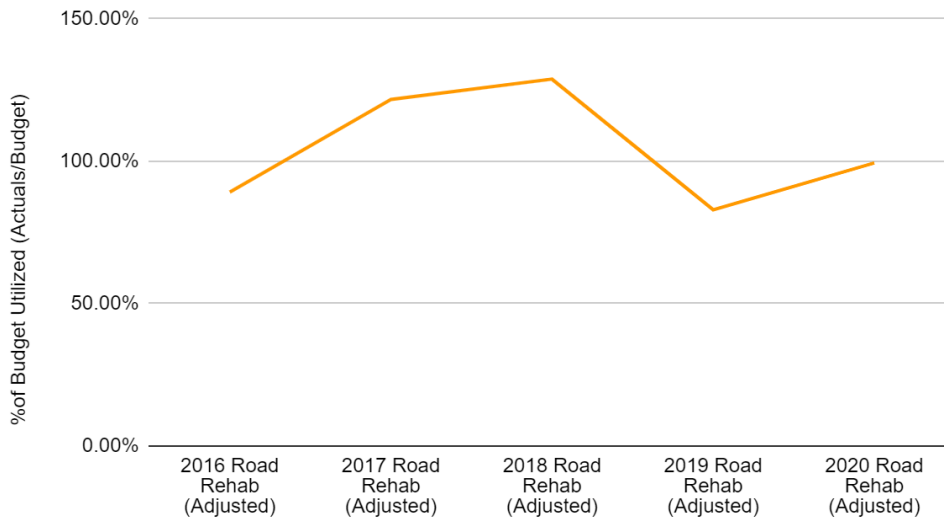


Total Budget vs Total Actual Spend (2016-2020)



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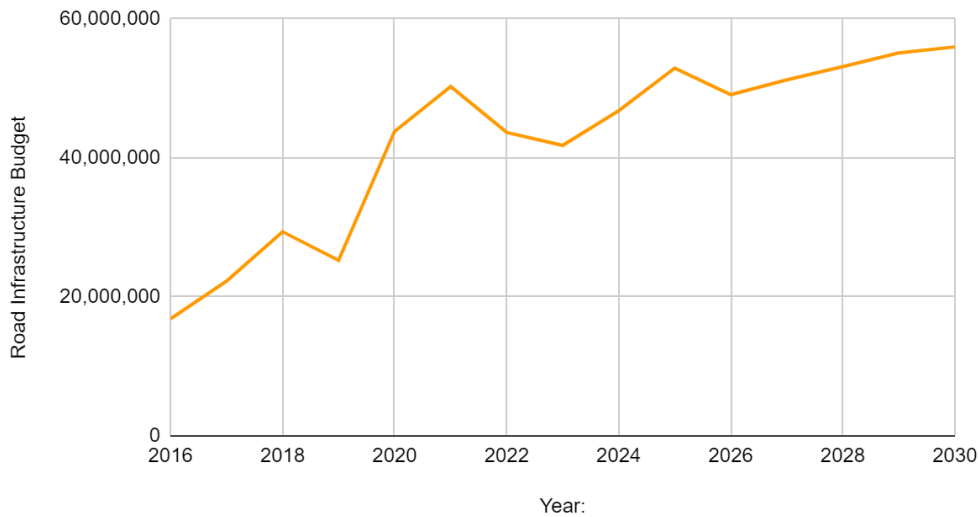
% of Budget Utilized



Revised KPI 3: Increase in funding allocation at the Capital Budget level

Expectation to inform audit conclusion: Should be at least 1.16% per year (the amount of dedicated tax levy for AMP)

Road Infrastructure Budget vs. Year:



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Revised KPI 4: Road condition assessment over time with a target of **no decline** in score from 2016-2020.

Expectation to inform audit conclusions: No decline in SCI from 2016-2020; projected improvement by 2025.

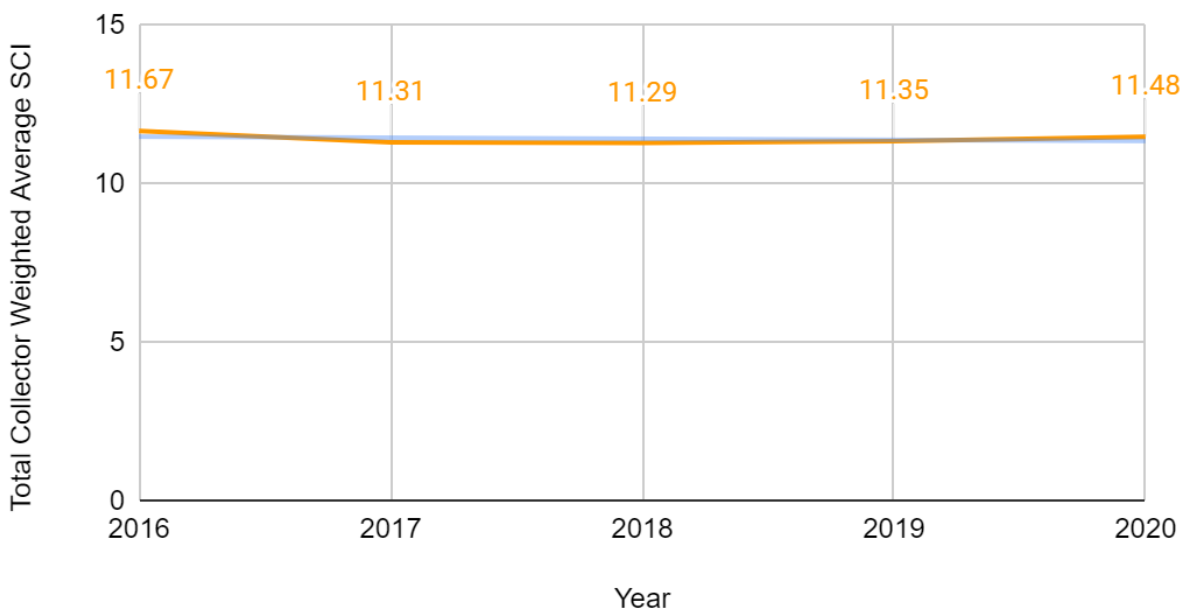
SCI	
20 - 100	Now Deficient
10 - 19	1 - 5 Year Deficient
5 - 9	6 - 10 Year Deficient
1 - 4	Adequate

Note: The graphs were developed using the Mid-Year excel reports provided by Management. The SCI was calculated as a weighted average for each in-scope function class from 2016-2020. An increase in the line graph indicates a decline in road condition for that specific in-scope function class.

For the purposes of interpreting the results, the 2017 Mid-Year report results are reflected in 2016 in the graph below. The mid-year reports are generated in early to mid June once all scheduled inspections have been performed and all the inspection data processed to the Hansen system. Therefore, the inspections are actually performed closer to the year end of the previous year than the year end of the current calendar year. For example, an inspection performed in March/April 2017 is closer to the year end 2016 than it would be to year end 2017.

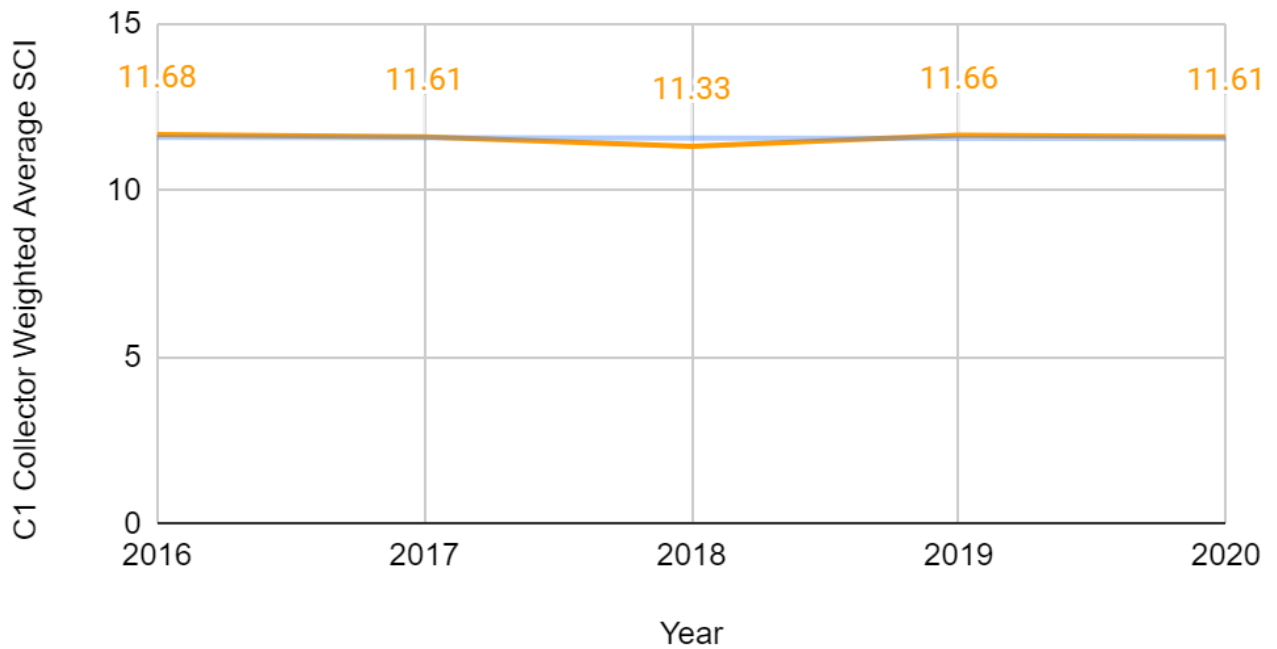
Collector Roads:

Total Collector Weighted Average SCI



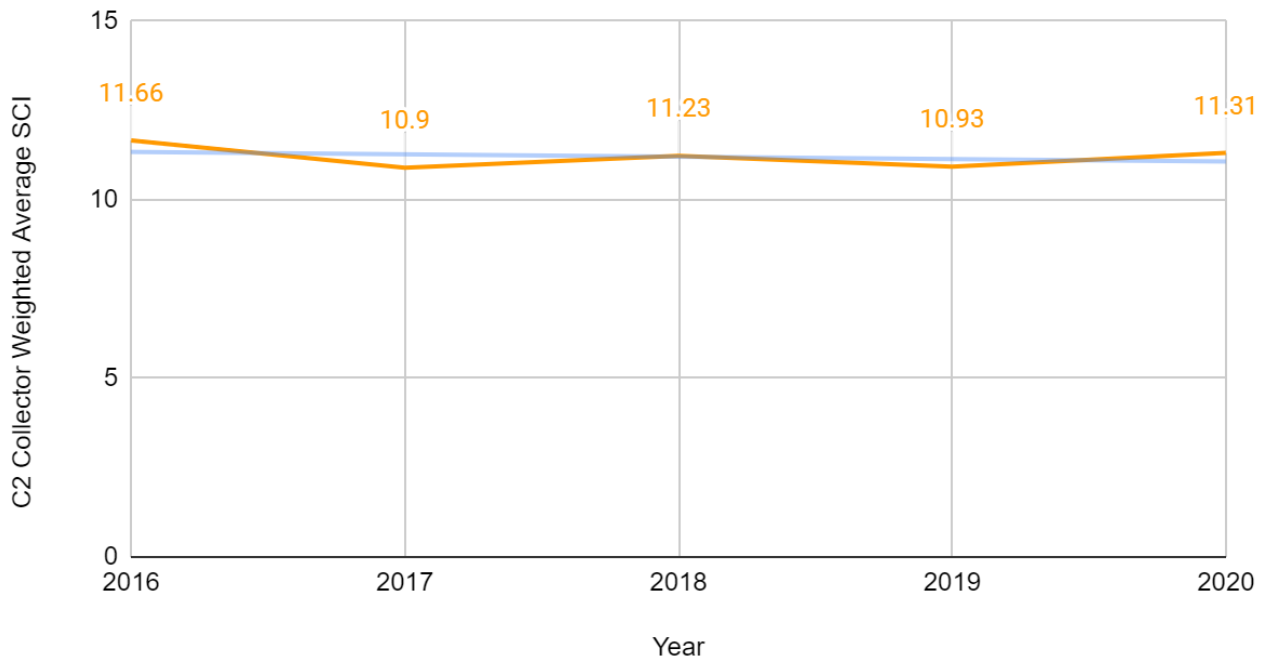
Total Collector: Weighted Average SCI remained relatively stable from 2016 through 2020. There were no instances of year over year increases in weighted average SCI by an amount greater than or equal to 0.5. In addition, the 2020 weighted average SCI of 11.48 showed improvement over the 2016 weighted average SCI result of 11.67.

C1 Collector Weighted Average SCI



C1 Collector: Weighted Average SCI remained relatively stable from 2016 through 2020. There were no instances of year over year increases in weighted average SCI of an amount greater than or equal to 0.5. In addition, the 2020 weighted average SCI of 11.61 showed improvement over the 2016 weighted average SCI result of 11.68. No concerns were noted.

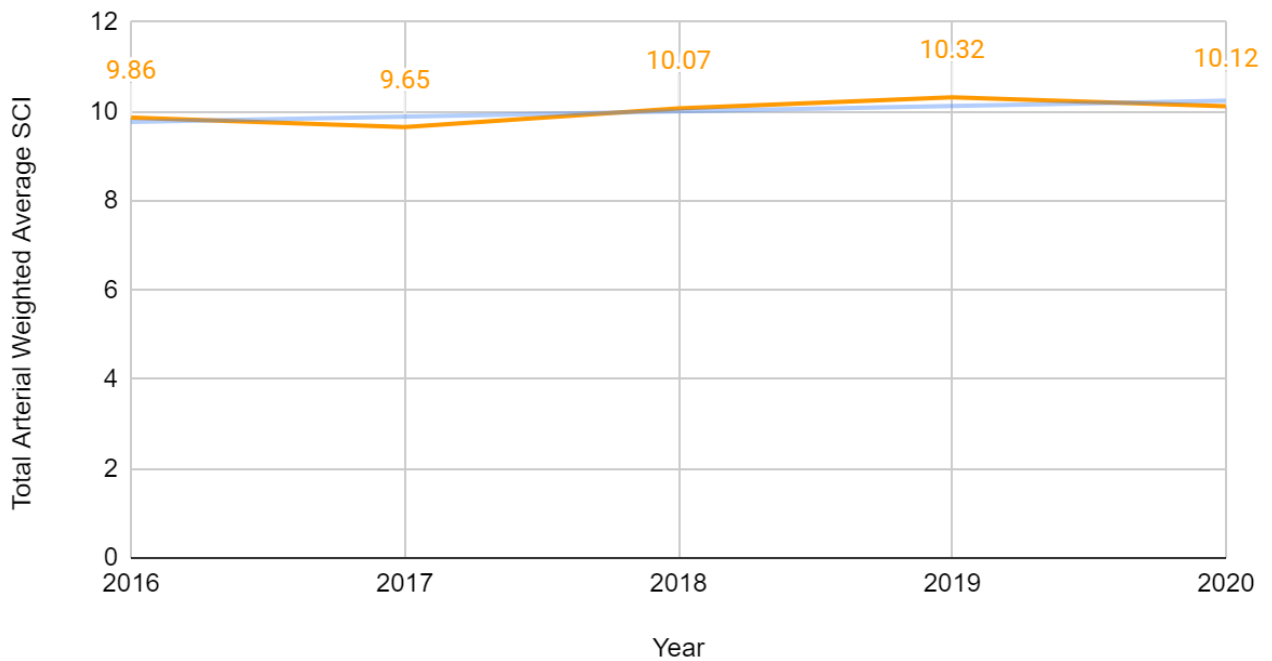
C2 Collector Weighted Average SCI



C2 Collector: Weighted Average SCI saw a decrease in SCI that was greater than 0.5 from 2016-2017, which indicates improvement in the condition of the in-scope function class. The weighted average SCI trend remained relatively stable from 2017 through 2020. In addition, the 2020 weighted average SCI of 11.31 showed improvement over the 2016 weighted average SCI result of 11.66. No concerns were noted.

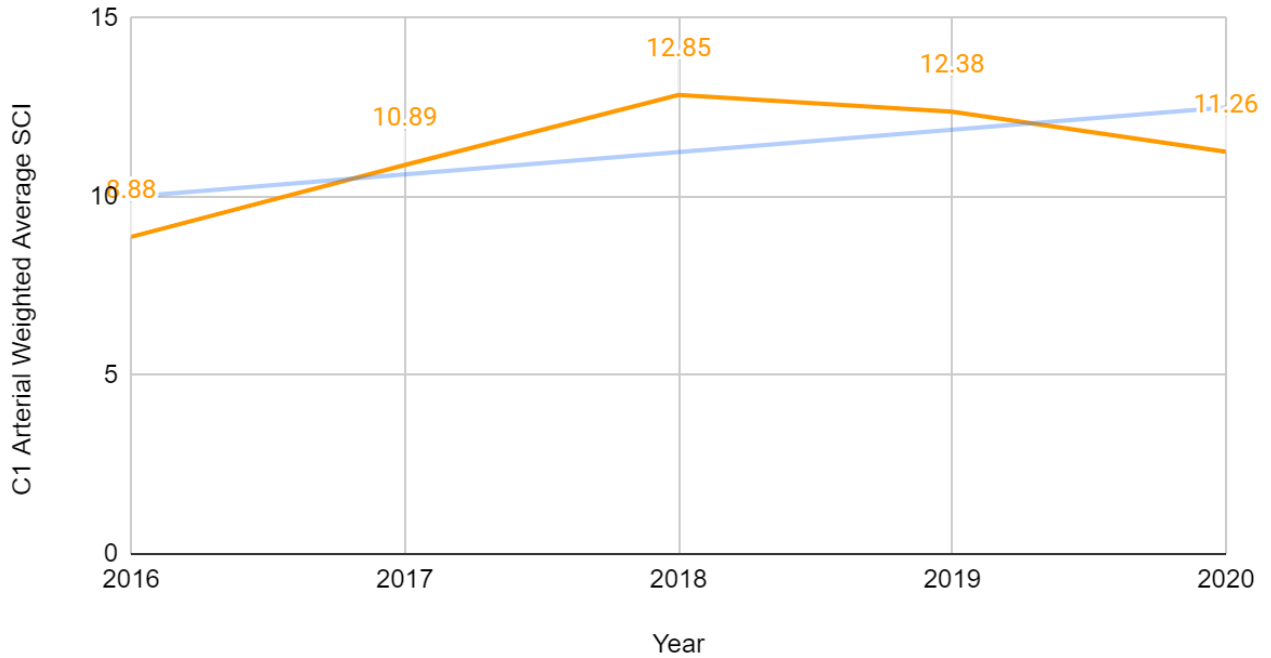
Arterial Roads:

Total Arterial Weighted Average SCI



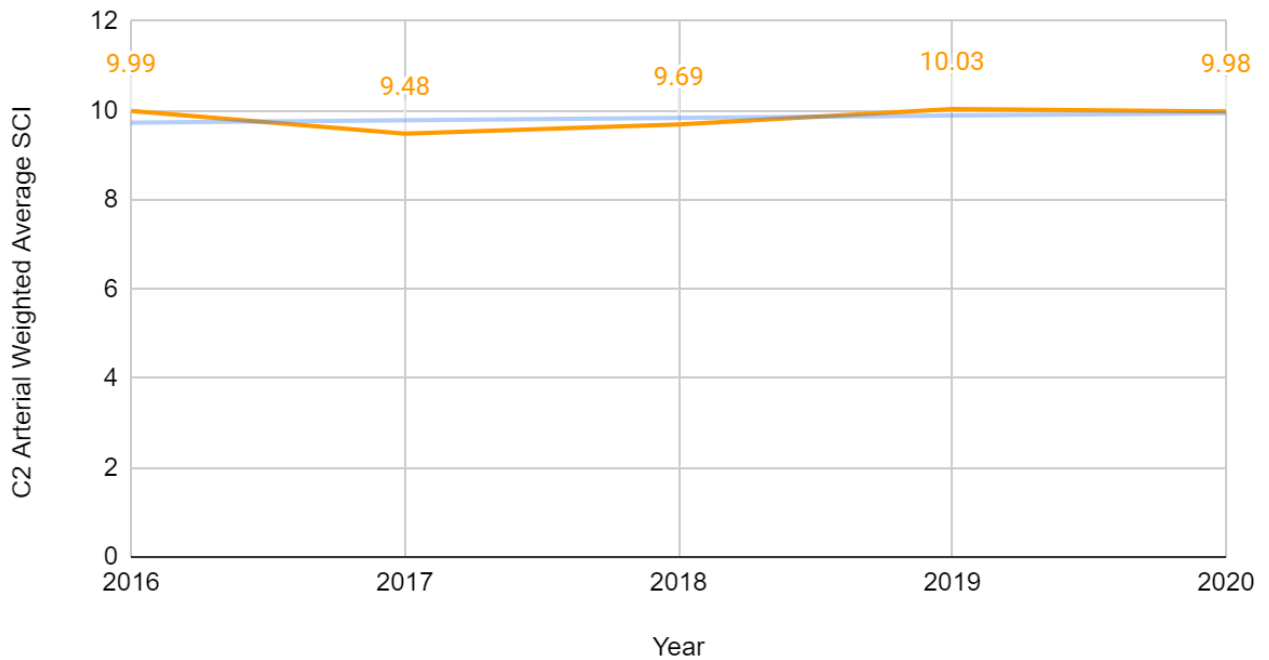
Total Arterials: Total Arterial Weighted Average SCI saw overall deterioration in condition from 2016 (SCI: 9.86) to 2020 (SCI: 10.12), a decline in condition of 0.26. No individual year over year comparison indicated a decline in road condition from 2016-2020 of an amount greater than or equal to 0.5. No concerns were noted.

C1 Arterial Weighted Average SCI



C1 Arterial: Weighted Average SCI saw an overall deterioration in condition from 2016 (SCI: 8.88) to 2020 (SCI: 11.26), a decline in condition of 2.38. In addition, a negative trend ≥ 0.5 was exceeded in each year from 2016-2018. Although the Weighted Average SCI trend has shown some improvement from 2018-2020, the 2020 weighted average SCI exceeds that weighted average SCI during 2016. This is noted in CFI 3.

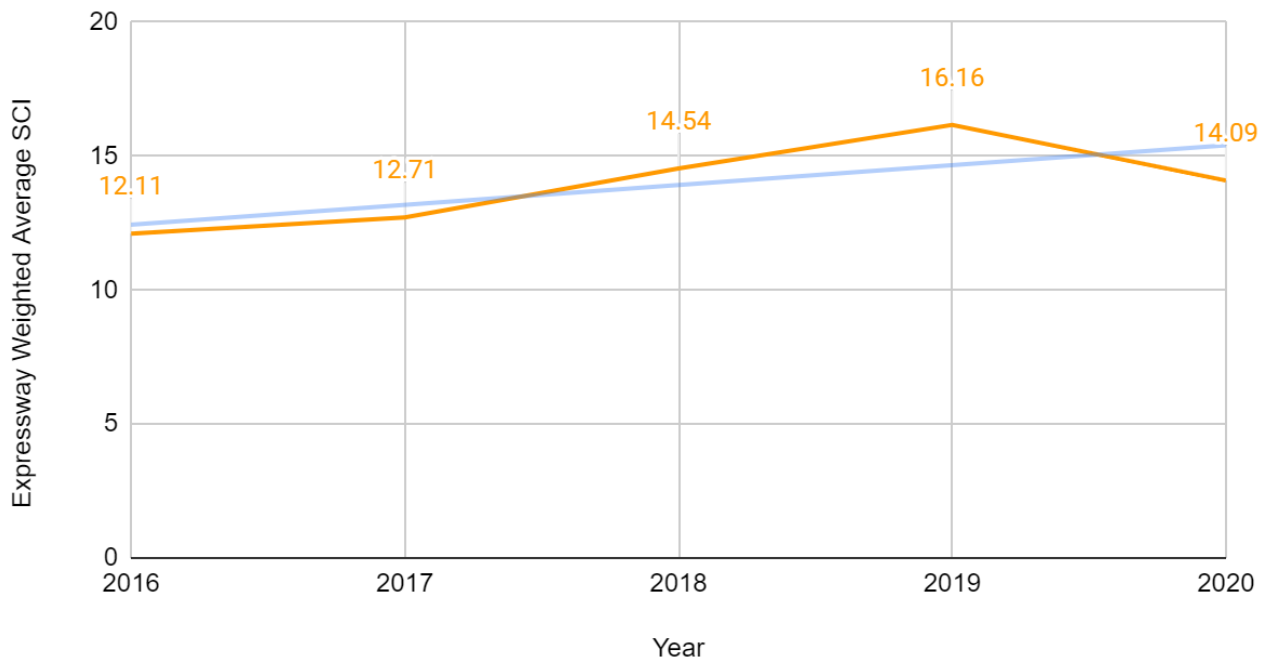
C2 Arterial Weighted Average SCI



C2 Arterial: Weighted Average SCI saw an overall improvement in condition from 2016 (SCI: 9.99) to 2020 (SCI: 9.98). There were no instances of year over year increases in weighted average SCI of an amount greater than or equal to 0.5. No concerns noted.

Expressways:

Expressway Weighted Average SCI



Expressway: Weighted Average SCI saw an overall deterioration in condition from 2016 (SCI: 12.11) to 2020 (SCI: 14.09), decline in condition of 1.98. In addition, a negative trend that ≥ 0.5 was exceeded in each year from 2016-2019. Although the Weighted Average SCI trend has shown some improvement from 2019-2020, the 2020 weighted average SCI exceeds the weighted average SCI during 2016. This is noted in CFI 3.

Appendix B: Background, Scope and Objectives

Background

We conducted a Value for Money (VFM) /Performance Audit of road maintenance activities and processes based on the risks identified through discussion with key stakeholders. This was a value enhancement audit where the Internal Audit (IA) addressed risks including: Regulatory Compliance, Road Maintenance Strategies and Governance, People and Technology design processes.

Scope

The focus of this internal audit will be to evaluate the performance of the activities related to road infrastructure maintenance of core transportation assets, specifically the expressway, arterial roads, and collector roads. In particular Internal Audit worked with management to identify KPIs against which performance may be measured focusing on economy, efficiency and effectiveness of road maintenance activities. The KPIs were agreed with management prior to the audit kick off.

Performance objectives

In forming our audit conclusions, the following performance indicators were assessed for the past five fiscal years (2016-2020) and the projected 2025 fiscal year for the in-scope road infrastructure functional classification categories. Select municipal comparisons were made where information was available.

1. % of paved lane km where no maintenance or rehabilitation action is required (good to very good condition, having a Structural Condition Index 1-4)
2. Variance in actual to planned spend per lane km by roadway treatment category⁶
3. Increase in funding allocation⁷
4. Road condition assessment over time with a target of no decline in score from 2016-2020 and projected improvement by 2025

Revision: During fieldwork it was determined that all four mutually agreed to KPIs could not be assessed. As a result, four revised measures were used at a more aggregate level:

- *Revised KPI 1: % of total paved lanes for in-scope road classification where paved lane km has a structural condition index of < 5 (Excludes 2025 SCI projections)*
- *Revised KPI 2: Variance in actual to planned spend for the Road Rehabilitation category was within 5%*
- *Revised KPI 3: Increase in funding allocation at the Capital Budget level.*
- *Revised KPI 4: Road condition assessment over time with a target of no decline in score from 2016-2020.*

6 Management was not able to readily provide information/data/analysis at the level of specificity for this measures - a revised KPI #2 was then used.

7 Management was not able to readily provide information/data/analysis at the level of specificity for this measures - a revised KPI #3 was then used.

Internal audit objectives

The focus of this internal audit was on the performance of the activities related to road infrastructure maintenance of core transportation assets. Specifically, maintenance activities related to the Arterial, Collector and Expressway road infrastructure functional classification categories were examined for economy, efficiency and effectiveness by conducting the following high-level audit activities:

1. Examine progress made to comply with Table 4 in Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure since March 31, 2019 as it specifically relates to maintenance for road functional classifications which are in-scope on this project (effectiveness).
2. Assess road infrastructure maintenance program strategies, implementation plans and current performance against CoW 2018-19 Asset Management Plan (AMP) and common practice (economy & effectiveness).
3. Assess the design of governance, people and technology processes in place to achieve efficiency in operations throughout the road maintenance lifecycle (economy & efficiency).

Specific scope exclusions

Given the nature of the work and budgeted effort, the following elements are explicitly excluded from the scope of this internal audit:

- The effective design, implementation and operation of the Information and Technology (IT) environment and IT general controls;
- Local, Scenic Parkway and Alley road infrastructure assets are considered lower risk.
- Activities related to winter road clearing maintenance as a Value for Money/Performance Audit of purchased services related to winter road clearing was conducted in 2020.

Controls in place to identify, prioritize, plan and oversee the AMP roll out prior to March 31, 2019 as asset management practices covered in the 2019 Internal Audit of life cycle costing and asset planning methodology.

Appendix C: Basis of findings rating and report classification

Performance measurement classification

Performance Measures Fully Met	
Exceeded	>100% of performance measure
Attained	100% of performance measure
Performance Measure Partially Met	
Substantially Attained	90-99.99% of performance measure
Partially Attained	70-89.99% of performance measure
Somewhat Attained	50-69.99% of performance measure
Performance Measure Not Met	
Not Attained	<50% of performance measure
Performance Measure Not Assessed	
Not Assessed	Given project constraints no determination of the performance criteria viable under the project or data constraints.

Audit report classification

Report Classification	The internal audit identified one or more of the following:
Optimally Controlled	<ul style="list-style-type: none"> Well-structured design effectively achieves fit-for purpose control objectives Controls consistently applied and operating at optimum level of effectiveness.
Managed	<ul style="list-style-type: none"> Sound design achieves control objectives. No control design improvements identified. Controls consistently applied. Only minor instances of controls identified as not operating, which have mitigating back-up controls or the risk of loss is immaterial. All previous significant audit action items have been closed.
Some Improvement Opportunity	<ul style="list-style-type: none"> Control design improvements identified, however, the risk of loss is immaterial. Isolated or "one-off" significant controls identified as not operating for which

	<p>sufficient mitigating back-up controls could not be identified.</p> <ul style="list-style-type: none"> Numerous instances of minor controls not operating for which sufficient mitigating back-up controls could not be identified. Some previous significant audit action items have not been resolved on a timely basis.
Major Improvement Opportunity	<ul style="list-style-type: none"> Design is not optimum and may put control objectives at risk. Control design improvements identified to ensure that risk of material loss is minimized and functional objectives are met. A number of significant controls identified as not operating for which sufficient mitigating backup controls could not be identified which may put control objectives at risk. Losses have occurred as a result of control environment deficiencies. Little action taken on previous significant audit findings to resolve the item on a timely basis.
Unacceptable Risk Exposure	<ul style="list-style-type: none"> Control design leaves the opportunity for loss, error or abuse. Significant control design improvements identified to ensure that the risk of material loss is minimized and functional objectives are met. An unacceptable number of controls (including a selection of both significant and minor) identified as not operating for which sufficient mitigating back-up controls could not be identified creating the opportunity for loss, error or abuse. Material losses have occurred as a result of control environment deficiencies. Instances of fraud or significant contravention of corporate policy detected. No action taken on previous significant audit findings to resolve the item on a timely basis.

Finding ratings

Finding rating matrix	Low Impact	Medium Impact	High Impact
Highly likely <ul style="list-style-type: none"> History of regular occurrence of the event. The event is expected to occur in most circumstances. 	Moderate	Significant	Significant
Likely <ul style="list-style-type: none"> History of occasional occurrences of the event. The event could occur at some time. 	Low	Moderate	Significant
Unlikely <ul style="list-style-type: none"> History of none or seldom occurrence of the event. The event may occur only in exceptional circumstances. 	Low	Low	Moderate

Impact	Impact Consideration
---------------	-----------------------------

High	<p>Financial impact likely to exceed \$250,000 in terms of direct loss or opportunity cost.</p> <p>Internal Control: Significant control weaknesses, which would lead to financial or fraud loss.</p> <p>An issue that requires a significant amount of senior management/Board effort to manage such as:</p> <ul style="list-style-type: none"> • Failure to meet key strategic objectives/major impact on strategy and objectives. • Loss of ability to sustain ongoing operations: <ul style="list-style-type: none"> ◦ Loss of key competitive advantage/opportunity ◦ Loss of supply of key process inputs • A major reputational sensitivity, e.g., market share, earnings per share, credibility with stakeholders and brand name/reputation building. <p>Legal/regulatory: Large scale action, major breach of legislation with very significant financial or reputational consequences.</p>
Medium	<p>Financial impact likely to be between \$75,000 to \$250,000 in terms of direct loss or opportunity cost.</p> <p>Internal Control: Control weaknesses, which could result in potential loss resulting from inefficiencies, wastage, and cumbersome workflow procedures.</p> <p>An issue that requires some amount of senior management/Board effort to manage such as:</p> <ul style="list-style-type: none"> • No material or moderate impact on strategy and objectives. • Disruption to normal operation with a limited effect on achievement of corporate strategy and objectives • Moderate reputational sensitivity. <p>Legal/regulatory: Regulatory breach with material financial consequences including fines.</p>
Low	<p>Financial impact likely to be less than \$75,000 in terms of direct loss or opportunity cost.</p> <p>Internal Control: Control weaknesses, which could result in potential insignificant loss resulting from workflow and operational inefficiencies.</p> <p>An issue that requires no or minimal amount of senior management/Board effort to manage such as:</p> <ul style="list-style-type: none"> • Minimal impact on strategy • Disruption to normal operations with no effect on achievement of corporate strategy and objectives • Minimal reputational sensitivity. <p>Legal/Regulatory: Regulatory breach with minimal consequences.</p>

Appendix D: Limitations and responsibilities

Limitations inherent to the internal auditor's work

Internal control

Internal control systems, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgment in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

Future periods

Our assessment of controls is for the period specified only. Historic evaluation of effectiveness is not relevant to future periods due to the risk that:

- the design of controls may become inadequate because of changes in operating environment, law, regulation or other; or
- the degree of compliance with policies and procedures may deteriorate.

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management, internal control and governance and for the prevention and detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems.

We endeavour to plan our work so that we have a reasonable expectation of detecting significant control weaknesses, and if detected, we shall carry out additional work directed towards identification of consequent fraud or other irregularities. However, internal audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected.

Accordingly, our examinations as internal auditors should not be relied upon solely to disclose fraud, defalcations or other irregularities which may exist.



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Appendix D - Smart City Cyber Risk Mitigation

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The Corporation of the City of Windsor

SmartCity Cyber & Privacy Risk Mitigation Review

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Shelby Askin Hager, Commissioner of Legal & Legislative Services
Marco Aquino, Executive Initiatives Coordinator

Internal audit report

March 8, 2022

Limitations and responsibilities

This Report was developed in accordance with our engagement letter addendum dated January 24, 2020 and is subject to the terms and conditions included therein. Our work was limited to the specific procedures and analysis described herein and was based only on the information made available at the time we prepared the report. Accordingly, changes in circumstances after the date of this Report could affect the findings outlined herein. We are providing no opinion, attestation or other form of assurance with respect to our work, and we did not verify or audit any information provided to us. This information has been prepared solely for the use and benefit of and pursuant to a client relationship exclusively with the Corporation of the City of Windsor. PwC disclaims any responsibility to others based on its use and accordingly this information may not be relied upon by anyone other than the Corporation of the City of Windsor.



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Executive summary

SmartCity Context

The City of Windsor has been undergoing restructuring including the introduction of a new role within its Corporate Leadership Team, the Commissioner, Economic Development & Innovation. This new role and portfolio was created to support the City of Windsor's "progressive and forward thinking vision of growth and diversification." This role will provide leadership and strategic direction to the departments of Economic Development, Information Technology, Planning and Building Services while championing innovation across the Corporation. It is expected that many of the elements and initiatives under "SmartCity" would align with the new division.

The above information is recent however at time of planning and our review, we noted that the City of Windsor (the City) did not specifically track SmartCity initiatives and we could not locate a published City definition of SmartCity initiatives. Given the advancement of technology and the escalating need for digital engagement with public, Internal Audit used the following context for the purposes of the project:

A smart city uses information and communication technology (ICT) to improve operational efficiency, share information with the public and provide a better quality of government service and citizen well-being.

The main goal of a smart city is to optimise city functions and promote economic growth while also improving the quality of life for citizens by using technology and data analysis. The value lies in how this technology is used rather than how much technology is available.¹

Based on the above external definition Internal Audit worked with management to identify some projects which align to the definition (not a complete list). The City has planned and implemented several IT / SmartCity initiatives / projects. Such projects are assessed via conducting a security assessment considering the IT, Cyber, and privacy risks. The City's communications department informs citizens about new initiatives / SmartCity initiatives via various media sources,

A SmartCity/IT initiative includes various components including, but not limited to, project governance, project management, performance measurement, concept, design/ development/acquisition, testing/validation, user experience etc. The scope of this internal audit was focused on cyber and privacy elements and did not assess the myriad of practices and controls in place to address these other key elements of a SmartCity Initiative.

SmartCity Numbers

Given that management does not currently track, or have an identifier for, SmartCity Initiatives providing information such as:

- Departments impacted
- SmartCity Initiatives Completed
- SmartCity Initiatives in Progress
- SmartCity Initiatives Projected
- Budget for in progress SmartCity Initiatives

is not readily possible.

¹ <https://www.twi-global.com/technical-knowledge/faqs/what-is-a-smart-city>

Project purpose We conducted an assessment of the internal controls and processes management has implemented to enable systematic approach to SmartCity risk mitigation as it relates to cybersecurity and privacy. We considered the City practices related to:

- approach to considering security and privacy risks for SmartCity initiatives
- the use of a consistent framework to ensure that privacy and cyber security risks are assessed and managed for Smart City initiatives
- monitoring mechanisms to indicate if the privacy and cyber risk mitigation plans have been or are being implemented for SmartCity initiatives.

Specific scope, objectives and exclusions are described in Appendix B.

What we did To conduct our work, we completed various activities including, but not limited to:

- Worked with management to identify a selection of City projects that align to the definition of SmartCity provided above for use in our evaluation of internal controls (see Appendix A).
- Inquired of management regarding the roles and responsibilities related to privacy and security of information for SmartCity initiatives (Projects).
- Reviewed cyber and privacy risk assessment processes and controls. This included Security Assessments and Privacy Impact Assessments.
- Considered management’s data protection and privacy processes and controls and management’s mechanisms for assessing adherence thereunto.
- Understood how cyber and privacy risks are considered through the project lifecycle.
- Considered if a risk register is maintained for specific projects including cyber and privacy risks.

Overall assessment Overall, our assessment of SmartCity Cyber & Privacy Risk Mitigation at the City is one of **Some Improvement Opportunities**. We identified no findings rated as significant internal control weaknesses.

A total of three findings have been identified and two considerations for improvement have been provided as well.

Management comments "Smart City" is a broad term with multiple definitions but all includes the use of technology, and as such the City of Windsor uses its IT Project Management Framework to manage any project that would fall under all definitions of a "Smart City" project.

The City's IT Project Management and Security Framework used for IT projects has built in components to assess Cyber and Privacy risk.

However, we do acknowledge there is always room for improvement.

Norm Synnott, CIO/Executive Director of IT
Date: March 25, 2022

Management offers comment considering PwC’s definition that “the main goal of a smart city is to optimise city functions and promote economic growth while also improving the quality of life for citizens by using technology and data analysis. The value lies in how this technology is used rather than how much technology is available.” Acknowledging that the City of Windsor does not necessarily label modernization initiatives under a “Smart City” category, the corporation does maintain a project list and each project considers a variety of risk factors, which may include cyber and IT security.

That being said, to further identify and promote these city initiatives, and to align and support those being undertaken in the community, City Council has approved the creation of the new Economic Development and Innovation portfolio. This new division will pursue improved methods of communicating such initiatives and other successes publicly. While we endeavour to “improve operational efficiency, share information with the public and provide a better quality of government service”, we strive to do so in a purposeful and clear manner.

Jelena Payne, Commissioner, Economic Development & Innovation
Date: March 25, 2022

Summary of internal audit results

Based on the controls considered, we have determined that there is reasonable evidence to indicate that²:

#	Objective	Report classification				
		Optimally Controlled	Managed	Some Improvement Opportunity	Major Improvement Opportunity	Unacceptable Risk Exposure
1	For Smart City initiatives there is a plan/ approach in place to consider security and privacy risks		✓			
2	There is a consistent framework to ensure that privacy and cyber security risks are assessed and managed.			✓		
3	There is a monitoring mechanism in place to indicate if the privacy and cyber risk mitigation plans have been or are being implemented.			✓		

We identified areas where internal control weakness exists; however, no significant control weakness was noted.

Management has provided action plans, which we believe will address the deficiencies noted or identify the risk acceptance. Below we provide a summary of the findings noted as part of our work:

Summary of findings

#	Topic	Rating ³	Management action plan
Plan/ approach in place to consider security and privacy risks			
1	Formalize risk identification criteria or guideline with respect to IT/Cyber/Privacy risks	Significant	A position has been created dedicated to managing "Smart City" projects. Further, Management will: <ul style="list-style-type: none"> - review the governance structure of IT projects and provide clarity on "what is a project". - Increase touch points to better capture any upcoming IT or Smart City initiatives. - Modify the IT Project Management Framework to further support Cyber and Privacy Risk assessments.
		X Moderate	
		Low	

² Rating scale described in Appendix B

³ See Appendix B for Basis of Finding Rating and Report Classification

#	Topic	Rating ⁴	Management action plan	
Consistent framework to ensure that privacy and cyber security risks are assessed and managed				
2	Establish procedures to conduct Privacy Impact Assessments (PIA)		Significant	The IT Project Management Framework will be modified to add a Preliminary Privacy Needs Assessment by including the 5-6 questions, along with providing examples to help identify whether a Privacy Needs Assessment should be conducted.
			Moderate	
		X	Low	
Monitoring mechanism in place to indicate if the privacy and cyber risk mitigation plans have been or are being implemented				
3	Perform ongoing monitoring of project risks		Significant	It is Administration's view that our current processes (inclusive of the changes as a result of findings #1 and #2) for managing projects cover the monitoring of projects to mitigate Cyber and PII risk appropriately and therefore sufficiently address this matter. At this time, no further actions are deemed necessary. Administration will continue to monitor and as deemed necessary amend processes where considered appropriate and/or necessary.
		X	Moderate	
			Low	

⁴ See Appendix B for Basis of Finding Rating and Report Classification

Overview

SmartCity

The City of Windsor (the City) does not specifically track SmartCity initiatives and we could not locate a published City definition of SmartCity initiatives. Internal Audit conducted research and leveraged the following definition for the purposes of conducting this internal audit:

“A smart city uses information and communication technology (ICT) to improve operational efficiency, share information with the public and provide a better quality of government service and citizen well-being”. Generally, the SmartCity’s main goal is to optimise City functions and promote economic growth while also improving the quality of life for citizens by using technology and data analysis. The value lies in how this technology is used rather than how much technology is available.⁵

As per discussion with management, several IT / SmartCity initiatives / projects are currently ongoing and / or are planned for implementation. Security and / or Privacy assessments are conducted for such projects which consider IT, Cyber, and privacy risks. Citizens are informed about such SmartCity initiatives via various media sources.

Current practices at the City would incorporate SmartCity initiatives into the overall project management practices currently in place. As such many of the controls Internal Audit evaluated related to project management, cyber risk mitigation related to projects and privacy risk management related to projects/initiatives.

Plan/ approach in place to consider security and privacy risk

There is a technology and/or data component within any SmartCity initiative by its very nature. All projects undergo planning and risk identification. As such, a SmartCity initiative goes through Security framework Assessment/analysis. Where personal data is identified the legal team and the Freedom of Information (FOI) coordinator is also involved. The criteria triggering this analysis, and the acceptance thereof, is significantly dependent on the nature of the initiative, the personnel participating (often IT, legal, finance, etc...) and their respective judgement.

Consistent framework to ensure that privacy and cyber security risks are assessed and managed

Three key mechanisms provide a framework for identifying privacy and cyber risk identification and management: IT/cyber risk assessment, Privacy impact assessment and the RFP templates. The initiation of many of these activities relies upon the experience and judgement of the various team members and specialists.

The IT project management team has a framework which includes a comprehensive security assessment tool. This tool is used for any project involving IT, data, cyber, privacy elements. A project specific risk register is maintained to log identified risks including IT and privacy risks.

The Corporation uses a Privacy Impact Assessment (PIA) template provided by the Information & Privacy Commissioner (IPC). The IPC of Ontario has provided a preliminary privacy needs assessment tool which has 5-6 questions, essentially to determine whether a PIA and whether the project involves personal or sensitive information. Based on this determination, and or project team judgement, management conducts a complete PIA for the respective initiative.

The RFPs templates/frameworks designed for procurement of IT assets or assets which include IT components, include Personal Information Protection and Electronic Documents Act (PIPEDA) clauses.

⁵ <https://www.twi-global.com/technical-knowledge/faqs/what-is-a-smart-city>

Mitigation plans for identified project risks are drafted. The project team maintains a project risk register. Within the project risk register an owner is assigned to each identified project specific risk.

Monitoring mechanism in place to indicate if the privacy and cyber risk mitigation plans have been or are being implemented

This project risk owner is responsible for monitoring their respective risk(s).

Risks are not aggregated across projects and a consolidated reporting of risk mitigation progress against expectations was not detected. Adherence to risk mitigation plans and implementation thereof are the responsibility of project teams.

Detailed findings

1. Formalize risk identification criteria or guideline with respect to IT/Cyber/Privacy risks		Overall rating: Moderate
Impact:	Medium	Likelihood: Likely
<p>Observation: SmartCity initiatives are treated like any other IT project. These projects include a security assessment which considers IT, Cyber, and privacy risks. The criteria triggering such analysis, and the acceptance thereof, is significantly dependent on the nature of the initiative, the personnel participating and their respective judgement. While leveraging the experience of team members is critical to success, support mechanism which enables consistency and help reduce risk were not noted such as:</p> <ul style="list-style-type: none"> • formal risk identification criteria and guidelines for IT/Cyber/Privacy risks, • triggers requiring early initial engagement with cyber and privacy leaders, or • governing criteria for risk acceptance and approval. 		
<p>Implication: Cyber, privacy and IT risks associated with new projects, technology and data may not be well defined, identified or monitored resulting in service interruptions and/or breach or privacy/confidentiality.</p>		
<p>Recommendation: A mechanism should be designed and implemented requiring all projects to identify if they involve:</p> <ol style="list-style-type: none"> 1. the acquisition of technology or software, 2. access to/acquisition of/sharing of data/information (IT/cyber), 3. access to/acquisition of/sharing of PII data/information (privacy), 4. connection of external technology to the City environment, or 5. the use of Cloud based platforms. <p>Any project meeting one of these elements should require a security and privacy review with input or approval from a designated subject matter specialist for cyber, IT and/or privacy. The outcomes of such an assessment should define the risk mitigation strategy/requirements and the level of involvement of cyber, IT and privacy personnel in the project.</p> <p>Further, management should consider providing guidelines for risk acceptance and mitigation. All cyber and privacy risks accepted should be communicated to Senior Management for awareness and/or concurrence or override/rejection</p>		
Management Action Plan		
<p>The City of Windsor has a number of processes in place to address the PWC recommendations.</p> <ul style="list-style-type: none"> ○ The IT Strategic plan will review the governance structure of IT projects which will formalize the definition of "what is a project". Create touch points or a contact within the various lines of business to better capture any upcoming IT or Smart City initiatives. 	Responsible party:	CIO/ED of Information Technology
	Due date:	October 1, 2022

<ul style="list-style-type: none"> ○ The IT Project Management Framework will be modified to better formalize the assessment and capture of Cyber and Privacy Risk assessments. ○ A position has been created dedicated to managing "Smart City" projects. 		
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2. Establish procedures to conduct Privacy Impact Assessments (PIA)			Overall rating: Low
Impact:	Low	Likelihood:	Likely
<p>Observation: The Information & Privacy Commissioner (IPC) of Ontario has provided a preliminary privacy needs assessment tool which has 5-6 questions, essentially to determine whether a Privacy Impact Assessment (PIA) is needed and whether the project involves personal and sensitive information. Based on this determination, and or project team judgement, management conducts a complete PIA for the respective initiative by utilizing the PIA template.</p> <p>This preliminary need assessment for a PIA is conducted on an ad-hoc basis and is not a required activity.</p>			
<p>Implication: Unclear requirements and/or expectations on the use of PIA could lead to inconsistent and/or ineffective practices.</p>			
<p>Recommendation: A Preliminary Privacy Needs Assessment should be conducted for all projects or incorporated into project methodology/governance practices (management may consider integrating questions 4, 5 and 6 from the IPC's Preliminary Privacy Needs Assessment into initial project planning or risk assessment).</p> <p>Alternatively, an initial question, with examples of what personally identifiable information (PII) is, as to whether PII will be accessed, shared, or exchanged within or as an outcome of the project could be a specific question posed. If PII might be involved, then a Preliminary Privacy Needs Assessment should be conducted.</p>			
Management Action Plan			
The IT Project Management Framework will be modified to add a Preliminary Privacy Needs Assessment by including the 5-6 questions, along with providing examples to help identify whether a Privacy Needs Assessment should be conducted.	Responsible party:	CIO/ED of Information Technology	
	Due date:	October 1, 2022	

3. Perform ongoing monitoring of project risks			Overall rating: Moderate
Impact:	Medium	Likelihood:	Likely
<p>Observation: Project risk monitoring is performed as needed within project teams. We did not detect a regular monitoring, as to exposure/mitigation, of specific cyber and privacy risks associated with any given project from a central perspective. This should include risks managed/mitigated by 3rd parties.</p>			
<p>Implication: without oversight individual risk mitigation may be missed and/or the aggregate impact not understood in a timely manner.</p> <p>Absence of continuous monitoring of Third-Party Service Level Agreements relating to cyber/privacy risks of SmartCity Initiatives may result in breach of contracts and possible non-compliance to regulations that may lead to financial sanctions and overall reputational damage.</p>			
<p>Recommendation: Project risks, including cyber and privacy, should be regularly monitored for management/mitigation and changes. While this should occur routinely within the project, an aggregate /consolidated view should be considered at a program/all project level on a quarterly or semi-annual basis.</p> <p>Such monitoring should provide an insight into changes in risk posture and progress/sufficiency or risk mitigation/progress. The risk perspective should include how 3rd party risks are also addressed.</p> <p>A key risk to ensure is availability/continuity in that each project should include a phase/stage whereby availability management practices, disaster recovery and business continuity management practices are updated prior to implementation of a new project solution.</p>			
Management Action Plan			
<p>It is Administration's view that our current processes (inclusive of the changes as a result of findings #1 and #2) for managing projects cover the monitoring of projects to mitigate Cyber and PII risk appropriately and therefore sufficiently address this matter. At this time, no further actions are deemed necessary. Administration will continue to monitor and as deemed necessary amend processes where considered appropriate and/or necessary.</p>	Responsible party:	CIO/ED of Information Technology	
	Due date:	Complete	

Considerations for improvement

1. Define SmartCity initiatives and increase awareness of such IT/SmartCity initiatives

Observation

The City's communications department, via press releases and social media, informs citizens about new initiatives / SmartCity initiatives. The City does not specifically track SmartCity initiatives and we could not locate a published City definition of SmartCity initiative. Therefore the City cannot readily publish information on the various SmartCity initiatives within the City nor on its website (for citizen's awareness).

Consideration

Management should define what constitutes a SmartCity initiative. Based on this definition management may wish to consider identifying all SmartCity Initiatives, within the context or all projects, using a tag or identifier such as "SmartCity". This would allow reporting to the Council of those initiatives directly impacting Citizens and Technology.

Further, management should consider the risks and benefits of publishing a public webpage, or listing, of: (1) completed, (2) in process and (3) potential SmartCity projects.

2. Define expected success measures for SmartCity initiatives

Observation

Measurable SmartCity related measures are not currently required for each SmartCity initiative.

Consideration

Given that "A smart city uses information and communication technology (ICT) to improve operational efficiency, share information with the public and provide a better quality of government service and citizen well-being" management should consider updating project analysis forms/charters to identify (1) if a project is a SmartCity initiative and (2) where a project is a SmartCity initiative the expected/measurable indicators of success should be defined.

Specific consideration should be given to expected success measures related to (1) improve operational efficiency, (2) share information with the public and (3) provide a better quality of government service and citizen well-being should be articulated. Such practices should be applied to future projects and possibly current early-stage initiatives.

Appendix A: Initial SmartCity Initiatives as of August 2021

Initiative	Description
MioVision	Traffic camera data collection down Huron Church Rd (8 Intersections)
Ford Safety Insight Platform	Data analytics project to correlate map data, with collision data and Ford vehicle data to identify and predict accidents, thus reducing costs and improving safety. Includes partnering with UofW and St. Clair college.
Creation of a Data Solutions Division	Based on a prior report to the council and pilot from IBI. IT request for 2022 budget funds for positions and resources to create a Data Solutions Division
Windsor Works program	Major initiative to spur on Economic Development focusing on new initiatives and technologies to attract new business and citizens to Windsor. This is based on the Windsor works report to council https://www.citywindsor.ca/mayorandcouncil/Pages/Windsor-Works-Report.aspx , and encompasses many new Smart City initiatives, including using data analytics to analyze public reaction through surveys and social media.
myWindsor	Continuing initiative to develop online services.
Red light cameras	Installation of red-light cameras (10 intersections), to improve driver behavior, reducing speeding and accidents to improve public safety.
Digital Traffic Cameras	Upgrade and expansion of older analogue traffic cameras. Allows for real time access for Police. Several cameras will be viewable by MTO for public consumption.
NG911	Telecommunications, Dispatching and Emergency services radio upgrades to the new NG911 standards to enhance public safety
Streetlight data	https://www.streetlightdata.com/canada/ Using Streetlight data and platform to analyze transportation data and metrics
Virtual Reality cave	https://www.investwindsor.essex.com/en/how-we-help/virtual-reality-cave.aspx VR environment for testing. Primarily for connected and autonomous vehicle development.
TELUS innovation corridor	University Ave "The smartest 3km in Windsor Essex" (3 KM stretch on University Ave., to test 5G technology projects). Partnership with Telus, City, UofW, St. Clair, InvestWindsorEssex
Data Analytic Partnership	Current talks with UofW and St. Clair on shared partnership approach to Data Analytics
Citizen engagement for 2022 budget	Using BalancingAct to get citizen input on the 2022 budget https://abalancingact.com/
IoT Garbage sensors	Discussions regarding a pilot with St. Clair college to use garbage can sensors along the Riverfront.

Initiative	Description
Stormwater financing project	This project is to identify and collect available data (parcels, parcel IDs, land use codes, impervious layers, aerial photography) to create a fair and equitable storm water billing system.
Managed Security Services	An RFP is closing on Aug 13th to choose a partner to help monitor and analyze and improve the city's cyber security posture.
CHP Combined Power and Cooling program	Two CHP units have been installed (Huron Lodge, WFCU) that collect energy usage data for analysis.
Solar Panel program	Solar panels have been installed on various facilities (Aquatic Centre, Transit, WFCU) as part of a renewable energy program. Data is collected for analysis
PCI	Current project to ensure we meet the proper PCI requirements, to protect customer credit card information.

Appendix B: Background, Scope and Objectives

Background

A smart city uses information and communication technology (ICT) to improve operational efficiency, share information with the public and provide a better quality of government service and citizen wellbeing.

Scope

The main goal of a smart city is to optimise city functions and promote economic growth while also improving the quality of life for citizens by using technology and data analysis. The value lies in how this technology is used rather than how much technology is available.

Internal audit objectives

The focus of this internal audit will be to consider the effectiveness of the processes and controls management has in place to achieve the following objectives:

1. For Smart City initiatives there is a plan/approach in place to consider security and privacy risks of the following:
 - a. Collection of information as part of SmartCity initiatives
 - b. Information shared with other stakeholders
 - c. Acquirement/receipt of information from other stakeholders
2. There is a consistent framework to ensure that privacy and cyber security risks are assessed and managed.
3. There is a monitoring mechanism in place to indicate if the privacy and cyber risk mitigation plans have been or are being implemented.

Specific scope exclusions

Given the nature of the work, risk considerations and budgeted effort, the following elements are explicitly excluded from the scope of this internal audit work:

- The design, implementation and operation of the Information and Technology (IT) environment and IT general controls, end user computing controls, IT application controls, data integrity of reports used in IT dependent manual controls.
- Controls over the completeness, accuracy, reliability and validity of the evidence, information and data provided by management during the course of this review.
- The effective design, implementation and operation of business system and application controls related to the capture, processing, storage, reporting/presentation and exporting of information and data.
- A SmartCity/IT initiative includes various components including, but not limited to,; project governance, project management, performance measurement, concept, design/ development/acquisition, testing/validation, user experience etc. This scope of this internal audit was focused on cyber and privacy elements and did not assess the myriad of practices and controls in place to address these other key elements of a SmartCity Initiative.

Appendix C: Basis of findings rating and report classification

Audit report classification

Report Classification	The internal audit identified one or more of the following:
Optimally Controlled	<ul style="list-style-type: none"> Well-structured design effectively achieves fit-for purpose control objectives Controls consistently applied and operating at optimum level of effectiveness.
Managed	<ul style="list-style-type: none"> Sound design achieves control objectives. No control design improvements identified. Controls consistently applied. Only minor instances of controls identified as not operating, which have mitigating back-up controls, or the risk of loss is immaterial. All previous significant audit action items have been closed.
Some Improvement Opportunity	<ul style="list-style-type: none"> Control design improvements identified; however, the risk of loss is immaterial. Isolated or "one-off" significant controls identified as not operating for which sufficient mitigating back-up controls could not be identified. Numerous instances of minor controls not operating for which sufficient mitigating back-up controls could not be identified. Some previous significant audit action items have not been resolved on a timely basis.
Major Improvement Opportunity	<ul style="list-style-type: none"> Design is not optimum and may put control objectives at risk. Control design improvements identified to ensure that risk of material loss is minimized, and functional objectives are met. A number of significant controls identified as not operating for which sufficient mitigating backup controls could not be identified which may put control objectives at risk. Losses have occurred as a result of control environment deficiencies. Little action taken on previous significant audit findings to resolve the item on a timely basis.
Unacceptable Risk Exposure	<ul style="list-style-type: none"> Control design leaves the opportunity for loss, error, or abuse. Significant control design improvements identified to ensure that the risk of material loss is minimized, and functional objectives are met. An unacceptable number of controls (including a selection of both significant and minor) identified as not operating for which sufficient mitigating back-up controls could not be identified creating the opportunity for loss, error, or abuse. Material losses have occurred as a result of control environment deficiencies. Instances of fraud or significant contravention of corporate policy detected. No action taken on previous significant audit findings to resolve the item on a timely basis.

Findings classification

Likelihood Scales & Mapping to Impact

Finding rating matrix	Low Impact	Medium impact	High Impact
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Highly likely <ul style="list-style-type: none"> History of regular occurrence of the event. The event is expected to occur in most circumstances. 	Moderate	Significant	Significant
Likely <ul style="list-style-type: none"> History of occasional occurrences of the event. The event could occur at some time. 	Low	Moderate	Significant
Unlikely <ul style="list-style-type: none"> History of none or seldom occurrence of the event. The event may occur only in exceptional circumstances. 	Low	Low	Moderate

Impact Scales

Impact	Impact Consideration
High	<p>Financial impact likely to exceed \$250,000 in terms of direct loss or opportunity cost.</p> <p>Internal Control: Significant control weaknesses, which would lead to financial or fraud loss.</p> <p>An issue that requires a significant amount of senior management/Board effort to manage such as:</p> <ul style="list-style-type: none"> Failure to meet key strategic objectives/major impact on strategy and objectives. Loss of ability to sustain ongoing operations: <ul style="list-style-type: none"> Loss of key competitive advantage/opportunity Loss of supply of key process inputs A major reputational sensitivity, e.g., market share, earnings per share, credibility with stakeholders and brand name/reputation building. <p>Legal/regulatory: Large scale action, major breach of legislation with very significant financial or reputational consequences.</p>
Medium	<p>Financial impact likely to be between \$75,000 to \$250,000 in terms of direct loss or opportunity cost.</p> <p>Internal Control: Control weaknesses, which could result in potential loss resulting from inefficiencies, wastage, and cumbersome workflow procedures.</p> <p>An issue that requires some amount of senior management/Board effort to manage such as:</p> <ul style="list-style-type: none"> No material or moderate impact on strategy and objectives. Disruption to normal operation with a limited effect on achievement of corporate strategy and objectives Moderate reputational sensitivity. <p>Legal/regulatory: Regulatory breach with material financial consequences including fines.</p>
Low	<p>Financial impact likely to be less than \$75,000 in terms of direct loss or opportunity cost.</p> <p>Internal Control: Control weaknesses, which could result in potential insignificant loss</p>

Impact	Impact Consideration
	<p>resulting from workflow and operational inefficiencies.</p> <p>An issue that requires no or minimal amount of senior management/Board effort to manage such as:</p> <ul style="list-style-type: none"> ● Minimal impact on strategy ● Disruption to normal operations with no effect on achievement of corporate strategy and objectives ● Minimal reputational sensitivity. <p>Legal/Regulatory: Regulatory breach with minimal consequences.</p>

Appendix D: Limitations and responsibilities

Limitations inherent to the internal auditor's work

Internal control

Internal control systems, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgement in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

Future periods

Our assessment of controls is for the period specified only. Historic evaluation of effectiveness is not relevant to future periods due to the risk that:

- the design of controls may become inadequate because of changes in operating environment, law, regulation or other; or
- the degree of compliance with policies and procedures may deteriorate.

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management, internal control, and governance and for the prevention and detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems.

We endeavour to plan our work so that we have a reasonable expectation of detecting significant control weaknesses, and if detected, we shall carry out additional work directed towards identification of consequent fraud or other irregularities. However, internal audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected.

Accordingly, our examinations as internal auditors should not be relied upon solely to disclose fraud, defalcations or other irregularities which may exist.

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Appendix E - Management Action Plan Validation Report

This report is confidential and is intended solely for use by the management of The City of Windsor and is not intended or authorized for any other use or party. If any unauthorized party obtains this report, such party agrees that any use of the report, in whole or in part, is their sole responsibility and at their sole and exclusive risk; that they may not rely on the report; that they do not acquire any rights as a result of such access and that PricewaterhouseCoopers LLP, its members, employees, agents, subcontractors, affiliates, successors, assigns, representatives, partners, officers, directors, shareholders, and other personnel, shall have no obligation, responsibility or liability to them.

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The Corporation of the City of Windsor

Management Action Plans Validation Report

For the period January 1, 2021 to December 31, 2021

Prepared as of March 17, 2022



Limitations and responsibilities

This Report was developed in accordance with our engagement letter addendum dated January 24, 2020 and is subject to the terms and conditions included therein. Our work was limited to the specific procedures and analysis described herein and was based only on the information made available at the time we prepared the report. Accordingly, changes in circumstances after the date of this Report could affect the findings outlined herein. We are providing no opinion, attestation or other form of assurance with respect to our work, and we did not verify or audit any information provided to us. This information has been prepared solely for the use and benefit of and pursuant to a client relationship exclusively with the Corporation of the City of Windsor. PwC disclaims any responsibility to others based on its use and accordingly this information may not be relied upon by anyone other than the Corporation of the City of Windsor.



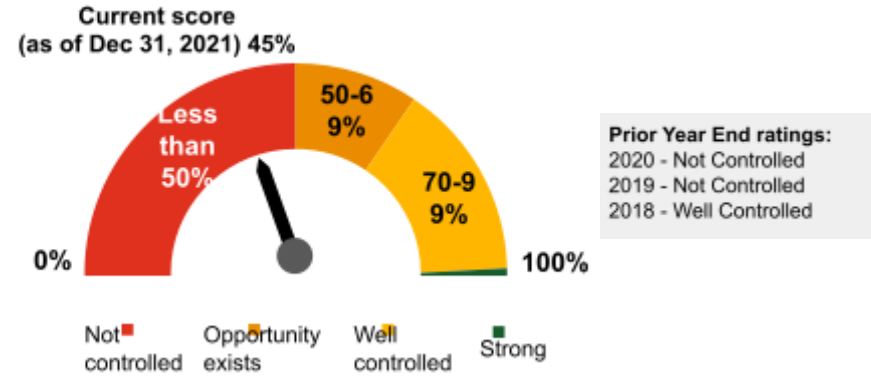
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1. Executive summary

Key measures:	All findings	Significant findings
Average age of open findings:	3.3 years	4.1 years
Average age of past due findings:	3.4 years	4.1 years
Age of oldest past due finding:	6.6 years	6.6 years
Number of Past Due Findings:	16	5



In the above, ratings consideration is also given to the number of retargeted observations reduction for every 2% of action plan dates retargeted for the **second time or more in this period**. See Appendix E for ratings scale. with a rating

Rating	Opening balance (as of December 31, 2020)	Additions in the year	Expected to be closed by Dec 31, 2021	Validated as closed by IA	Formally Accepted risk (No validation)	Open at end of period (A+B-D-E)	Open – on track	Open & delayed
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
<i>Details included in</i>				<i>Appendix A</i>	<i>Appendix B</i>		<i>Appendix C</i>	<i>Appendix D</i>
Significant	6	0	5	1	0	5		5
High	1	0	1	0	0	1		1
Moderate	15	0	10	7	1	7		7
Low	7	0	7	5	0	2		2
Not Rated*	6	2	7	6	0	2	1	1
Total	35	2	30	19	1	17	1	16

Scope Period: January 1, 2021 through December 31, 2021

Approach: For validating management action plan, the activities undertaken by internal audit included:

- Requesting status updates and contact information from management;
- Testing/validating evidence of management’s resolution/disposition of the original finding for items expected to be closed and/or indicated as closed by management;
- Preparing a report on the outcomes of the management action plan internal audit activity.

Conclusion: In total 20 (67%) management action plans were closed in the period, 1 was retargeted for the first time, and 11 were retargeted for the second time or more (22% penalty) resulting in an overall final conclusion of 45% - "Not Controlled".

- **Closed as planned and closed in advance:** In the period 20 items were closed versus an expected 30, a total closure rate of 67%:
 - o 18 management action plans were closed, out of the 30 due in the period
 - o 1 management action plan was closed ahead of schedule
 - o 1 management action plan was closed via formal risk acceptance
- **Additions:** 2 management action plans were added during the period
- **Retargeted Items:** 12 management action plans were retargeted in the period:
 - o 1 was retargeted for the first time
 - o 11 were retargeted for the second time or more (11*2% penalty = 22%)

Management is showing strong progress on most open action plans as this year the total open action plans is the second lowest it has been in 9 years; however, the proportion of "Open & Delayed" management action plans is also the highest it has been in those 9 years.

The past 2 years have been unique and challenging for society, business and government. In the face of this pandemic, management was able to progress and close 20 management action plans of the intended 30 action plans originally expected in the period. However, it is important to also note that the majority (16 out of 17 or 94%) of the prior internal control findings are past due (Open & Delayed). Of these 16 Open & Delayed findings, 11 relate directly to City departments (69%) and 5 open findings relate to Agencies, Boards and Commissions (31%).

While it is important to consider the fact that management made progress in resolving more than half of the issues that were previously open, it is also important that management and City Council understand that risk exposures remain until known gaps are mitigated. For the Open & Delayed findings 100% (16) are anticipated to be resolved in the next 12 months.

Given the state of the world, the pandemic situation, and local initiatives City Council and Management should ensure that the timely resolution of open actions is considered, prioritized and the risk understood amidst the City's other initiatives and operational requirements.

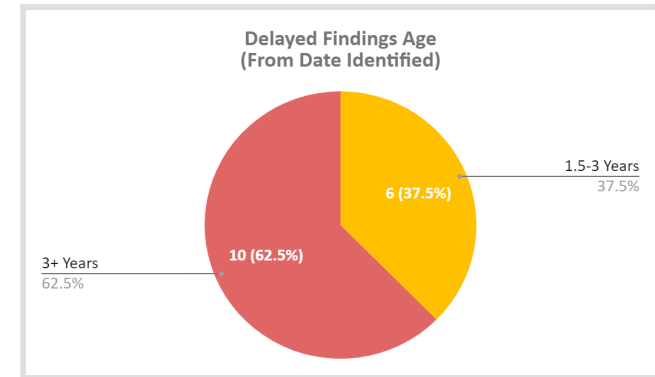
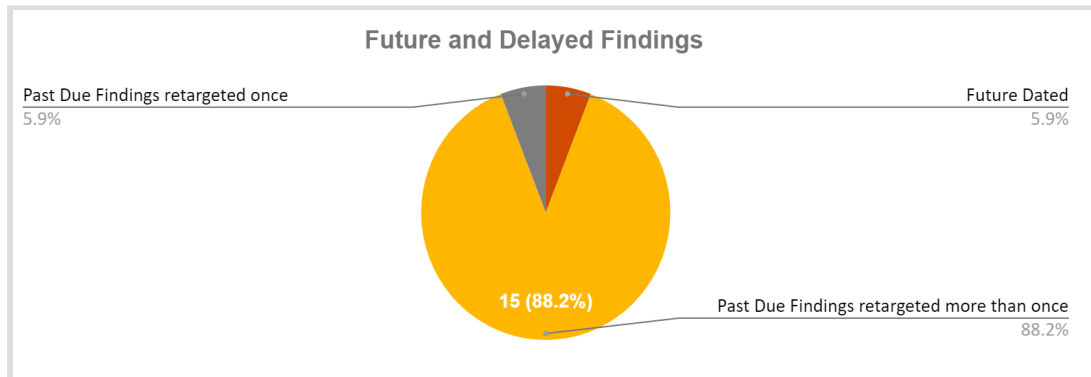
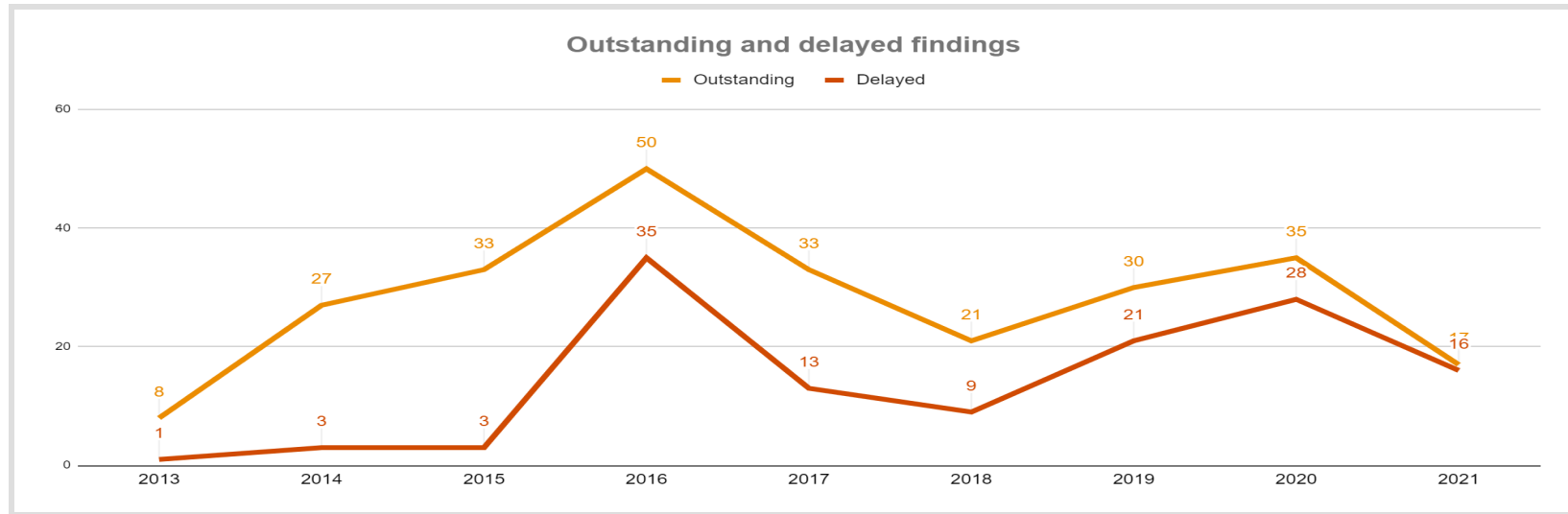
Management's report on open findings will provide additional detail and rationale whereby management believes that many of the open action plans have made significant progress and that there is a reasonable basis to complete the actions on time. We have not audited this management report, nor the underlying statements of action, but the information provides a plan and context.

It is important that management and City Council understand that these specific risks are implicitly being accepted, or tolerated, in the medium and long term. As such management should consider either:

1. Risk accepting the Open & Delayed Findings with City Council agreement or
2. Implementing a mechanism by which the CLT/Commissioners are able to ensure that the management action plans outlined in Appendix D are completed in the revised timeframes.

Note: Subsequent to the report closing date we noted findings 205, 207 and 209 related to YQG were addressed early in 2022. As such will be included in the closed count of next years report.

2. Open and delayed trends as at December 31, 2021



Overall the number of open management actions plans is the second lowest it has been in 9 years; however, the proportion of “Open & Delayed” management action plans is the highest it has been in those 9 years.

3. Action plan status by internal audit

Internal Audit	Opening December 31, 2020	Additions in the period	Expected closed	Closed by IA	Accepted risk	Open at December 31, 2021	Open – on track	Open & delayed
	(A)	(B)	(C)	(D)	(E)	(F= A+B-D-E)	(G)	(H)
City-Based Audits								
Hotline COI	3	1	4	3	0	1	0	1
Subtotal	3	1	4	3	0	1	0	1
Service Provider	1	0	1	0	0	1	0	1
Fire Rescue Compliance (FRC)	1	0	1	1	0	0	0	0
Managing Transition of Projects into Operations	4	0	0	0	0	4	0	4
Facilities Operations	6	0	6	6	0	0	0	0
Social Media Strategy Assessment	2	0	2	1	0	1	0	1
Cyber Incident Response Assessment	3	0	2	0	0	3	0	3
Planning and Development	2	0	2	1	0	1	0	1
Security Incident prevention and mitigation	4	0	3	4	0	0	0	0
Fraud Risk Mitigation review	1	0	1	1	0	0	0	0
Reopening of workplace	1	0	1	1	0	0	0	0
Liquidity Management Review	0	1	0	0	0	1	1	0
Subtotal	28	2	23	18	0	12	1	11

Internal Audit	Opening December 31, 2020	Additions in the period	Expected closed	Closed by IA	Accepted Risk	Open at December 31, 2021	Open – on track	Open & delayed
ABC-Based Audits	(A)	(B)	(C)	(D)	(E)	(F= A+B-D-E)	(G)	(H)
WDTC	1	0	1	0	0	1	0	1
Solid Waste	1	0	1	0	0	1	0	1
Roseland	1	0	1	0	1	0	0	0
Your Quick Gateway (YQG)	4	0	4	1	0	3	0	3
Subtotal	7	0	7	1	1	5	0	5
Total	35	2	30	19	1	17	1	16

Appendix A: Findings closed in the period

The closure summaries/details for each closed finding are published in the management report presented to the Council.

#	Audit report	Observation # and name	Management Action Plan Owner
1	Fire Rescue Compliance (FRC)	200 - Enhance annual training planning and documentation for monitoring.	Fire Chief Chief Training Officer
2	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	206 - Review and document current inventory/asset management systems and processes	Director of Operations
3	Facilities Operations - Final Internal Audit Report	218 - Define service standards and metrics to evaluate performance	Senior Manager of Facilities Manager, Facility Operations Manager Assets and Projects
4	Facilities Operations - Final Internal Audit Report	219 - Enhance Bi-weekly Management Discussions	Manager, Assets & Projects Manager, Facility Operations
5	Facilities Operations - Final Internal Audit Report	220 - Define clear 'documentation' standard and develop standard forms/templates	Manager, Assets & Projects Manager, Facility Operations
6	Facilities Operations - Final Internal Audit Report	221- Conduct division wide periodic Work Order Aging Analysis	Manager, Assets & Projects Manager, Facility Operations
7	Facilities Operations - Final Internal Audit Report	222 - Design and implement Customer Satisfaction Survey	Senior Manager of Facilities
8	Facilities Operations - Final Internal Audit Report	223 - Track Conditions Standard Ratings and building condition assessments periodically	Senior Manager of Facilities
9	Social Media Strategy Assessment - Final Internal Audit Report	226 - Define and implement strategy evaluation and Performance reporting processes	Senior Manager Communications & Customer Service
10	Cow - Planning and Development	243 - Develop Working Procedures for Planning and Development Application Processing	City Planner Manager of Urban Design Manager of Planning Policy
11	Security Incident prevention and mitigation	251 -Establish protocols for joint ownership of security policies and monitoring controls	Senior Manager of Facilities

#	Audit report	Observation # and name	Finding owner
12	Security Incident prevention and mitigation	252 - Define responsibilities to monitor contractual requirements	Manager, Parks & Facilities, Projects and Assets Manager, Health and Safety Senior Manager of Facilities Future Corporate Security Manager Manager, Parks & Facilities, Projects and Assets
13	Security Incident prevention and mitigation	253 - Reported in the confidential package	Senior Manager of Facilities
14	Security Incident prevention and mitigation	254 - Enhance protocols for managing and documenting dynamic security plans	Senior Manager of Facilities
15	Hotline Investigation Report - NTS-005 -FEB-2020	255- Evidence of ongoing flexible/alternative work arrangements	Manager Community Development Executive Director Human Resources
16	Hotline Investigation Report - NTS-005 -FEB-2020	256- Formalize central insight into all flexible/alternative agreements in effect	Executive Director Human Resources
17	Fraud Risk Mitigation Review	260- Ensure alignment of unique record identifier for vendor change records and implement a detective/monitoring control over the process	Deputy Treasurer of Financial Accounting
18	Reopening of Workplace and Facilities	261- Clearly document categorization of opening protocols between required/desired and risk accepted alternatives for future plans	Executive Director Human Resources
19	Hotline investigation report - Citizen property concern	263- Maintain compliance with existing Municipal Tax Collection and Registration Process Procedures	Deputy Treasurer – Taxation, Treasury & Financial Projects

Appendix B: Risk acceptance

In this appendix we provide a high level overview of two key risk perspectives:

1. **Formal risk acceptance** - The risks, and associated action plans which management had committed to, but where management has decided to accept the risk and not incur further efforts for resolution as outlined in the rationale section. To maintain independence the Auditor General and Internal Audit do not participate in management's determination to accept a risk or not. Our work consists of reporting the rationale management presents and observing evidence that a City Commissioner has approved the risk acceptance and rationale.
2. **Implied short term risk acceptance** - This section provides a summary listing of management action plans which have been or are expected to remain open for longer than 18 months from the date of the report issuance. In these instances given the time required for management to undertake the action the City is implicitly accepting the short term risk of the original finding until the point in time of its resolution.

B.1 Formal risk acceptance

This section indicates those findings for which management is accepting the risk of not having the control.

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
1	Roseland Golf & Curling Club	165 - Document a reporting and services agreement between the City & RGCC	Original due date	June 30, 2018	CFO/City Treasurer City of Windsor	<p>Background: There is no documented reporting agreement between RGCC and the City. Furthermore, RGCC receives services from the City for legal matters, including but not limited to development of agreements, financial services, including bank reconciliations, preparation of payment cheques, posting of journal entries, assistance in purchasing, and payroll processing. RGCC is charged a fee for the provided services; however, there is no documented agreement that governs the scope of services, service fee, and roles/responsibilities of both parties. There is a lease agreement between the City and RGCC.</p> <p>Rationale for Risk Acceptance: Management has planned for accepting the risk until updating of lease agreement with Roseland (based on Curling and/or Little River). The risk is that the City and Roseland may disagree on exactly what services should be included. As per management, there have not been issues with this in the past. Considering it a minor risk with minimal consequence. This risk is being accepted.</p>
			Retarget date	September 30, 2021		
			# of Retargets	3		
			Days since Identification	4 years 4 months		
			Days past original due date	3 year 6 months		

B.2 Implied short term risk acceptance

#	Audit report	Observation # and name	Due Date	For Additional Details See Report Section
1	WDTC	51 – Strategic plan not documented	June 30, 2022	D.1 Management action plans retargeted during the period
2	Solid Waste	101 - Agreement Between the City of Windsor and EWSWA	December 31, 2022	D.1 Management action plans retargeted during the period
3	Service Provider and Outsourced Services Governance and Management	159- Monitoring of Supplier Issues and Risks	March 31, 2022	D.1 Management action plans retargeted during the period
4	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	205- Enhance purchasing policy and document inventory and asset management procedures	September 30, 2022	D.1 Management action plans retargeted during the period
5	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	207 - Enhance key vendor management controls	September 30, 2022	D.1 Management action plans retargeted during the period
6	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	209 - Enhance compensating controls to address potential segregation of duties	September 30, 2022	D.1 Management action plans retargeted during the period
7	Social Media Strategy Assessment	229- Document key content management procedures /checklists and review/update key account level roles/responsibilities.	September 30, 2022	D.1 Management action plans retargeted during the period
8	Cyber Incident Response Assessment	239 - Formalize Incident Management Plan and Procedures	May 31, 2022	D.1 Management action plans retargeted during the period
9	Cyber Incident Response Assessment	240 - Enhance Security Information and Event Management	May 31, 2022	D.1 Management action plans retargeted during the period
10	Cyber Incident Response Assessment	241 - Develop Incident Severity Matrix and Methodology for Incident Response Times using Critical Asset Classification	May 31, 2022	D.1 Management action plans retargeted during the period
11	Planning and Development	244 - Review and Prioritize Action Plan	September 30, 2022	D.1 Management action plans retargeted during the period

#	Audit report	Observation # and name	Due Date	For Additional Details See Report Section
12	Complaint Investigation Report - Lancaster Plane	247 - Ensure contract compliance by retention of relevant documentation	September 30, 2022	D.1 Management action plans retargeted during the period
13	Managing Transition of Projects into Operations	211- Enhance project classification and expectation guidelines	December 31, 2022	D.2 Previously retargeted management plans
14	Managing Transition of Projects into Operations	212- Enhance considerations for project risk assessments	December 31, 2022	D.2 Previously retargeted management plans
15	Managing Transition of Projects into Operations	213- Formalize detailed Project Implementation Plan which includes Change Management/Transition Plans	December 31, 2022	D.2 Previously retargeted management plans
16	Managing Transition of Projects into Operations	214- Enhance approach to pre/post go-live feedback collection and aggregation	December 31, 2022	D.2 Previously retargeted management plans

Appendix C: Management Action Plans which are “Open - on track”

This section indicates those management action plans which were not due in the period and where management anticipates that actions will be completed as originally planned.

#	Audit report	Observation # and name	Management Action Plan Owner	Due Date
1	Liquidity Management Review	262 - Formal early warning indicators and liquidity contingency plan	Deputy Treasurer Taxation, Treasury and Financial Projects	June 30, 2023

Appendix D: Open & Delayed Management Action Plans

In this appendix we provide a high level overview of:

1. **Management action plans retargeted during the period** - This section provides a listing of the management actions plan that were expected to be closed in the period; however, management, for various reasons, has provided a revised completion date. The basis for management's revision of the due date is provided in the "Rationale" column below for each individual finding. Internal Audit has requested that management provide a retargeted due date in order for us to follow up with them when we next perform findings follow up. In this table we provide an overview of the number of times management has provided revised due dates and provide a perspective on how long the item, and therefore associated risk, has been in place since we reported it to management and City Council.

In the period of this report, Management revised the due dates of **1 management action plan for the first time**. In addition, Management **revised the dates of an additional 11 previously "Open & Delayed" management action plans** - the number of retargets is shown for each action plan.

2. **Implied short term risk acceptance** - This section provides a summary listing of management action plans which have been or are expected to to remain open for longer than 18 months from the date of the report issuance. In these instances given the time required for management to undertake the action the City is implicitly accepting the short term risk of the original finding until the point in time of its resolution.

In the period of this report, Management **4 management action plans had previously been retargeted** and were in the "Open & Delayed" status as expected.

D.1 Management action plans retargeted during the period

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
			Original due date	Retarget date		
1	WDTTC	51 – Strategic plan not documented	Original due date	December 31, 2016	Chief Executive Officer	<p>Background: Action arose during the review of management's reporting of its operational and capital budgets to the Board of Directors. It was noted that there was no documentation of a broader Board directed and approved strategic plan. It was also noted that there is no process currently in place for a periodic review of strategic plans.</p> <p>Reason for delay: In 2021, WDBL Strategic Planning Process was underway. However, the same will not be completed before the end of Q2 2022</p> <p>Basis for viability of reforecasted date: The original viability still holds true but has been pushed due to Pandemic. The Board already had an initial Strategic Planning Session and Administration's initial focus has been on operationalizing WDBL's Business Plan. More time is required to document the plan and get board approval.</p>
			Retarget date	June 30, 2022		
			# of Retargets	6		
			Days since Identification	6 years 7 months		
			Days past original due date	5 years		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
2	Solid Waste	101 - Agreement Between the City of Windsor and EWSWA	Original due date	June 30, 2016	City of Windsor Chief Administrative Officer	<p>Background: On review of the agreement between the County of Essex and the City of Windsor, Internal Audit noted that there is no formal agreement between the two parties outlining responsibility, ownership and cost allocations, etc.</p> <p>Reason for delay: There have been some delays on the County agreement due to prioritization of efforts and issues being faced during the ongoing pandemic. Further discussion and strategy formulation is required on this finding which will be carried out in 2022.</p> <p>Basis for viability of reforecasted date:The original viability still holds true but has been pushed due to Pandemic</p> <p>Management has agreed to contact their joint venture partner, the County of Essex, to see if they are willing to undertake a review of the agreement. City of Windsor Administration has proceeded with review meetings with the County and most of the clauses appear to have been agreed to; however, there are some contentious clauses that need to be accepted and finalised. Though a number of meetings have taken place with the County and EWSWA and a revised document is close to being finalized for submission to the respective Councils, work on this matter has been postponed due to higher priorities during the COVID-19 crisis. It is expected that it can be finalized relatively quickly but the actual date will depend on the length of the emergency situation.</p>
			Retarget date	December 31, 2022		
			# of Retargets	6		
			Days since identification	6 years 1 month		
			Days past original due date	5 years 6 months		
3	Service Provider and Outsourced Services Governance and Management	159- Monitoring of Supplier Issues and Risks	Original due date	June 30, 2018	Purchasing Department	<p>Background: This observation arose on review of the samples, highlighting that the required Vendor Management System (“VMS”) supplier assessment used to track supplier risks, issues and performance feedback was not available. Noted that in the majority of the contracts sampled, the departments had not formally documented the identification, tracking, and closing of the key supplier risks and issues.</p> <p>Management agreed to the importance of the Vendor Management System (“VMS”) and the ability of the City to evaluate the performance of the supplier. Management has developed a procedure around the use of the VMS in accordance with the Purchasing By-Law 93-2012.</p> <p>Reason for delay: Management was not able to meet with all of the stakeholders for the final draft review of the Vendor Relationship</p>
			Retarget date	March 31, 2022		
			# of retargets	3		
			Days since identification	4 years 7 months		
			Days past original due date	3 year 6 months		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
						<p>Management Policy after further alterations were made to it. The COVID 19 Pandemic caused significant delays and administration was not able to meet with all of the stakeholders for the final draft review of the Vendor Relationship Management Policy.</p> <p>Basis for viability of reforecasted date:The original viability still holds true but has been pushed due further alterations being made to the policy. The council report is in draft form and the policy and procedures are complete.</p>
4	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	205 - Enhance purchasing policy and document inventory and asset management procedures	Original due date June 30, 2019 Retarget date September 30, 2022 # of Retargets 3 Days since identification 3 years 8 months Days past original due date 2 year 6 months	June 30, 2019	Director of Operations	<p>Background: This finding arose as (i) key elements that were not present in YQG's purchasing policy, (ii) other process/procedure elements that appear to be known but not formalized and (iii) requirements/ constraints on the personal use of YQG small tools were not formally defined. Management has indicated that the practice of permitting employees to borrow company tools for personal reasons has been discontinued.</p> <p>Reason for delay: New purchasing policy and other procedures have been created to full-fill the control. However , the following points are yet to be addressed through policies;</p> <ul style="list-style-type: none"> Managing vendor relationships; Segregation of duties requirements or mitigating controls. <p>Note: Subsequent to the report closing date we noted this finding was addressed early in 2022. As such will be included in the closed count of next years report.</p> <p>Basis for viability of reforecasted date: Management requires additional time to address the above mentioned points. Based on current circumstances, the Q3 2022 retarget date is viable.</p>
5	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	207 - Enhance key vendor management controls	Original due date December 31, 2018 Retarget date September 30, 2022 # of Retargets 4	December 31, 2018	Director of Finance	<p>Background:Management has developed a new Purchasing Policy that includes segregation of duties and other vendor management controls (purchasing controls).</p> <p>Reason for delay: Policy on review of new vendor and procedures has been created.However , the following points are yet to be addressed through policies;</p> <ul style="list-style-type: none"> vendor evaluations

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
			Days since identification	3 years 8 months		
			Days past original due date	3 years		<ul style="list-style-type: none"> Segregation of duties requirements or mitigating controls. <p>This has been retargeted to Q3 2022.</p> <p>Note: Subsequent to the report closing date we noted this finding was addressed early in 2022. As such will be included in the closed count of next years report.</p> <p>Basis for viability of reforecasted date: Management requires additional time to address the above mentioned points. Based on current circumstances, the Q3 2022 retarget date is viable.</p>
6	Your Quick Gateway (YQG) - Managing Inventory, Repairs and Maintenance	209 - Enhance compensating controls to address potential segregation of duties	Original due date	December 31, 2018	Director of Finance	<p>Background: Management has developed a new Purchasing Policy that includes segregation of duties and other vendor management controls (purchasing controls).</p> <p>Reason for delay: New purchasing policy and other procedures have been created to full-fill the control. However , the following points are yet to be addressed through policies</p> <ul style="list-style-type: none"> Segregation of duties requirements or mitigating controls. <p>This has been retargeted to Q3 2022.</p> <p>Note: Subsequent to the report closing date we noted this finding was addressed early in 2022. As such will be included in the closed count of next years report.</p> <p>Basis for viability of reforecasted date: Management requires additional time to address the above mentioned points. Based on current circumstances, the Q3 2022 retarget date is viable.</p>
			Retarget date	September 30, 2022		
			# of Retargets	4		
			Days since identification	3 years 8 months		
			Days past original due date	3 years		
7	Social Media Strategy Assessment	229- Document key content management procedures /checklists and review/update key account level roles/responsibilities.	Original Due Date	Dec 31, 2019	Senior Manager Communications & Customer Service	<p>Background: Currently the role for preparer, reviewer and approver of content/posts is segregated, however, such protocol is not defined (in a procedural document) at account level or on the basis of severity of the post. Content management process flow/diagram is not documented for key social media activities, its dependencies on departments or required controls (IT and Business Process. Further, Incidents are not defined and no formal criteria/severity levels exist to guide the appropriate level of action (parameters such as: timing, content, sharing/release, etc.) for escalating incidents; and written approval is not a requirement for responding to inappropriate</p>
			Retarget Date	September 30, 2022		
			# of Retargets	2		
			Days since Identification	2 year 11 months		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
			Days past Original Due Date	2 year		posts/comments. It is also not clear whether the terms of use/service level statements available to followers also apply to internal staff. Reason for Delay: IA noted that the addition of the Digital Media Coordinator position submitted to the City Council was not approved at the recent 2021 budget session, hence existing Communications staff will be assigned the respective duties. In order to do this, management needs additional time to reprioritize existing tasks assigned to staff. Basis for viability of reforecasted: The specific recommendations outlined by PwC as needing attention are achievable with the current staff complement if time permits. However, as the changes recommended are positive but not vital to the operation of the City of Windsor's social media channels, the target date for completion is best left in place as viable but with the understanding that reassessment along the way could become necessary.
8	Cyber Incident Response Assessment	239 - Formalize Incident Management Plan and Procedures	Original due date	December 31, 2020	CIO & ED IT	Background: During review, Internal Audit noted that a formally documented and reviewed Incident Management plan is not in place. Additionally no formal playbooks are being used to guide actions taken during incidents. Reason for delay: This finding has been delayed due to the effects of the global pandemic and is expected to be completed by May 31, 2022. Basis for viability of reforecasted date: Based on current circumstances, the May 31 2022 retarget date is viable.
			Retarget date	May 31, 2022		
			# of Retargets	2		
			Days since identification	2 year 3 months		
			Days past original due date	1 year		
9	Cyber Incident Response Assessment	240 - Enhance Security Information and Event Management	Original due date	December 31, 2020	CIO & ED IT	Background: During review of Endpoint, network and server monitoring, Internal Audit noted that although logs are generated from these tools, the link of information between monitoring tools and event management tool is not fully developed. The SEIM solution and monitoring logs are not fully integrated. Reason for Delay: There has been a request for proposal for a managed security service to cater to this finding, hence once the
			Retarget date	May 31, 2022		
			# of Retargets	2		
			Days since identification	2 year 3 months		
			Days past original due date	1 year		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
			Days past original due date	1 year		security service has been approved and finalised, this finding can be closed. Basis for viability of reforecasted date: Based on current circumstances, the May 31 2022 retarget date is viable.
10	Cyber Incident Response Assessment	241 - Develop Incident Severity Matrix and Methodology for Incident Response Times using Critical Asset Classification	Original due date	March 31, 2021	CIO & ED IT	<p>Background: Currently there is an IT Service Management solution containing a listing of assets and there is a standardized approach for categorizing the criticality of assets. However, criticality of assets should in turn be used in building an incident severity matrix which would be considered when defining incident response times, escalation and key participants when responding to incidents of varying criticality.</p> <p>Reason for Delay: This finding has been delayed due to the effects of the global pandemic and is expected to be completed by May 31, 2022.</p> <p>Basis for viability of reforecasted date: Based on current circumstances, the May 31 2022 retarget date is viable.</p>
			Retarget date	May 31, 2022		
			# of Retargets	1		
			Days since Identification	2 year 3 months		
			Days past Original due date	9 months		
11	Planning and Development	244 - Review and Prioritize Action Plan Implementation of 2014 Business Process Review Findings	Original due date	December 31, 2020	City Planner, Chief Building Official, Manager of Urban Design and Manager of Planning Policy	<p>Background: On review it was noted that a significant number of findings/improvements noted in the "2014 Property Development Approval Service Review" were expected to be addressed via the planned Evolve Project Implementation. Management has not formally assigned a prioritisation framework/criteria to the findings nor performed periodic reporting with respect to the action plan status of those findings.</p> <p>Reason for Delay: There have been a number of policy and legislative changes that were introduced by the Ontario Provincial government including Bill 108, Bill 138 and a new Provincial Policy Statement that came into effect on May 1, 2020. Since all these documents have a significant impact on the Planning procedures, additional time is required to complete this finding.</p> <p>Prioritize Action Plan Implementation of 2014 Business Process Review Findings - The remaining 14 of 88 BPIs are being considered for implementation as part of the Evolve/Cloud Permit project completion.</p>
			Retarget date	September 30, 2022		
			# of Retargets	2		
			Days since identification	2 year 1 months		
			Days past original due date	1 year		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
						<p>This is suggested to be retargeted to coincide with Cloud Permit's Planning Component completion scheduled for Q3 2022.</p> <p>Basis for viability of reforecasted date: Based on current circumstances, the Q3 2022 retarget date is viable</p>
12	Complaint Investigation Report - Lancaster Plane	247 - Ensure contract compliance by retention of relevant documentation	Original due date Retarget date # of retargets Days since identification Days past original due date	December 31, 2020 September 30, 2022 2 1 year 11 months 1 year	Director of Finance, YQG	<p>Background: On review it was noted that the final extension of the lease term expired on Dec 31, 2019 and there was no evidence of the same being renewed.</p> <p>Reason for Delay: As per management detailed process is to be created for management of lease function. This is expected to be completed by Q3, 2022. Management informed that lease will be renegotiated to coincide with City's long term goals</p> <p>Basis for viability of reforecasted date: Based on current circumstances, the Q3, 2022 retarget date is viable.</p>

D.2 Previously retargeted management plans

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
1	Managing Transition of Projects into Operations	211- Enhance project classification and expectation guidelines	Original due date	Sep 30, 2019	Executive Initiatives Coordinator, Office of the CAO	<p>Background:In a review of the policies, procedures, templates and samples projects, it was noted (a) that project classification requires significant interpretation; and (b) that project management methodologies allow for alternatives but do not include minimum expectations.</p> <p>Reason for Delay: Lack of resources available to carry out the tasks.The Executive Initiatives Coordinator (EIC) in the CAO's Office has been seconded to the WFM project. This position has not been backfilled and therefore all projects, responsibilities, and duties have been put on hold until its return to the EIC position, the date of which is unknown at this time.</p> <p>Basis for viability of reforecasted: The resources for this project are not expected to be available until 2022. From that point they will be required to undertake the management action plan in time to meet the revised date. They have capacity set aside at that future time for this work.</p>
			Retarget date	Dec 31, 2022		
			# of Retargets	2		
			Days since identification	3 year 3 months		
			Days past original due date	2 year 3 months		
2	Managing Transition of Projects into Operations	212- Enhance considerations for project risk assessments	Original due date	Sep 30, 2019	Executive Initiatives Coordinator, Office of the CAO	<p>Background:A common process and template for risk management is not shared across the projects. Specific project demands/needs for central functions such as Communications, IT and Human Resources are not consistently considered during project planning to understand/assess potential risks to resource capability and capacity. Management agreed to include the requirement for risk assessments to be monitored and updated in Schedule C of the PMMP.</p> <p>Reason for Delay: Lack of resources available to carry out the tasks.The Executive Initiatives Coordinator (EIC) in the CAO's Office has been seconded to the WFM project. This position has not been backfilled and therefore all projects, responsibilities, and duties have been put on hold until its return to the EIC position, the date of which is unknown at this time.</p> <p>Basis for viability of reforecasted: The resources for this project are not expected to be available until date. From that point they will be required to undertake the management action plan in time to meet the revised date They have capacity set aside at that future time for this work</p>
			Retarget date	Dec 31, 2022		
			# of Retargets	2		
			Days since identification	3 year 3 months		
			Days past original due date	2 year 3 months		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
3	Managing Transition of Projects into Operations	213- Formalize detailed Project Implementation Plan which includes Change Management/Transition Plans	Original due date	Sep 30, 2019	Executive Initiatives Coordinator, Office of the CAO	<p>Background: IA noted that a project implementation plan to support the Project Managers in project transition (transition plan and critical path) is not a formal deliverable required for projects to account for multiple factors, including (but not limited to):</p> <ul style="list-style-type: none"> • knowledge transfer activities; • stakeholder feedback processes; • pre- and post- go live transition activities; and • site readiness pre-go live and post-go live (performing a dry run). <p>Management agreed to develop a project implementation plan template, and added it as a required deliverable for major projects. They also agreed to conduct a cost benefit analysis on requiring some elements of the project implementation plan for medium projects.</p> <p>Reason for Delay: Lack of resources available to carry out the tasks. The Executive Initiatives Coordinator (EIC) in the CAO's Office has been seconded to the WFM project. This position has not been backfilled and therefore all projects, responsibilities, and duties have been put on hold until its return to the EIC position, the date of which is unknown at this time.</p> <p>Basis for viability of reforecasted: The resources for this project are not expected to be available until date. From that point they will be required to undertake the management action plan in time to meet the revised date. They have capacity set aside at that future time for this work.</p>
			Retarget date	Dec 31, 2022		
			# of Retargets	2		
			Days since identification	3 year 3 months		
			Days past original due date	2 year 3 months		

#	Audit report	Observation # and name	Retargets		Executive approval from	Rationale
4	Managing Transition of Projects into Operations	214- Enhance approach to pre/post go-live feedback collection and aggregation	Original due date	Sep 30, 2019	Executive Initiatives Coordinator, Office of the CAO	<p>Background:It was identified that the requirement of projects to solicit pre- and post- go-live feedback from internal/external stakeholders prior to official project 'closure' is not in place. In addition, the project closure timelines/expectations are not clearly defined.The Executive Initiatives Coordinator agreed to develop a document (or webpage section) that outlines common and various methods of soliciting pre and post go-live feedback including the guidelines for implementing, measuring and monitoring expectations and success.</p> <p>Further, would also develop a formal process for determining feedback solicitation required for a project, considering the cost-benefit proposition for different types of projects</p> <p>Reason for Delay: Lack of resources available to carry out the tasks.The Executive Initiatives Coordinator (EIC) in the CAO's Office has been seconded to the WFM project. This position has not been backfilled and therefore all projects, responsibilities, and duties have been put on hold until its return to the EIC position, the date of which is unknown at this time.</p> <p>Basis for viability of reforecasted: The resources for this project are not expected to be available until date. From that point they will be required to undertake the management action plan in time to meet the revised date. They have capacity set aside at that future time for this work.</p>
			Retarget date	Dec 31, 2022		
			# of Retargets	2		
			Days since identification	3 year 3 months		
			Days past original due date	2 year 3 months		

Appendix E: Basis of our classifications

Findings follow up rating scale

Overall and auditable entity ratings are based on (1) the completion of planned management action plans and (2) the volume of retargets for individual observations.

Impact rating	Assessment rationale
Strong	100% of the audit recommendations due to be implemented in the current period were completed.
Well controlled	70% - 99% of the audit recommendations due to be implemented in the current period were complete.
Opportunity exists to improve implementation rates	50% - 69% of the audit recommendations due to be implemented in the current period were completed.
Not controlled	Less than 50% of the audit recommendations due to be implemented in the current period were completed.

Appendix F: Limitations and responsibilities

Limitations inherent to the internal auditor's work

Internal control

Internal control systems, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgement in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

Future periods

Our assessment of controls is for the period specified only. Historic evaluation of effectiveness is not relevant to future periods due to the risk that:

- the design of controls may become inadequate because of changes in operating environment, law, regulation or other; or
- the degree of compliance with policies and procedures may deteriorate.

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management, internal control, and governance and for the prevention and detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems.

We endeavour to plan our work so that we have a reasonable expectation of detecting significant control weaknesses, and if detected, we shall carry out additional work directed towards identification of consequent fraud or other irregularities. However, internal audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected.

Accordingly, our examinations as internal auditors should not be relied upon solely to disclose fraud, defalcations or other irregularities which may exist.

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The Corporation of the City of Windsor

Auditor General and Internal Audit Annual Performance Report 2021-22

Report Prepared as of May 15, 2022

Limitations and responsibilities

This report was developed in accordance with our engagement letter addendum dated January 24, 2020 and is subject to the terms and conditions included therein.

Our work was limited to the specific procedures and analysis described herein and was based only on the information made available at the time we prepared the report. Accordingly, changes in circumstances after the date of this Report could affect the findings outlined herein. We are providing no opinion, attestation or other form of assurance with respect to our work and we did not verify or audit any information provided to us. This information has been prepared solely for the use and benefit of and pursuant to a client relationship exclusively with the Corporation of the City of Windsor. PwC disclaims any responsibility to others based on its use and accordingly this information may not be relied upon by anyone other than the Corporation of the City of Windsor.



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Distribution List

For action	Drew Dilkens, Mayor Fred Francis, Member of Council Fabio Costante, Member of Council Rino Bortolin, Member of Council Chris Holt, Member of Council	Ed Sleiman, Member of Council Jo-Anne Gignac, Member of Council Gary Kaschak, Member of Council Kieran McKenzie, Member of Council Jim Morrison, Member of Council Jeewen Gill, Member of Council
For information	Chris Nepszy, Commissioner, Infrastructure Services Jelena Payne, Commissioner, Human & Health Services Ray Mensour, Commissioner Community Services	Shelby Askin Hager, Commissioner, Legal & Legislative Services Joe Mancina, Commissioner, Corporate Services CFO/City Treasurer

1. Introduction

Internal auditing is an independent, objective assurance, and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes (Source: The Institute of Internal Auditors).

The purpose of this annual performance report is to summarize and highlight the achievements and how the City Auditor General (AG) and the Internal Audit (IA) team delivered on its mandate.

We have completed 90% of our 2021-22 Internal Audit Plan. The IA projects this year ranged in scope and included testing over: performance audit procedures, assessment of internal controls, testing the efficiency and effectiveness of processes and procedures. During the period, IA conducted findings follow-up for management actions to address internal audit findings/recommendations and also administered the Concerned Citizen & Employee Hotline.

IA work was conducted using PwC's Global Internal Audit Manual, which is aligned with the International Standards for the Practice of Internal Auditing as outlined in our contract. We also leveraged performance audit/value-for-money auditing standards in selected projects where applicable.

The remainder of this report highlights how:

- the AG charter was fulfilled,
- how we leveraged 13 team members, including 5 specialists, to conduct our work program;
- an overview of management's closure of 246 of 263 findings tracked since 2014;
- areas where we may be of further assistance to management;
- an overview of potential fraudulent activities we have been informed of;
- a summary of the Concerned Citizen and Employee Hotline activities in the year;
- our progress against the agreed to performance measures; and
- a summary of emerging trends for your information.

2. Overview of the AG Responsibility as per the AG Charter

The AG's responsibilities and accountability are defined and approved by the City of Windsor through City Council as well as through the appointment of an Auditor General by the City of Windsor under the Act, which includes all activities that encompass:

- The examination and evaluation of the adequacy and effectiveness of the system of internal controls; and,
- The quality of performance in carrying out assigned responsibilities and operational activities.

The AG's responsibilities as mandated by the AG Charter and the respective actions are documented as follows:

#	Responsibility	Details
1	Develop a three year rolling plan using appropriate risk-based methodology.	This year's plan is included in this same Council Agenda package. The plan followed a risk-based methodology considering the Internal Audit risk Universe, risk perspectives, emerging municipal trends, and an understanding of the current control environment. The plan provides a view as to projects completed in the last 2 years, the proposed plan for the coming year as well as a forecast for projects for 2 additional years. A list of projects considered but not within the capacity has also been provided
2	Implement each year's audit plan, as approved, including as appropriate any special tasks or projects requested through Council for approval.	The audit plan was executed as approved and all projects have been reported on or plan amendments communicated to City Council.
3	Propose, and make merited, amendments to the annual Audit Plan and projects as per the provided powers and authority.	A plan amendment was made in the Winter of 2022 by the Auditor General based on submitted information. This amendment has been communicated to City Council in the same Agenda package as this report.
4	Maintain professional resources with staff and, where appropriate, additional resources with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this Charter.	Due to personal reasons the manager has relocated to the Southern US and a replacement will be engaged over the summer of 2022. All personnel maintain their relevant professional designations and firm requirements. Subject matter specialists continue to be engaged on projects as needed. The use of subject matter specialists is outlined in section 3 of this report.
5	Evaluate and assess important merging/consolidating functions and new or changing services, business units, processes, systems, operations, and control processes coincident with their development, implementation, and/or expansion.	The City reorganization and initiatives were considered in the period and as part of the annual planning exercise.

#	Responsibility	Details
6	Evaluate the reliability and integrity of operational and financial information and the means used to identify, measure, classify, and report such information.	This criteria was incorporated into planning for each project executed and therefore coverage is only possible within the project scope.
7	Evaluate the systems established to ensure compliance with policies, plans, procedures, laws, and regulations which could have a significant impact on the organization.	This criteria was incorporated into planning for each project executed and therefore coverage is only possible within the project scope.
8	Evaluate the means of safeguarding assets and, as appropriate, verify the existence of such assets.	This criteria was incorporated into planning for each project executed and therefore coverage is only possible within the project scope.
9	Evaluate the effectiveness and efficiency with which resources are employed.	This criteria was incorporated into planning for each project executed and therefore coverage is only possible within the project scope.
10	Evaluate operations or programs to ascertain whether results are consistent with established objectives and goals.	This criteria was incorporated into planning for each project executed and therefore coverage is only possible within the project scope.
11	Evaluate and report on risk management processes, significant risk exposures and control issues.	This criteria was incorporated into planning for each project executed and therefore coverage is only possible within the project scope.
12	Consider fraud risks during the planning of audits, alertness to process deficiencies or other red flags which indicate the possibility that fraud could or has occurred, the determination of whether further action is required, and the recommendation of investigations where appropriate.	This criteria was incorporated into planning for each project executed as well as through the evaluation of all inbound notifications therefore coverage is only possible within the project scope and any special reviews.
13	Assist as appropriate in the investigation of suspected fraudulent activities within the organization and notify management (where appropriate) and Council of the results.	No instances requiring direct participation were noted in the year.
14	Issue periodic reports summarizing results of audit activities to the Executive Leadership Team and for approval by Council.	<p>Periodic updates have been provided to Council as planned in</p> <ul style="list-style-type: none"> • Jan 2022 • May 2022 <p>This overall report documents the IA performance against the plan, resources and specialists engaged.</p>
15	Keep Council informed of emerging trends and successful practices in internal auditing.	This is included in section 9 of this report and was leveraged in planning interviews with management.

#	Responsibility	Details
16	Provide audit measurement goals and results to the City Council.	Goals and results have been defined and reported on annually. Status reports and performance measures are provided as part of the regular status updates. Final performance measures are provided in this report (annual performance report).
17	Coordinate its plans and efforts with those of the external auditors to avoid duplication of audit effort and to optimize audit coverage.	<p>All our reports are available to the external auditor. The projects completed in a year and those on the proposed plan do not have direct linkage to the financial statement auditors work and as such overlap will not occur.</p> <p>Annually a meeting with external auditors is held to discuss IA coverage, work performed, results observed, and areas of concern. This meeting is currently planned for May 2022.</p>
18	In discharging its responsibilities or at the request of management, as appropriate, provide advice to management that add value and improve an organization's governance, risk management, and control processes without the AG assuming management responsibility.	During the year our work included various consultations and discussions with management regarding our perspectives and suggestions for improvement have also been included in each of the reports we issued.
19	Execute a quality assurance and improvement program to ensure the effective operation of audit activities and annually report the results of the program to the CAO, or designate and Council.	<p>Final performance measures are provided in the performance report, or equivalent.</p> <p>Auditees have an anonymous method for providing ratings of the team's performance and to provide feedback. The summary of this and the average ratings are provided to management and the City Council for each annual internal audit plan, at least upon plan completion.</p> <p>Firm and professional standards are applied in the review of team member work and deliverables during planning, execution and prior to issuance.</p>

3. Audit strategy, oversight and management support activities

An overall internal audit strategy for the City was determined in light of the business strategy as well as the current controls maturity, the overall inherent risks, the ranking of the risks, the perceived adequacy of controls and any control initiatives underway. Internal audit’s long term mandate and annual plan were developed with the input of Council members and management and were originally approved by the Council on June 17, 2013 and subsequently by our engagement letter addendum dated January 24, 2020. The rolling three year internal audit plan and internal audit’s risk perspective have been updated at least annually since then.

In developing and updating our plan, consideration was given to the nature of the risk and the ability of internal audit to add value beyond work that is already being performed by management. Our experienced internal audit professionals have prior experience in municipal government and the public sector with relevant certifications, having earned CIA and CISA designations, and actively participating in the Institute of Internal Auditors (IIA) roundtables and conferences. Among the core internal audit team, the following is a listing of the certifications and designations:

- Chartered Professional Accountants;
- Certified Internal Auditors;
- Certified in Control Self Assessments;
- Certified Information Systems Auditor;
- Certified in the Governance of Enterprise Information Technology; and
- Certified Information Privacy Manager.

Projects and the use of subject matter specialists

The following table summarizes the internal audits that were conducted and whether there was a use of PwC subject matter specialists (SMS):

Internal audit activity	SMS	Details
Road Infrastructure Maintenance Processes	✓	Our Public Sector Finance Specialist and a Public Sector Infrastructure Specialist were leveraged to determine scope and identify potential recommendations presented as part of the final report.
Smart City Cyber Risk Mitigation	✓	Our Regional Cyber Leader, a Privacy Lead and a Cyber Auditor were deployed on this project to provide insights on practices related to cyber risk practices..
BIA Operational Review		Not required to date

In order to achieve the above-mentioned internal audit mandate and strategy, as well as to avoid potential project management issues, PwC’s internal audit team implemented the following items as a foundation to all of the deliverables:

- Open communication with City administration to ensure all deliverables meet or exceed quality expectations and agree on timelines and scope of work;
- Utilized thirteen (13) team members including three (5) subject matter experts, eight (8) core team members from different PwC offices in addition to our Acceleration Center (Global Service Delivery Team) and

documentation team enabling the utilization of best suited skill sets and logistical access for the execution of the Internal Audits.

- Team members engaged for City Internal Audits were resourced from different offices including Windsor, Kitchener/Waterloo, Toronto and Calgary as well as our Acceleration Center (Global Service Delivery Centre).
- Ensure clarity of tasks amongst the internal audit team members;
- Accurate estimation of efforts during planning and scoping;
- Monitor efforts during planning and scoping;
- Provide status updates in a timely manner to ensure the City is aware of project progress or impediments to project;
- Clearly define and seek the City's feedback in a timely manner to ensure the City is aware of project progress or impediments to review in all scope memorandum;
- Clearly define all applicable roles in projects at the planning stage; and
- Worked with the PwC Acceleration Center teams to utilize the available pool of resources to assist in preparation of planning material, efficient execution of testing where possible, and to facilitate project deliverables such as status summary and audit reports as per PwC branding standards.

4. Summary of findings follow-up activity for the year

Each internal audit finding identified was rated in accordance with the approved rating guideline described in the Internal Audit Communication Plan. In our report as at December 31, 2021 there were a total of 35 findings to be resolved by management of which 20 were noted as resolved/closed by IA.

Opening (Jan 01, 2021)	Added in the year	Closed	Outstanding as of Dec 31, 2021	Open as Planned at Dec 31, 2021	Open and delayed a Dec 31, 2021	Expected to Be Resolved by December 31, 2022
35	2	20	17	1	16	16

Below is an overview of the current status of the findings that are currently open for only internal audit reports issued and the findings open at the time of outsourcing the internal audit function:

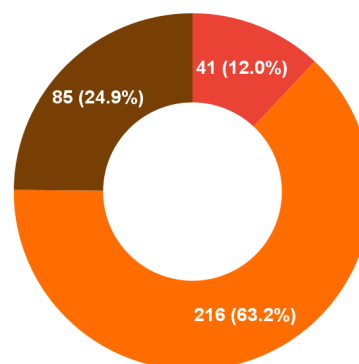
Audit Year	Deliverable Count	# of findings raised (as of Dec 31, 2021)	# of findings yet to close	% Closed as of December 31, 2021
2021-2022	1	0	0	NA
2020-2021	9	7	1	86%
2019-2020	8	22	5	77%
2018-2019	6	40	5	88%
2017-2018	9	42	4	90%
2016-2017	9	26	0	100%
2015-2016	10	65	2	97%
2014-2015	10	34	0	100%
2013-2014	11	27	0	100%
Total IA Deliverable	73	263	17	94%

During the course of the year, PwC has advised senior management on key risks and appropriate recommendations to respond to key risks. Management has agreed with the majority of the findings and recommendations raised by internal audit.

Of the 73 deliverables where findings were raised, 216 were raised by planned/scheduled internal audit projects while 41 were raised by ad-hoc or special projects.

The chart to the right depicts the total findings and consideration for improvements raised by PwC since the beginning of its contracted term for the period April 2013 through April 30, 2022.

Total Observations Raised (April 2014 to April 30, 2022)



● Adhoc ● Internal Audit ● Considerations for Improvement

5. Additional PwC services available to management to address audit findings

Changes in today's business environment and the associated risks are only accelerating. Examples of scenarios where AG/Internal Audit can assist the City in managing risks (where traditionally external auditors or forensic/specialist auditors would not directly be involved) include but are not limited to:

- Use data to manage risks more effectively
- Control risks associated with commercial contractual relationships
- Protect digital information and meet privacy requirements
- Better manage third party partnerships
- Optimize performance and seize opportunities through better risk management
- Gain competitive advantage by using new technologies
- Ensure that City's transformation program investments are protected and benefits are realized
- Build confidence in City's systems and processes

The above mentioned additional services are designed to help you respond effectively and execute robust, confident decisions that build resilience and support growth.

6. Fraud reporting

As part of the AG/internal audit function, we play a role in fraud investigation and reporting. Pursuant to our mandate,

“Assist in the investigation of significant suspected fraudulent activities pertaining to City and City assets and notify both management and the Executive Committee of the Council of the results.”

During the period, we received one (1) alleged fraud complaints through the City's Concerned Citizen and Employee Hotline namely:

1. Item under investigation

7. Summary of hotline activity for the year

Below is a listing of the total calls, emails and letters received during May 1, 2021 to April 30, 2022:

Complaints & Investigations								
Activity	Checked within required time frame	# of Spam Contacts	# of Contacts Received	# of hang ups	# of handoffs to management	# of items under analysis	# of items under investigation	# of items investigated
Concerned Citizen and Employee Hotline Channel	Yes	385	44	5	66	1	-	1
Auditor General Channel	NA	-	-	-	-	-	-	-

8. Summary of how IA met or exceeded Key Performance Indicators

Internal audit manages their projects with an organized and structured approach which begins with mobilizing a team of qualified staff which work collaboratively with the City’s departments and staff through an internal audit liaison. The internal audit maintains continuous and regular communication with the City’s liaison, to ensure deadlines are understood and expectations are met.

For individual projects, internal audit begins by distributing an internal audit notification to the liaison with the City to confirm the planned activities, the timelines and the identification of project sponsors. Following the internal audit notification, the liaison typically coordinates an initial planning discussion between the internal audit manager and the project sponsor identified. The discussion with the project sponsor assists in defining the business and control objectives while also confirming the timelines and other key participants that will be involved in the project. The internal audit team obtains preliminary understanding of the areas under review and initiates drafting the project scoping memo. This memo/planning material is eventually approved by the project sponsor and includes a summary of the review areas and control objectives relevant to the project.

This ongoing communication and coordination between internal audit and the project sponsor to agree on scope as well as project expectations and timelines, ensures that reasonable timelines are communicated and approved prior to commencing the audit fieldwork.

Respective participants of the departments audited met with the PwC internal audit team to validate our understanding and findings, and provided a defined management action plan.

To measure our performance, we report on KPIs upon plan completion for period May 1, 2021 to April 30, 2022:

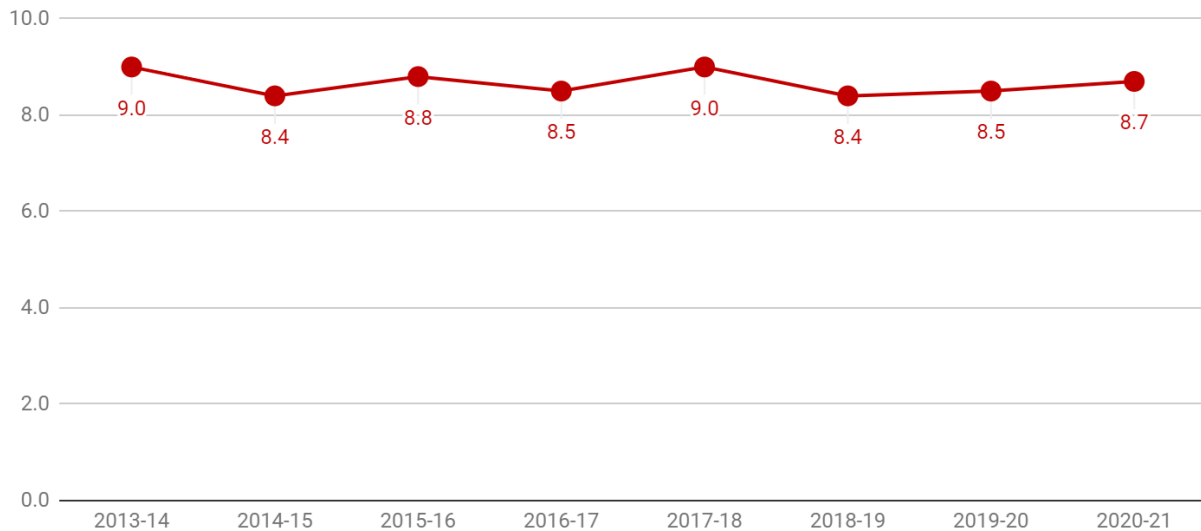
Client Service		
Value Driver	Target	Results
Management support initiatives	As needed	None required
Fees planned versus billed	\$300,000	\$300,000
Client satisfaction target versus attained	At least 7 out of 10	8.7 out of 10
Timeline reporting by phase	See service delivery metric table	See service delivery metric table
Recommendations raised since April 2013-2014	N/A	2
Considerations for improvement identified since April 2013-2014	N/A	85
Recommendations validated as closed by management since April 2013-2014	N/A	257

Client Service			
Value Driver	Annual Score	Related to # of Projects	Considers # of Responses
Audit Quality Survey Score	8.7	4	4

Survey question		
Value Driver	Average rating 2014 to 2020	Current year rating 2020-21
The City has confidence in the quality of work that PwC has performed.	8.4	8.3
During the project, the PwC team engaged us (key project participants including the project sponsor) in a meaningful conversation about our business that may have included new ideas about your own business or situation.	8.4	9
During the project, the PwC team was approachable, responsive, and developed positive relationships with our team.	8.9	8.3
In a way that was respectful of the City's other priorities, the PwC team efficiently delivered what they said they would in the internal audit scope memo.	8.5	8
The PwC team remained professional, independent, and objective in their dealings with the City personnel and the project.	9.0	9
We would recommend the PwC services to our other contacts.	8.9	9

Average customer service satisfaction scores are also depicted by chart below for the period from the audit year 2014 - 2021

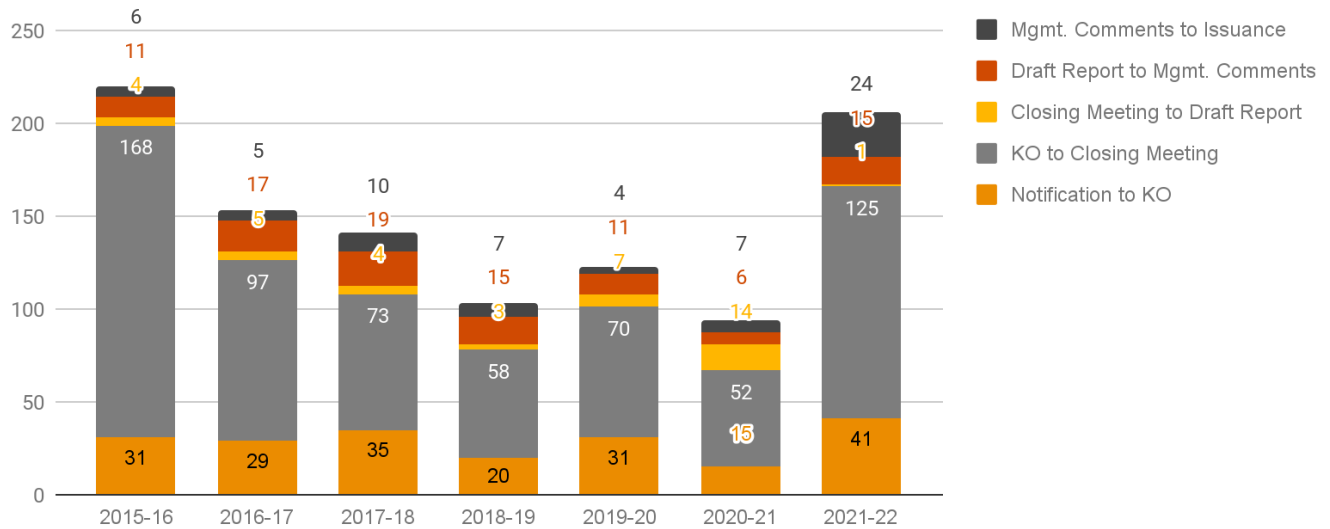
Customer Service Satisfaction Score



Service Delivery Metrics					
Activity	Notification	Start	Draft report	Mgt Comments	Issuance
Target	At least 20 days prior to start	+/- 2 days from Kick-off Meeting	Within 5 days of completing fieldwork	Within 15 days of issuing draft report	Within 5 days of receiving management comments
Actuals	15	26	1	15	24

The following chart depicts the time taken in days on average for each phase of the Internal Audit Projects performed on a year on year basis and below the chart a table also details the target days for each phase.

IA project phase timelines (year on year)



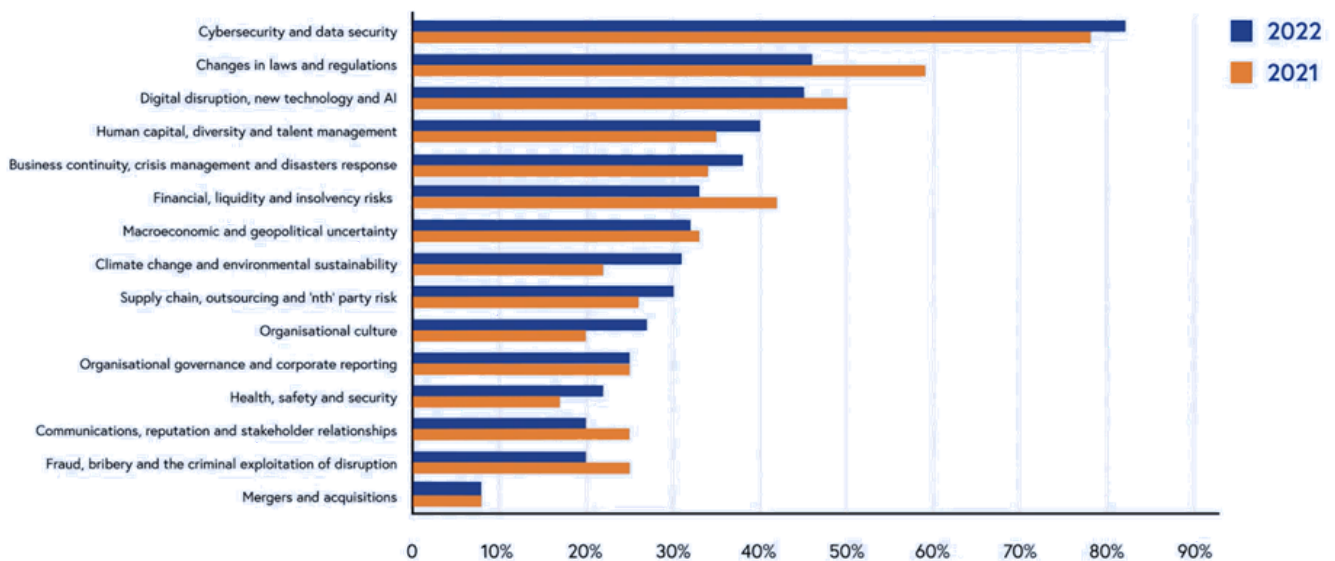
9. Emerging Trends and Successful Practices

In this section we provide a brief summary of trends related to audit of management operations by looking at an industry risk priority survey, emerging risks from a municipal audits perspective and trends in audit techniques.

Overall risk priorities in 2022 vs 2021 across various industries

The table below provides a perspective on pan-industry risks many of which impact the municipal environment:

What are the top five risks that your organisation currently faces?



Source: European Confederation of Institutes of Internal Auditors (ECIIA)

- The top three risks currently facing businesses: cybersecurity and data security (83%), regulatory change and compliance (47%) and digitalization, new technology and AI (45%).
- For the fourth year running, cybersecurity has topped the list of risks, with almost four in five (79%) businesses citing it as one of the major risks they face.

Other emerging trends in Municipal Audit Execution

- Environment, Social, & Governance
- Change in physical size and space
- Cyber vulnerabilities
- Third party environments/services

-
- Agile delivery techniques
 - Data governance
 - Leveraging data
 - Compensation & benefits
 - Employee wellness
 - Equity, diversity & inclusion
 - Staff morale
 - Artificial intelligence
 - Corporate responsibility



**Council Report: C 80/2022****Subject: Windsor-Canada Utilities Ltd. – Annual General Meeting – City Wide****Reference:**

Date to Council: May 30, 2022

Author: Shelby Askin Hager

City Solicitor and Commissioner Legal and Legislative Services

519-255-6100 ext 6424

shager@citywindsor.ca

Legal Services, Real Estate & Risk Management

Report Date: May 2, 2022

Clerk's File #: MU2022

To: Mayor and Members of City Council

Recommendation:

- I. That Council, acting as the shareholder for Windsor Canada Utilities Ltd. ("WCUL") **APPROVE** the resolutions presented by WCUL; and,
- II. That the Mayor **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by WCUL for the year 2021.

Executive Summary:

N/A

Background:

WCUL is the sole shareholder of the EnWin group of companies (EnWin Utilities Ltd., EnWin Energy Ltd.). The City, in turn, is the sole shareholder of WCUL. As a corporation subject to the Ontario *Business Corporations Act* ("OBCA"), WCUL is required to obtain certain shareholder resolutions from the City on an annual basis. This can be done by way of meeting, or in writing.

As the shareholder, the City (represented by City Council) must appoint someone to execute the resolutions in accordance with its direction. Therefore this report seeks that Council approve the resolutions presented by WCUL, and further that it appoints the Mayor to execute the resolutions on behalf of the City.

Discussion:

The resolutions to be presented on an annual basis are prescribed by the legislation and are limited to:

- (a) Approval of minutes of prior AGMs (if any);
- (b) Receipt of financial statements;
- (c) Appointment of directors;
- (d) Appointment of auditors.

These resolutions are essentially annual housekeeping, save and except that WCUL requests that the shareholder appoint Kevin Laforet to its Board of Directors based on the recommendation of the Board's Nomination Committee.

It is Administration's opinion that it is appropriate to approve the resolutions presented.

In addition to the resolutions specifically noted above, WCUL has presented an additional housekeeping resolution intended to ensure that the WCUL minute book is properly up to date. In the interests of thoroughness, counsel for WCUL has proposed a resolution that would ensure all prior necessary resolutions are properly ratified. These resolutions would include:

- passing of financial statements;
- appointment of auditors; and,
- appointment of directors.

Administration is comfortable recommending acceptance of this resolution because:

- all prior WCUL financial statements have been placed before Council;
- WCUL has always been required to utilize the same auditors as the City and has done so; and,
- all directors have been appointed through the City's processes.

A draft Board resolution of a similar nature is also enclosed.

Risk Analysis:

As the sole shareholder of WCUL, the City must fulfill its obligations under the OBCA and address the resolutions presented by WCUL.

Approval of the resolutions pose little to no risk to the City as the City remains involved and aware with respect to the operations of WCUL.

Approval of the housekeeping resolution will ensure that all prior necessary actions have been properly approved and ratified, thereby bringing the corporate minute books up to date.

Climate Change Risks

Climate Change Mitigation:

n/a

Climate Change Adaptation:

n/a

Financial Matters:

There are no financial ramifications to accepting the resolutions presented by WCUL.

Consultations:

n/a

Conclusion:

The resolutions presented by WCUL are essentially corporate housekeeping and it is appropriate to approve them. It is necessary to appoint a signatory to represent the City for that purpose.

Approvals:

Name	Title
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Janice Guthrie	Commissioner, Corporate Services CFO/ City Treasurer (Acting)
Joe Mancina	Chief Administrative Officer (Acting)

Notifications:

Name	Address	Email
EnWin Utilities Ltd. Attn: Helga Reidel		hreidel@enwin.com
EnWin Utilities Ltd. Attn: Claire Bebbington		cbebbington@enwin.com

Appendices:

- 1 Letter to Steve Vlachodimos dated April 29, 2022 attaching draft resolutions and financial statements
- 2 WCU 2021 Report
- 3 WUC 2021 Report

WINDSOR CANADA UTILITIES LTD
4545 Rhodes Drive, P.O. Box 1625, Stn. "A", Windsor, ON N8W 5T1

April 29, 2022

Steve Vlachodimos, City Clerk
The Corporation of the City of Windsor
350 City Hall Square West
Windsor, ON N9A 6S1

Dear Mr. Vlachodimos,

RE: Windsor Canada Utilities Ltd. - Annual General Meeting

The Board of Directors of Windsor Canada Utilities Ltd. ("**WCU**") wishes to conduct its 2021 Annual General Meeting ("**AGM**") in accordance with the Ontario *Business Corporation Act* ("**OBCA**").

Management and available representatives of the WCU Board of Directors, together with available representatives of its subsidiary companies and the Windsor Utilities Commission, are willing to attend the City Council meeting of May 30, 2022 to provide the 2021 Annual Reports and respond to questions. Of course, we would comply with any and all COVID-19 protocols, and we would be happy to attend the City Council meeting by virtual means if preferred.

As done in previous years, I am recommending utilizing written and signed resolutions in lieu of a meeting in conducting the AGM, pursuant to s. 104(1) of the *OBCA*. Thus, a representative would need to be appointed to vote on behalf of the shareholder, and such appointee would cast the shareholder's vote by signing the written resolutions.

To this end, I formally request that City Council, by way of a City Council resolution, designate a representative to vote on behalf of the shareholder. In 2020 and 2021, Mayor Dilkens was designated by City Council to act as the shareholder's representative.

I have attached the general form of the resolutions that the shareholder or its representative will be asked to approve. In this regard, I ask that City Council authorise their designate to approve and sign these resolutions. We propose that such designation and authorization occur at or before the City Council meeting of May 30, 2022.

To further support this request, attached is the WCU 2021 Annual Report and 2021 Audited Consolidated Financial Statements, which include the financial results of ENWIN Utilities Ltd. and ENWIN Energy Ltd. Also attached, for the information of City Council, is the 2021 Annual Report and 2021 Audited Financial Statements of the Windsor Utilities Commission.

WINDSOR CANADA UTILITIES LTD

4545 Rhodes Drive, P.O. Box 1625, Stn. "A", Windsor, ON N8W 5T1

Please contact me if you have any questions about this submission, and I look forward to receiving your confirmation of the date this proposed agenda item will be heard by City Council.

Sincerely,

ENWIN Utilities Ltd.



M. Claire Bebbington
Director, Regulatory Affairs; Corporate Secretary

Cc: Ms. Helga Reidel, President & CEO, ENWIN Utilities Ltd.
Mayor Drew Dilkens, Chair, Windsor Canada Utilities Ltd., ENWIN Utilities Ltd., ENWIN Energy Ltd. and Windsor Utilities Commission
Ms. Shelby Askin Hager, City Solicitor, The Corporation of the City of Windsor

Attachments (3):

- Appendix A: Draft resolutions for shareholder approval
- Appendix B: 2021 Annual Report and 2021 Audited Consolidated Financial Statements, Windsor Canada Utilities Ltd.
- Appendix C: 2021 Annual Report and 2021 Audited Financial Statements, Windsor Utilities Commission

APPENDIX A

RESOLUTION OF THE SOLE SHAREHOLDER OF WINDSOR CANADA UTILITIES LTD.

The undersigned, being the sole shareholder of Windsor Canada Utilities Ltd. (the “**Corporation**”), acting pursuant to s. 104 of the *Business Corporations Act*, R.S.O. 1990, c.B.16, as amended (the “**Act**”) by its signature hereby passes the following resolutions:

NOW THEREFORE BE IT RESOLVED THAT:

1. Windsor Canada Utilities Ltd. 2021 Audited Consolidated Financial Statements

THAT the Windsor Canada Utilities Ltd. Audited Consolidated Financial Statements and report of the Auditor, KPMG LLP, for the period ending December 31, 2021, BE RECEIVED AND ACCEPTED.

2. Appointment of Auditors for 2022

THAT the audit firm selected and named by City Council as auditors of the Corporation of the City of Windsor, KPMG LLP, BE APPOINTED as the auditors of Windsor Canada Utilities Ltd. for the 2022 fiscal year end at such remuneration as may be fixed by the Windsor Canada Utilities Ltd. Board of Directors;

AND THAT the Windsor Canada Utilities Ltd. Board of Directors BE AUTHORIZED to fix the remuneration payable to the audit firm selected as auditors of Windsor Canada Utilities Ltd. for the 2022 fiscal year end.

3. Election of Board of Directors

THAT, as recommended by the Nominating Committee and Board of Directors of Windsor Canada Utilities Ltd., the following Director of the Board of Directors of Windsor Canada Utilities Ltd. BE ELECTED as follows:

- Mr. Kevin Laforet (3-year term).

4. Confirmation of Proceedings

THAT all the by-laws, resolutions, contracts, proceedings, elections and appointments, enacted, passed, made or taken by the shareholders, directors or officers of the Corporation, at any time during the fiscal year beginning January 1, 2021 and ending December 31, 2021 (hereinafter collectively called "the corporate proceedings") as the same are set forth or referred to in the minutes of the shareholders and the directors for the Corporation and in the other records of the corporate proceedings, and all acts and proceedings taken by the directors, officers, agents or employees of the Corporation under the authority of or pursuant to any of the corporate

proceedings BE RATIFIED AND CONFIRMED with the effect stated in such corporate proceedings;

AND THAT, insofar as any such corporate proceeding shall not have been validly enacted, passed, sanctioned, confirmed, authorized or made, such corporate proceedings shall BE RATIFIED AND CONFIRMED with retroactive effect, and in all other respects with the effect stated in the minutes and records of the Corporation.

The undersigned, being the sole shareholder of the Corporation, hereby approves and consents to the above resolutions as evidenced by the signature of the shareholder's authorized representative set out below.

SIGNED AND DATED at Windsor, Ontario as of the _____ day of _____, 2022.

THE CORPORATION OF THE CITY OF WINDSOR

By:

Its:

I have the authority to bind the corporation

Subject: Declaration of a Vacant Parcel of Land Municipally Known as 0 Tuscarora Street Surplus and Authority to Offer for Sale-Ward 4

Reference:

Date to Council: May 30, 2022
Author: Chris Carpenter
Coordinator of Real Estate Services
ccarpenter@citywindsor.ca
519-255-6100 x 6420
Legal Services, Real Estate & Risk Management
Report Date: May 4, 2022
Clerk's File #: APM2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the following City of Windsor (the "**City**") vacant parcel of land **BE DECLARED** surplus:
 - Municipal address: **0 Tuscarora Street** – vacant land situate on the north side of Tuscarora Street, east of Marion Avenue
 - Legal Description: Part of Lot 4 on Registered Plan 231 as in WE38392 save and except WE41042
 - Approximate Lot size: 6.8 feet (2 m) x 164 feet (50 m)
 - Approximate Lot area: 1,115.2 sq ft (100 m²) (herein the "**Subject Parcel**"); and,

- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel of land identified in Recommendation I for sale to the abutting property owner at 1106 Tuscarora Street at a price to be determined by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate.

Executive Summary:

N/A

Background:

The City owns a vacant parcel of land located on the north side of Tuscarora Street, immediately west of 1106 Tuscarora Street, legally described as Part of Lot 4 on

Registered Plan 231 as in WE38392 save and except WE41042 as shown on the aerial diagrams attached as Appendices A and B.

The Subject Parcel is the remainder of a larger parcel that was acquired by the City in 1930 by instrument number WE38392 to facilitate the extension of Marion Avenue between Cataragui Street and Wyandotte Street East. The Subject Parcel is only 6.8 feet wide and as a result, the Subject Parcel is not viable land.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule "A" attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the "Civic Corner" of the Windsor Star.

Discussion:

Administration was contacted by the abutting property owner to express their interest in acquiring the Subject Parcel.

The Subject Parcel was circulated to determine whether there is a municipal use for same. No municipal use was identified.

The City's Land Disposal Policy ("**LDP**") outlines the process for the sale of land which is not viable. Section 5.3.1.3 of the LDP states:

5.3.1.3 Land, which is not Viable Land and which cannot be rendered Viable Land by means of consent under the Planning Act may be sold directly to the abutting property owner(s) for lot consolidation purposes at the value established by City Real Estate Staff taking into consideration all relevant factors, but in any event for no less than on a cost-recovery basis. If more than one abutting property owner wishes to acquire the Land City Real Estate Staff will contact the abutting owners to determine whether a consensus can be arrived at in splitting the Land amongst interested abutting owners.

Should Recommendations I and II be approved, the Real Estate staff will contact the abutting property owner to negotiate a purchase price. Should Administration successfully negotiate an acceptable price, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Parcel.

Risk Analysis:

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Parcel will remove any associated liability issues and maintenance costs for the City.

Climate Change Risks

Climate Change Mitigation:

Declaring this property surplus does not pose a climate change risk.

Climate Change Adaptation:

Redevelopment of properties will include climate change considerations during re-zoning or site plan review.

Financial Matters:

N/A

Consultations:

Fire Department: John Lee
Windsor Police Services: Barry Horrobin
Public Works: responses consolidated by Rania Toufeili
Parks: James Chacko
Facilities: Tom Graziano
Planning Department: Kevin Alexander
Housing and Children Services: Tina Moore

Conclusion:

Declaring the vacant parcel of land identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the property for sale to the abutting property owner will allow for the orderly sale of the land that is not required for any municipal purpose.

Planning Act Matters:

N/A

Approvals:

Name	Title
Chris Carpenter	Coordinator of Real Estate Services
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email

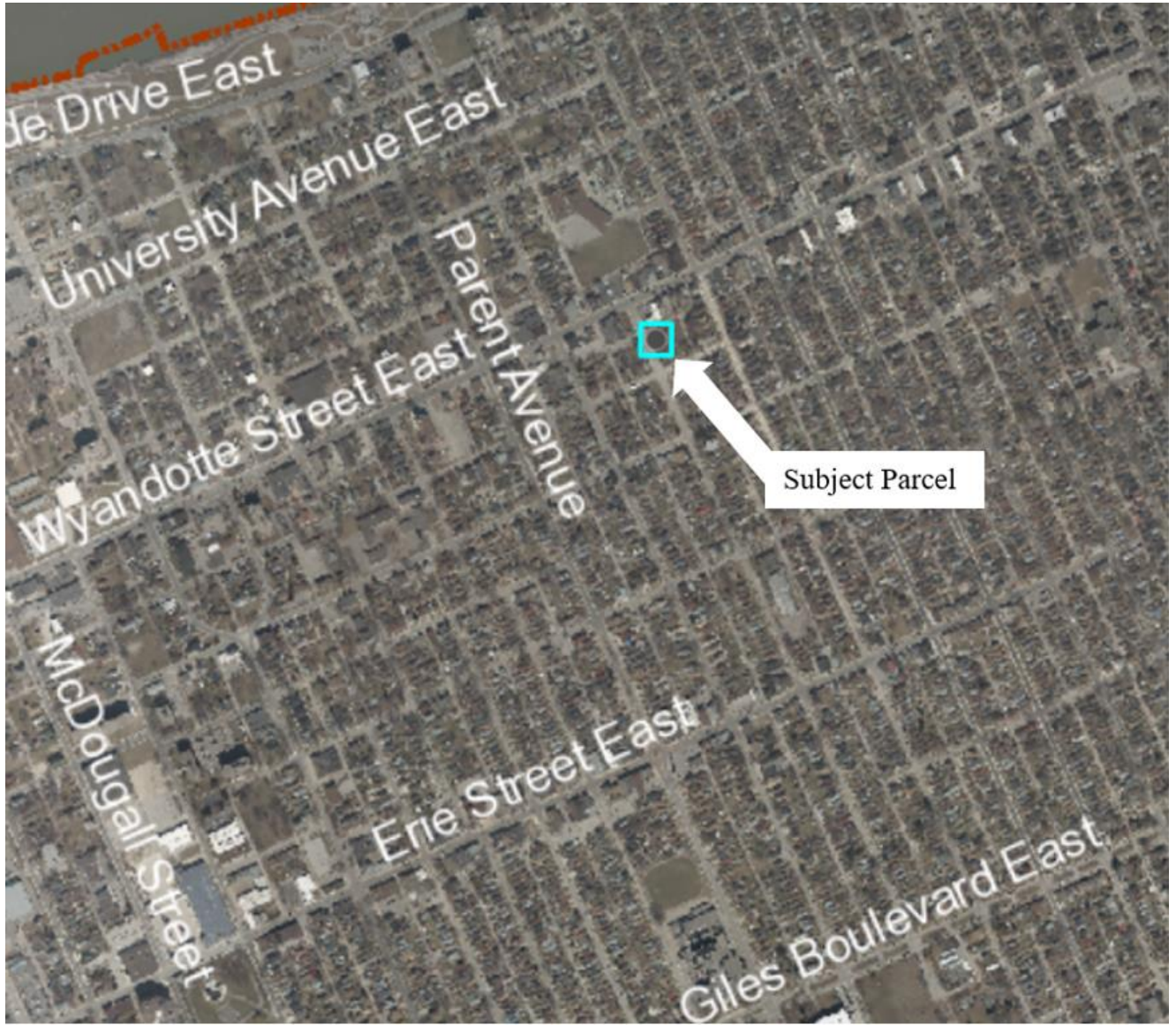
Appendices:

- 1 Aerial Image of Subject Parcel
- 2 Location of Subject Parcel

Appendix A



Appendix B



Subject: Declaration of Vacant Parcel Municipally Known as 0 Provincial Road Surplus and Authority to Offer for Sale-Ward 9

Reference:

Date to Council: May 30, 2022
Author: Chris Carpenter
Coordinator of Real Estate Services
ccarpenter@citywindsor.ca
519-255-6100 x 6420
Report Date: May 16, 2022
Clerk's File #: APM2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the following City of Windsor (the “**City**”) vacant parcel **BE DECLARED** surplus:
 - Municipal address: **0 Provincial Road** – vacant land situate on the south side of Provincial Road, west of Legacy Park Drive
 - Legal Description: Part of Lot 14, Concession 6, Sandwich East further described as Parts 4 to 7 on Plan 12R-27714
 - Approximate Lot size: 47.2 m (154.8 feet) x 70 m (229.6 feet) x 8.2 m (26.9 feet) x 58.37 m (191.5 feet)
 - Approximate Lot area: 17,507.5 sq ft (1,626.5 m²) (herein the “**Subject Parcel**”); and,
- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel identified in Recommendation I for sale to the abutting property owners for lot consolidation purposes at a price to be determined by the Manager of Real Estate Service, subject to the previous owner of the Subject Parcel having the option to match the best offer received by the City; and,
- III. THAT the City Solicitor or designate **BE DIRECTED** to prepare a by-law to dedicate Part 1 to 3 on Plan 12R-27714 as part of the public highway known as Provincial Road.

Executive Summary:

N/A

Background:

The City owns vacant land located on the south side of Provincial Road, west of Legacy Park Drive, legally described as Part of Lot 14, Concession 6, Sandwich East further described as Parts 1 to 7 on Plan 12R-27714, as shown on the aerial diagrams attached as Appendices A and B.

The property was acquired by the City through means of expropriation from the previous owners as part of the Provincial/Division Corridor Improvement Project. The previous owners were Franco Quaggiotto, Livio Quaggiotto and the Estate of Umberto Quaggiotto. The purpose of the Provincial/Division Corridor Improvement Project Phase 2 includes the extension of a trunk sewer across Provincial Road to the North Roseland Pond. The extension of this trunk sewer necessitated the taking of the entire Subject Parcel.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule "A" attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the "Civic Corner" of the Windsor Star.

Discussion:

The Subject Parcel was circulated to determine whether there is a municipal use for same. No municipal use was identified. Housing Administration and Development has no objection to the sale of the Subject Parcel.

Section 5.3.3 of the City's Land Disposal Policy ("**LDP**") states:

City Real Estate Staff will confirm whether there is any right for a former owner to repurchase the Land under the Expropriations Act and advise Council of same in the report required under 5.1.1.

The Expropriation Act (the "**Act**") sets out the process for the disposal of land by a Municipality when the land has been expropriated. Sections 41 and 42 specifically establish this process. Administration believes that Section 42 of the Act applies to the disposal of the Subject Parcel. Section 42 of the Act states:

Where lands that have been expropriated and are in the possession of the expropriating authority are found by the expropriating authority to be no longer required for its purposes, the expropriating authority shall not, without the approval of the approving authority, dispose of the lands without giving the owners from whom the land was taken the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority.

Section 42 of the Act defaults to offering the previous owners the opportunity to repurchase the expropriated lands by matching the best offer received. As stated in Section 42 above, the approving authority, being Windsor City Council, can approve the sale of expropriated land without offering a first chance of repurchase to the previous owners. However, as the previous owners would have to match whatever price the City negotiates with an abutting owner, there is no disadvantage to the City in providing a first chance to repurchase to the previous owners.

The Subject Parcel is encumbered by an 8.2m (26.9 feet) wide sewer easement along the eastern edge of the property shown in yellow on Appendix C. In addition, there is a 9.8m (32 feet) wide setback required from the municipal drain along the western edge of the property shown in green on Appendix C. Lastly, a 2m (6.56 feet) wide strip along Provincial Road will be retained by the City for road widening purposes as shown in blue on Appendix C. As a result, only 530.7m² (6,035 sq ft) of the Subject Parcel has the potential to be built on. Due to the nature of the zoning (CD4.1) redevelopment of the Subject Parcel as a standalone property is unlikely.

The City's Land Disposal Policy ("LDP") outlines the process for the sale of land which is not viable. Section 5.3.1.3 of the LDP states:

Land, which is not Viable Land and which cannot be rendered Viable Land by means of consent under the Planning Act may be sold directly to the abutting property owner(s) for lot consolidation purposes at the value established by City Real Estate Staff taking into consideration all relevant factors, but in any event for no less than on a cost-recovery basis. If more than one abutting property owner wishes to acquire the Land City Real Estate Staff will contact the abutting owners to determine whether a consensus can be arrived at in splitting the Land amongst interested abutting owners.

Should Recommendations I and II be approved, the Real Estate staff will contact the abutting property owners to negotiate a purchase price. Once a best offer is negotiated, Real Estate staff will contact the previous owner from which the Subject Parcel was expropriated and provide them the opportunity to repurchase the Subject Parcel by matching the best offer. Following the outcome of this process, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Parcel.

Risk Analysis:

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Parcel will remove any associated liability issues and maintenance costs for the City.

Climate Change Risks

Climate Change Mitigation:

Declaring this property surplus does not pose a climate change risk.

Climate Change Adaptation:

Redevelopment of properties will include climate change considerations during re-zoning or site plan review.

Financial Matters:

N/A

Consultations:

Fire Department: John Lee

Windsor Police Services: Barry Horrobin
 Public Works: responses consolidated by Rania Toufeili
 Parks: James Chacko
 Facilities: Tom Graziano
 Planning Department: Kevin Alexander
 Housing and Children Services: Tina Moore
 Senior Legal Counsel: Pat Brode

Conclusion:

Declaring the vacant parcel of land identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the land for sale to the abutting property owners, will allow for the orderly sale of this vacant parcel of land that is not required for any municipal purpose.

Planning Act Matters:

N/A

Approvals:

Name	Title
Chris Carpenter	Coordinator of Real Estate Services
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email

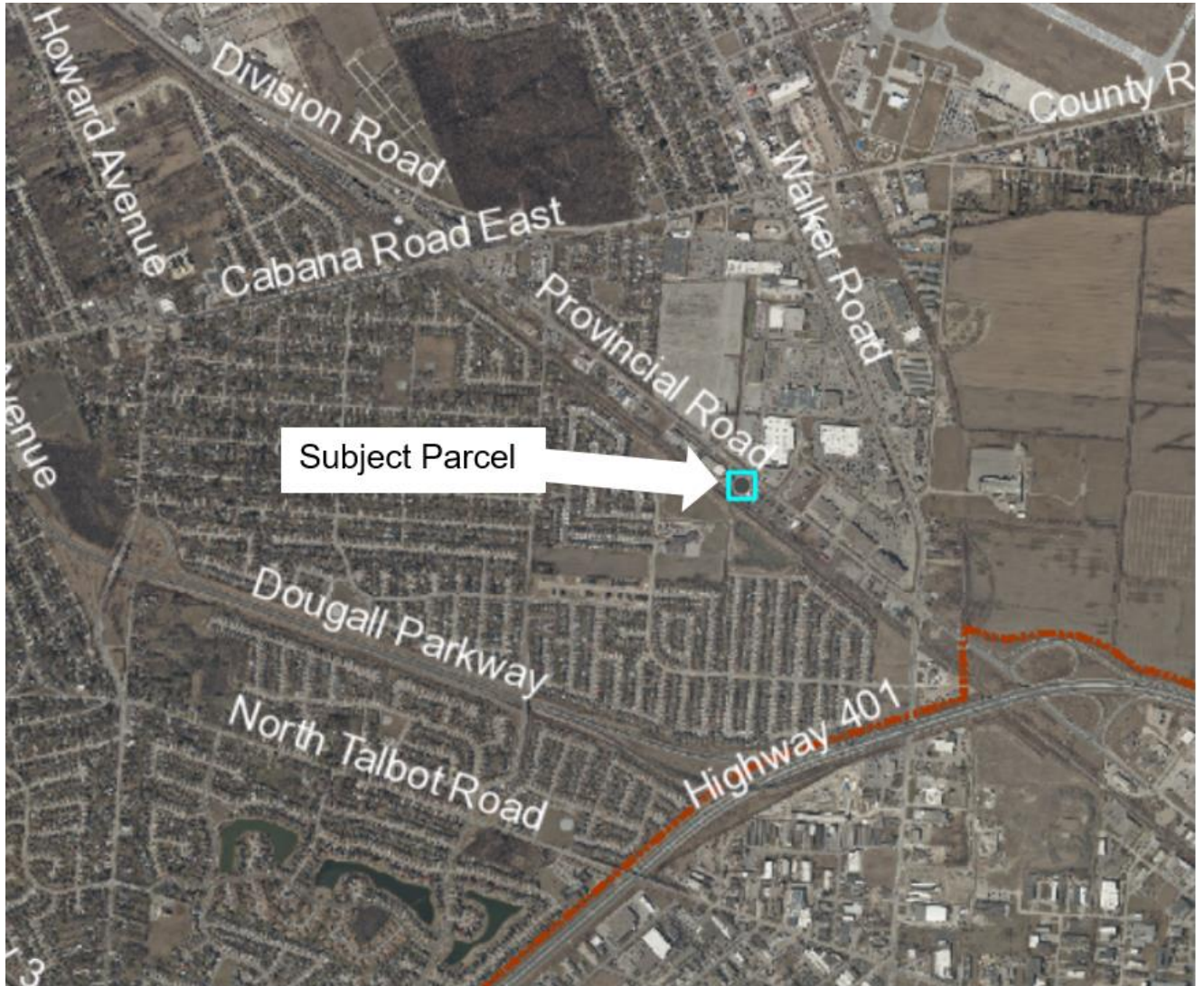
Appendices:

- 1 Aerial Image of Subject Parcel
- 2 Location of Subject Parcel
- 3 Easements affecting the Subject Parcel

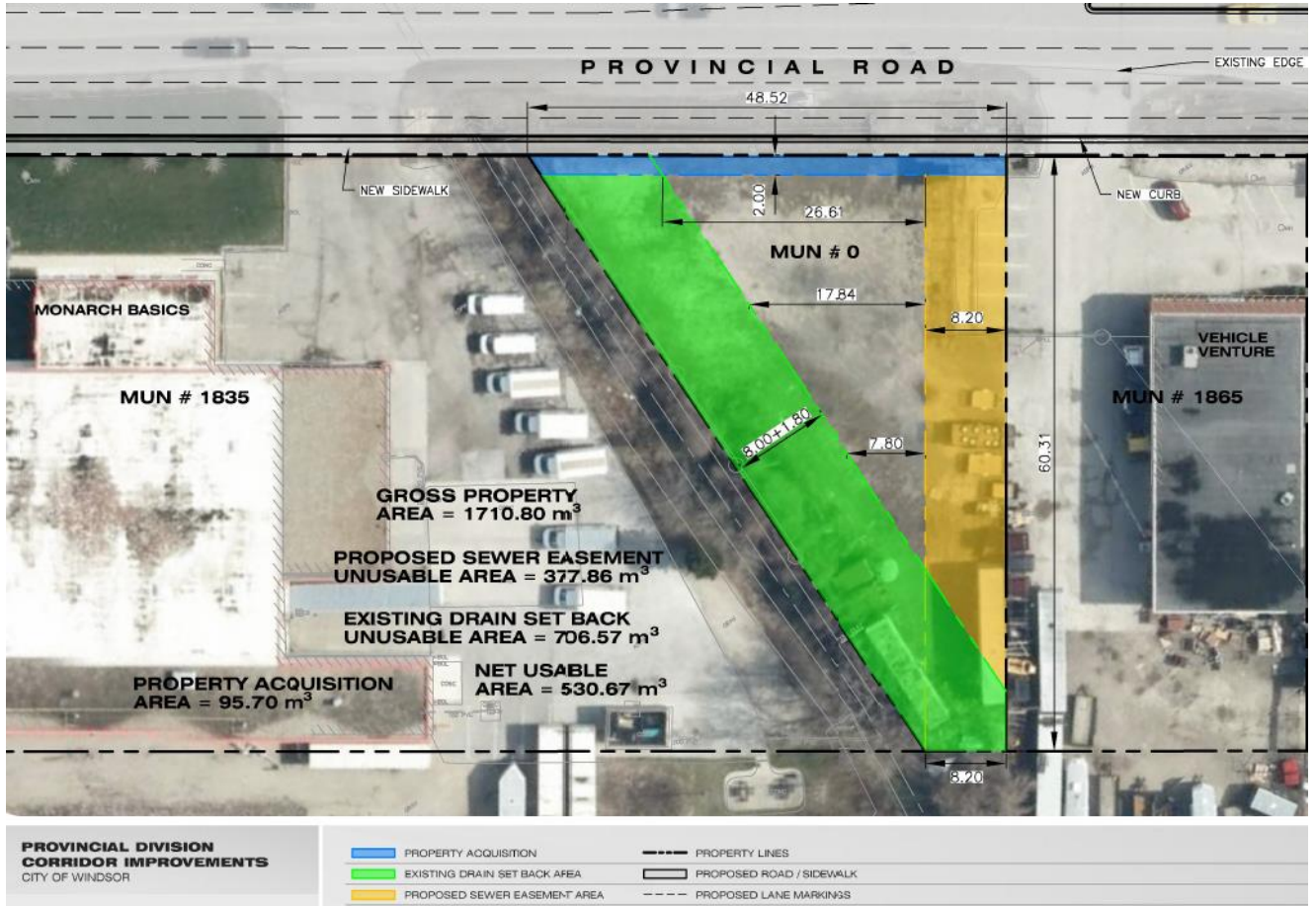
Appendix A



Appendix B



Appendix C





Council Report: C 95/2022

Subject: Peace Fountain Replacement – Ward 6**Reference:**

Date to Council: May 30, 2022
 Author: Marc Di Domenico
 Project Administrator, Corporate Projects
 (519) 255-6100 x 6452
 mdidomenico@citywindsor.ca
 Engineering
 Report Date: May 18, 2022
 Clerk's File #: SR/14084

To: Mayor and Members of City Council

Recommendation:

- I. THAT the report dated April 2022 entitled “Reimagining the Peace Fountain – Designs for the Future of the Charles Brooks Memorial Peace Fountain at Reaume Park” (Appendix A) from Partisans **BE RECEIVED**; and,
- II. THAT Council **DIRECT** Administration to **MOVE FORWARD** with Option 1: Floating Fountain design concept, and that Administration perform public consultation and bring forward final design, costing and funding options for presentation to Council for the 2023 Capital Budget; and,
- III. THAT City Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary related to the approved option, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in legal content to the Commissioner of Legal & Legislative Services, in financial content to the Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,
- IV. THAT Administration **BE AUTHORIZED** to take any other steps as may be required to bring effect to these resolutions, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any required documentation/agreement(s) for that purpose, subject to legal approval by the Commissioner of Legal & Legislative Services, financial approval by the Chief Financial Officer/City Treasurer, and technical approval by the Commissioner of Infrastructure Services.

Executive Summary: N/A

Background:

The Charles Brooks Peace Fountain has been enjoyed by Windsorites and tourists alike in Reaume Park since 1978. This floating fountain is situated in a bay in the Detroit River and can propel water 70 feet into the air and provide a synchronized lighting program.

The fountain had an original cost of \$562,000 in 1978 (equivalent to approximately \$2,300,000 in 2022 dollars based on the Bank of Canada Inflation Calculator) with an estimated 20-year life expectancy. In 1988, the fountain underwent a major refurbishment costing \$450,000 (equivalent to approximately \$950,000 in 2022 dollars based on the Bank of Canada Inflation Calculator), which was expected to extend its predicted life past the original 20-year period. Over 30 years later, this fountain is still in operation; however over the past several years, the plumbing, lighting and controls hardware are showing signs of failure due to age and replacement parts are either obsolete or difficult to procure. Since this floating fountain is exposed to the harsh ice and winter conditions of the Detroit River, the City of Windsor ("City") must remove the fountain in October for winterization and then reinstall in the spring. The fountain is barged to an off-site location for storage during the winter months, and then installed in the spring when favourable weather conditions return. This seasonal readiness operation incurs significant annual costs to the City. Since the fountain is well beyond its stated 20-year life expectancy, significant repair and annual maintenance costs have been incurred, and will continue to occur at an unpredictable increasing rate. Current maintenance and seasonal readiness costs amount to approximately \$150,000/year. Also, operating costs in the form of electricity to operate the aging pump and controls systems have amounted to approximately \$52,000/year over the past five years (equating to approximately 284,000 kWh/year).

Administration reported on the health assessment of the fountain in 2019 (report C189/2019), which led Council to direct Administration to pursue a new fountain replacement and seek a consultant to provide design concept options. A Request for Proposal process (RFP 155-20) was undertaken which led to the City retaining Partisans Projects Inc. ("Partisans") through Council Resolution CR137/2021 (Appendix B) to prepare multiple design options and cost estimates for a future Peace Fountain concept. Partisans was to provide consulting services for a specialized water feature design while eliciting public input and discourse. The primary deliverable from Partisans was to provide three conceptual design and cost options for a new fountain in Reaume Park having the following configurations:

1. A water-based fountain (floating);
2. A land and water-based fountain (having components on both land and in water); and
3. A strictly land-based fountain (all components are land-based and throw into the existing bay).

The City is seeking a new and innovative fountain concept that will be a tourist attraction and serve as an iconic piece unique to Windsor. The entertainment qualities are to meet or exceed the existing fountain and continue to incorporate synchronized lighting and water programming, while integrating new entertainment media. As well, a strong focus on component reliability, maintenance, and operational efficiency are to be

considered to avoid repeating the high maintenance and seasonal readiness costs and resource requirements experienced with the existing fountain.

Discussion:

Reaume Park has featured the Peace Fountain since 1978. The fountain is a beloved feature of the park and a destination for locals and tourists. As a result, it was evident that eliciting public input and sentiment regarding a new fountain was desired before any design concepts could be developed.

Public Engagement

Partisans worked with Administration to develop content and surveys on the internet through www.peacefountain.ca and the coUrbanize engagement platform. Phase 1 (Stories) of this engagement was launched on November 3, 2021 and focused on sharing the stories, memories, and photos that people have had with the fountain. A historical timeline of the Windsor region and achievements of Charles Brooks, the deceased union leader for whom the fountain is named, is documented to give a sense of history and the ties the local community has built with the fountain over the years. Phase 2 (Vision) was launched December 21, 2021 and focused on three major themes that arose from Phase 1 feedback – community, environment and memory. Digital content was prepared and associated survey questions were presented for each of these themes, providing insight into how people used the park, the fountain's role in the community, how the fountain interacts with the environment, and what they'd like to see the fountain represent. Discussion topics were introduced on the coUrbanize platform to further engage the public and allow for the conversation to be kept active. Concurrent to the activities on these platforms, multiple strategies for public engagement were used to inform and attract users to the peace fountain website and coUrbanize platforms, including press releases, the City website homepage banner, social media platforms (Instagram), social media ads and local media coverage (CTV News, Windsor Star).

The engagement strategy received 2,399 unique web visitors to the coUrbanize platform with 112 subscribed users. A total of 167 comments and opinions were submitted by the public. Additionally, online surveys were prepared asking respondents a series of questions reflective of the information that was presented at each phase. Three online surveys received a total of 95 responses, which were compiled and evaluated into themes that provided direction in developing the three design concepts, such as vision, energy use, operations, memories, appreciation, lighting, programming, cost, values, and landscaping. The top themes learned from this exercise included: desire to repair, refurbish and/or restore the existing fountain; appreciation of the fountain; desire or openness to something new for the fountain; recalling memories of experiences with family and friends at the fountain; and expression of how much they value Windsor's beautiful riverfront.

Design Concepts

Drawing on the feedback from three months' worth of public engagement and the stated objectives of the project, Partisans brainstormed design concepts based on design considerations such as: connection to Reaume Park and the Peace Fountain; legacy of Charles Brooks; operations & maintenance; climate change; entertainment value;

programming modes; and four-season programming. These concepts were presented to Administration for review and feedback, where various City departments (Parks, Facilities, Engineering, and Communications) were consulted to ensure the proposed designs would provide the best options as it relates to spectacle, operations, maintenance and safety. Alignment with the objectives stated in RFP155-20 was assessed and led to further developing these design concepts for Council review.

Through this process, Partisans submitted a report detailing the public engagement, design, and costing of each fountain concept and is attached as Appendix A – “Reimagining the Peace Fountain – Designs for the Future of the Charles Brooks Memorial Peace Fountain at Reaume Park”. Highlights of the report are listed below:

Option1: Water-based Option – Floating Fountain

The Floating Fountain option (Appendix C) retains the spirit of the existing design, where a central focal point is established in the centre of the bay with one large 24’ floating fountain raft, but now flanked by two smaller 12’ floating fountain rafts. While this concept mimics the current design in principle, it incorporates modern fountain and multimedia technology to provide improved equipment efficiency and fountain water/lighting choreography while reducing energy usage. Augmented reality viewers will be situated around the belvedere to synchronize with the fountain’s water/lighting program to provide an enhanced sensory experience.

The floating rafts contain lighting and plumbing components only, where the pumps are situated in the service building south of the plaza resulting in an improved condition for equipment reliability and maintenance accessibility. During the winter season, the two small floating rafts can be removed using truck-mounted cranes from the perimeter of the plaza and stored offsite, eliminating the need for costly removal by barge. The large floating raft remains in the water during the winter and is protected by a reusable inflatable cover composed of a lightweight membrane which can be used to project lighting patterns, providing for some winter programming which currently does not exist with the current fountain. Ice flow mitigation methods are required to protect the large floating raft, including installation of ice clusters and aeration de-icers in the bay.

Option2: Land-based Option – The Boardwalk

The Boardwalk fountain option (Appendix D) reflects the movement and dynamism of the river by situating water nozzles around the perimeter of the belvedere surrounding the bay. It is a water interactive art installation that encourages integration with the public to create a unique lighting and water programming experience. The Boardwalk concept replaces the existing metal guardrail with a precast concrete enclosure which contains all plumbing, electrical, lighting and nozzle equipment. The concept proposes integrating sensors into the handrail allowing the public to engage with the fountain by inducing an effect on the water movements. Due to this increased immersive experience for the public, improvements to the belvedere are planned to increase seating and lighting capacity. Similar to the Floating Fountain concept, the pumps are located on land in the service building located south of the plaza. Having all pump and fountain components located on land results in favorable conditions for accessibility during maintenance and repair operations.

Year-round programming is possible. Increased water programming opportunities lengthen usage in the fall and spring seasons compared to the existing fountain. During freezing conditions when water programming is disabled, entertainment is available through lighting and illumination effects along the boardwalk surfaces.

Option3: Land and water-based Option – The Arch

The Arch fountain option (Appendix E) symbolically combines land and water in an iconic landmark structure that traverses the bay at Reaume Park. The arch is a traditional symbol of peace and harmony and is reflective of the Ambassador Bridge, and soon the Gordie Howe International Bridge, which spans the Detroit River and connects two peaceful nations. A 14-metre tall curving steel structure is proposed to span 98-metres across the existing fountain bay and house all lighting and water projectile equipment, creating a unique and iconic water fountain display. The Arch provides for unique water and/or lighting programming opportunities year round since no equipment is situated in the water. The arch structure itself serves as an artistic sculpture when no lighting or water programming is active. Similar to the Boardwalk Fountain option, the opportunity for water programming is extended in the fall and spring months until freezing conditions exist. Lighting on and around the arch can be activated to provide entertainment during these periods. Illumination of ice formation is another possibility to expand on winter programming opportunities. Interactive stations will also be situated throughout the plaza providing the public the opportunity to influence water and lighting programming.

Support structures on piled foundations will support each end of the arch, and will double as service buildings to house all electrical, controls and plumbing equipment. Site preparation and construction is the most intensive with this design option due to the size of the structure and corresponding foundation to support it, representing the most costly of the three design concepts. At 14-metres tall at its peak, the arch exceeds the crown of the pavement of Riverside Drive; however, it is exempt from the zoning provision regarding riverfront buildings situated north of Riverside Drive East since it is considered a fountain or sculpture.

Timeline

The existing fountain is expected to operate for the 2023 spring-fall season, barring any equipment breakdowns or repairs. Depending on Council direction and funding availability, detailed design and planning could occur in 2023, with construction anticipated to start in spring 2024. During the 2024 season, there would be no fountain feature at Reaume Park as the site will be dedicated to the construction and installation of the new fountain and surrounding works. The new fountain would be expected to open for public enjoyment in the following year.

Risk Analysis:

Timing Risk:

The existing Peace Fountain is beyond the end of its life expectancy and could cease operation at any moment. The process to design, fabricate and commission a new Peace Fountain may take several years. Should the Peace Fountain fail during this

time, there is a potential that no fountain feature will be operating at Reaume Park while a new fountain is being commissioned.

Each design option will require in-water works. This work needs to occur when favourable weather conditions exist, mainly during spring/summer/fall seasons, and will likely require permitting approvals. A decision should be made which coincides with opportunity to perform the in-water works during this construction window and so as not to delay installation of the new fountain.

There are preliminary tasks that can be completed prior to finalization of the detailed design, such as the geotechnical, environmental and archaeological assessments. The final design will have very little impact on the scope of these preliminary investigations. If Council directs Administration to proceed with these preliminary tasks, the detailed design and specifications could proceed.

Financial Risk:

There is a risk that with current market volatility and supply chain challenges, that specific materials and/or equipment for this project will have long lead times and/or high prices, creating a negative impact on the project's overall timing and/or costs.

There is a risk that if Council directs Administration to proceed with the preliminary tasks noted above at this time, that should the project be canceled in its entirety, the results of the preliminary tasks would not be needed.

Climate Change Risks

Climate Change Mitigation:

The operation of the Peace Fountain results in approximately 7 tonnes of Greenhouse Gas emissions annually through the use of 300 MW of electricity. Proposed Options 1 (Floating) and 2 (Boardwalk) are estimated to use significantly less electricity than the current fountain, which will result in a reduction of GHG emissions in the City's Corporate inventory. Option 3 in full operational mode has higher electricity demands which will result in an increase in GHG emissions; however, if Option 3 is programmed to use half the number of nozzles during Idle mode, then the energy demands will be reduced below that of the current fountain.

The report acknowledges the possibility of offsetting electricity use through the installation of a renewable energy solution through the use of an underwater turbine system. Additional research is required to confirm the offsets feasible, however, current estimates show that the renewable energy should be able to offset the power requirements of all options provided. Energy generated above the requirements of the fountain could be used to offset additional amenities in Reaume Park.

As noted in the consultant's report, there are a number of grants available from the Federal Government that may be leveraged to support this additional element.

Climate Change Adaptation:

The consultants report has taken climate change considerations into the design of the various options focusing on the possible impacts of high water river levels and high winds due to the increased power and frequency of storms. It is known Reaume Park currently experiences flooding and the fountain designs should account for increasing

frequency and severity of local flooding. All three options are responsive to changing water levels over time. It is important that on-land equipment is protected from overland flooding under high water conditions and precipitation events.

Financial Matters:

Appended within Partisans' report is a rough order of magnitude cost breakdown of each design concept option, highlighting site servicing, fountain structure, fountain equipment, and activation & lighting. Consideration must be given that these cost estimates are based on concept level designs and site condition assumptions, and are subject to change based on detailed design development and optimization. As well, total cost estimates include design and price escalation contingencies to give an order of magnitude cost range of 13-31% to anticipate unforeseen issues, rising construction costs and/or market fluctuations; higher than typical contingencies were applied due to current post-pandemic conditions. Also, the provided a-la-carte format lends to cost discretion when considering desired fountain features. A summary of the costing outlined in Partisans' report is provided below:

Option1: Water-based Option – Floating Fountain (\$7,000,000 – \$8,100,000)

While similar in concept to the existing fountain, this option houses the pumps on land in the existing service building. Site costs are primarily dedicated to expanding the service building and running the necessary piping under the plaza and to the bay. The three fountain rafts make up over half the total cost, with the various nozzle technologies employed comprising the majority of this amount. Nozzle pricing for the Floating Fountain option is the highest of the three options, where there is flexibility to modify nozzle type and quantity in order to achieve certain cost objectives; however an impact to water programming will likely be noticed.

Seasonal readiness costs will exist as the two small rafts will require removal each fall season; however cost savings are expected compared to current fountain removal operations since the City will not need to lease a barge to hoist and transport the fountain to a downriver location, as is currently required. It is estimated City personnel and equipment will perform the required work at a cost of \$20,000 to remove in winter (disconnect, remove, store) and reinstall in spring (install, connect).

Maintenance costs are expected to be minimal the first several years and increase thereafter as normal wear and tear sets in, where yearly maintenance costs of \$26,000 can be expected. Valves and nozzles are sourced from North American distributors should replacements be required. Pump reliability and accessibility is greatly improved due to storage within the service building, and not underwater, and is expected to result in reduced maintenance costs as underwater divers and cranes are not required.

The integration of modern technology and updated controls is expected to result in a 63% energy usage reduction compared to the current fountain, where it is estimated that 110 MWh/yr will be required to operate the fountain. This equates to a reduction of nearly \$32,400 per year in electricity costs compared to the current option.

Option2: Land-based option – The Boardwalk (\$8,300,000 – \$9,500,000)

Site work requirements are more extensive compared to Option1 since the existing metal guard rail is replaced with pre-cast concrete enclosures to house all nozzles, piping and lighting equipment while also providing the plaza flood protection and separation from the water's edge. Similar to the Floating Fountain option, the pumps are housed in the existing service building, and thus require similar site servicing costs. Due to the nature of the design, this option requires the highest number of nozzles as they are located through the entire perimeter of the bay; however the simpler nozzle technology chosen reduces the overall cost commitment.

Seasonal readiness costs are expected to be minimal and performed by City personnel at a cost of approximately \$10,000 per year. No equipment removal from the bay or offsite storage is required, where only closing/opening activities are expected.

Maintenance costs are expected to be minimal the first several years and increase thereafter as normal wear and tear sets in, where yearly maintenance costs of \$21,500 can be estimated. Valves and nozzles are sourced from North American distributors should replacements be required. Pump reliability and accessibility is greatly improved due to storage within the service building, and not underwater, and is expected to result in reduced maintenance costs as underwater divers and cranes are not required.

The integration of modern technology and updated controls is expected to result in a 58% energy usage reduction compared to the current fountain, where it is estimated that 125 MWh/yr will be required to operate the fountain. This equates to a reduction of nearly \$29,400 per year in electricity costs compared to the current option.

Option3: Land and water-based option – The Arch (\$16,800,000 – \$19,300,000)

The Arch option is an imposing structure that will require extensive structural and foundation works to support the weight of the steel and enclosed equipment. Two buttresses at each end of the arch support the structure and house the pumps, equipment and controls systems. Piled foundations are expected and will be confirmed should the option progress to further development stage. Costs related to site and foundation works are the mostly costly of the three options, and may increase further once geotechnical analyses are performed. Fabrication of the arch structure itself comprises nearly half of the total cost.

Seasonal readiness costs are expected to be minimal and performed by City personnel at a cost of approximately \$10,000. No equipment removal from the bay or offsite storage is required, where only closing/opening activities are expected.

Maintenance costs are expected to be minimal the first several years and increase thereafter as normal wear and tear sets in, where yearly maintenance costs of \$21,500 can be estimated. Valves and nozzles are sourced from North American distributors should replacements be required. Pump reliability and accessibility is greatly improved due to storage within the buttresses, and not underwater, and is expected to result in reduced servicing and maintenance costs as underwater divers and cranes will no longer be required.

The integration of modern technology and updated controls is expected to result in a 17% energy usage reduction compared to the current fountain, where it is estimated that 250 MWh/yr will be required to operate the fountain. The energy savings are not as

great compared to the previous options due to the increased pump performance required to overcome elevation head when pumping the water up and through the arch structure nearly 14 metres above the water level. Regardless, this still equates to a reduction of nearly \$8,400 per year in electricity costs compared to the current option.

Summary

Since each design option has varying levels of seasonal readiness requirements, complexity and capital costs, a lifecycle cost analysis has been provided to provide a comparison of the three options. Note that costs are estimates based on the current level of design development, and subject to change as designs mature to a more advanced stage.

Fountain	Capital Cost	Est. Life of Asset (min #yrs)	Amortization Cost per year (straight line)	Est. Maintenance Cost per year	Est. Electricity Cost per year	Est. Seasonal Readiness Cost per year	Est. Total Cost per Year
Option1: Floating Fountain	\$7,000,000 - \$8,100,000	25	\$280,000 - \$324,000	\$26,000	\$18,000	\$20,000	\$344,000 - \$388,000
Option2: The Boardwalk	\$8,300,000 - \$9,500,000	25	\$332,000 - \$380,000	\$21,500	\$21,000	\$10,000	\$384,500 - \$432,500
Option3: The Arch	\$16,800,000 - \$19,300,000	50	\$336,000 - \$386,000	\$21,500	\$42,000	\$10,000	\$409,500 - \$459,500

*The last column summarizes the estimated total depreciation plus maintenance/operating costs anticipated per year. This should be evaluated in conjunction with the expected useful life of the asset

The current annual operating costs for the Peace Fountain are \$202,000, inclusive of annual readiness, maintenance and utility costs. Based on preliminary operational costs estimated by the consultant and detailed in the summary table above, it appears that there will be operational savings of varying degrees for each of the three options. Operational costs will be further defined as more detailed designs are developed and budgets will be adjusted accordingly.

With respect to capital costs related to this project, a total of \$7,782,796 in previously approved and approved in principle funding is set aside for this work in Project 7211054 and PFO-002-19. These funds are meant to address design, construction and other costs related to the Peace Fountain. Currently, there are sufficient funds available to proceed to refine the design, complete detailed estimates and undertake additional public consultation.

The existing allocations, approved in principle, for ongoing capital repair and restoration specific to the Peace Fountain are as follows: 2022 - 2023 (\$1,200,000); 2025 - 2028 (\$4,000,000); 2030 (\$2,400,296). Council has a policy to not pre-commit funding beyond a five-year window. Given a preference to start construction in 2024, this means that funding must be available to pre-commit no later than the 2028 funding year. Currently, however, portions of the \$7,782,796 in funding allotted for this work are beyond the 2028 funding year. It is also noted that additional funding will be required under all options presented. Regardless of which option is selected, Administration will bring forward a funding plan for consideration as part of the 2023 Capital Budget.

Consultations:

Adrian Busa, Manager Facilities Operations

Karina Richters, Supervisor Environmental Sustainability & Climate Change
 Carrie McCrindle, Financial Planning Administrator
 Mike Dennis, Financial Manager – Asset Planning
 Sokol Aliko, Manager – Asset Planning

Conclusion:

Administration has worked with Partisans to develop three design concepts based on the public’s sentiment and vision of a reimagined Peace Fountain. Three innovative and iconic concepts have been proposed to in line with the intent of the RFP and having improved performance, efficiency, equipment accessibility and reliability while reducing energy usage and thus operating costs.

Recommendation: Option 1 - the Floating Fountain option closely mimics the current fountain design, and like the current fountain, it requires some seasonal readiness costs. However, this design concept allows for extended programming opportunities in the fall and spring through the use of modern equipment technologies, a unique winterization bubble configuration, and ice mitigation solutions. Along with representing the lowest capital, operational (yearly), and electrical (yearly) cost of the three options, it also maintains the fountain design configuration which the majority of Windsorites responded to most when envisioning a reimagined Peace Fountain.

Planning Act Matters: N/A

Approvals:

Name	Title
Colleen Middaugh	Manager, Corporate Projects
Natasha Gabbana	Senior Manager, Asset Planning
France Isabelle-Tunks	Executive Director, Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services/City Engineer
James Chacko	Executive Director, Parks & Facilities
Ray Mensour	Commissioner, Community Services
Janice Guthrie	Acting Commissioner, Corporate Services/Chief Financial Officer/City Treasurer
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

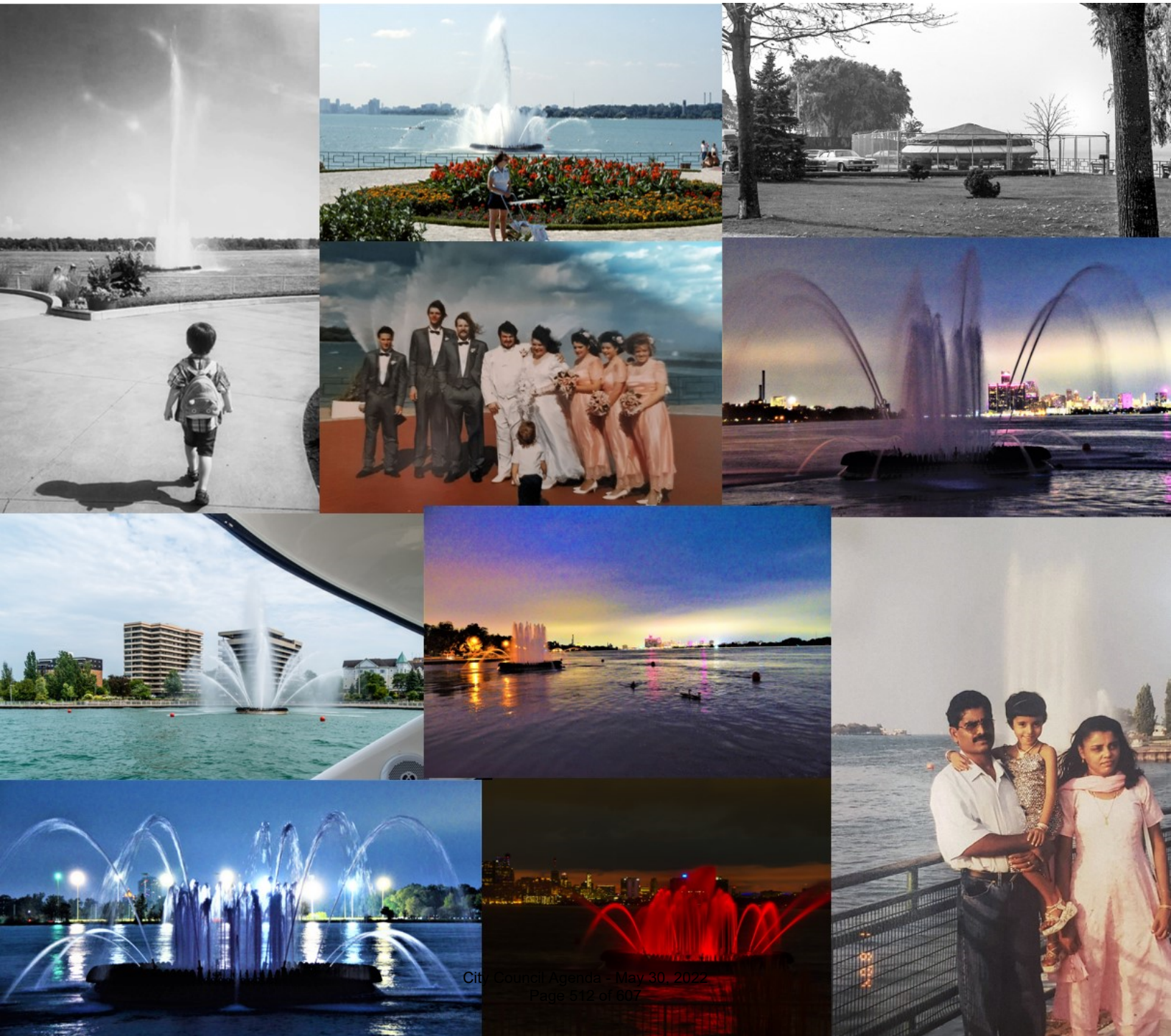
- 1 Appendix A – Reimagining the Peace Fountain – Designs for the Future of the Charles Brooks Memorial Peace Fountain at Reaume Park (80 pages)

- 2 Appendix B – CR137/2021 (3 pages)
- 3 Appendix C – Floating Fountain (1 page)
- 4 Appendix D – The Boardwalk (1 page)
- 5 Appendix E – The Arch (1 page)

Reimagining the Peace Fountain

Designs for the Future of the Charles Brooks Memorial Peace Fountain at Reaume Park

May 2022



The Peace Fountain sits on Anishinaabe Territory. The Anishinaabe in the Windsor area are known as the Ojibwa, Odawa, and Potawatomi Nations, or the Three Fires Confederacy. Today the Anishinaabe of the Three Fires Confederacy are represented by Walpole Island First Nation. The City of Windsor respects the historical and ongoing authority of Walpole Island First Nation over its Territory

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Appendix A – ROM Costs

Appendix B – Visuals

Cover: A collage of images we received from the community as part of the ‘memories’ phase of the public engagement process. Includes photographs by Angelo Tieso, Jim Walsh, Jean Lendvai, and Maria Jose

PARTISANS

Architect

Toronto

Recently recognized nationally with the 2020 Royal Architectural Institute of Canada (RAIC) Emerging Practice Award, PARTISANS is an architecture studio that specializes in making the improbable possible at all scales and project types. Free from standard norms, we approach all projects with the same rigor and commitment, from large-scale city planning to furniture. Our strategic decision to forgo programmatic or typological specialization comes from the importance that we place on both innovation and partnerships. Architecture is not just the act of building walls—it's a way of seeing, thinking, and making that expands and revolutionizes our experience of the world.

MOMENT FACTORY

Activation & Lighting

Montreal

Moment Factory applies creativity and innovation to deliver remarkable experiences that bring people together. Since 2001, Moment Factory has been at the forefront of new media entertainment, combining diverse talents and cross-industry expertise to produce over 450 groundbreaking projects worldwide. Headquartered in Montreal, the studio also has offices in Los Angeles, London, Tokyo, Paris, New York City and Singapore. Our work spans the globe and includes clients like Disney, Arcade Fire, Microsoft, Sony, Boston Museum of Science, Madonna, Universal Studios, and the Toronto Zoo.

Moment Factory is always thrilled to bring a new twist to public places, breathing fresh energy into spaces, drawing new audiences, and putting smiles on people's faces. We help put places on the map—generating excitement, attracting worldwide media attention, and building innovative urban identities.



Fountain Infrastructure

Edmonton

Aquatic Engineering Canada (AEC) is the consulting & engineering design division of Pond Pro Canada Ltd. AEC is a family-owned and operated company, with our first priority being our commitment to our customers. This has enabled our customer base to grow across Canada, with customers in every province.

We have expanded our team to offer custom design and engineering services while building off the reputation and network that Pond Pro Canada has developed over twenty years of being a Canadian industry leader. With an increasing demand for water consultation and management, aquatic engineering services, and custom aquatic equipment, Pond Pro Canada has significantly expanded its team to include several in-house biologists, water engineers, and qualified design representatives.

ARUP

Structural Engineering

Amsterdam

For over 75 years, Arup has been recognized for its vision, talent, and tenacity. Dedicated to sustainable development, the firm is a collective of 16,000 designers, advisors and experts working across 140 countries. Founded to be both humane and excellent, we collaborate with our clients and partners using imagination, technology and rigor to shape the better world.

Arup's primary goal is to develop a truly sustainable built environment. This means that in all our work, we aim to identify a balance between the needs of a growing world population and the finite capacity and health of our planet.

Transsolar KlimaEngineering

Outdoor Comfort

New York

Transsolar KlimaEngineering is a diverse team of engineers focused on creating climate-responsive built environments. Consulting for a variety of projects, ranging from residential and university buildings to museum design, campus planning, and urban design, we collaborate with our clients and partners to enhance the human experience while minimizing resource use following our self-declared attitude: High Comfort, Low Impact.

In partnership with the world's leading architects our unique approach has led to numerous breakthrough projects including Manitoba Hydro Place, which in 2012 became the most energy efficient office tower in North America. Our collaborative style has earned our projects many AIA Honor, COTE Top Ten, and other international awards; a recent high point is the 2015 AIA Institute Honor for Collaborative Achievement.

Transsolar has been operating for more than 25 years with offices in Stuttgart, Munich, Paris, and New York.



Renewable Energy

Boucherville, QC

ORPC improves people's lives, and their environment, through sustainable energy solutions. Constantly pushing the boundaries of innovation, ORPC brings marine renewable energy technology and project development solutions to its community and industrial partners, specializing in microgrid to utility-scale river and tidal energy applications, and underwater mobile power supplies for offshore energy applications. With a growth-oriented business model and an engaged workforce committed to collaboration with all stakeholders and customers, ORPC delivers practical, high performing, sustainable solutions that provide clean, affordable energy while ensuring positive economic results for all.

Project Background

Reimagining the Peace Fountain

The Charles Brooks Memorial Peace Fountain is nearing the end of its service life. Facing increasingly expensive repairs and high operational costs, the City of Windsor issued an RFP seeking design consulting services to provide three conceptual design options for an innovative new water feature. The three design strategies the City requested from the design team are as follows:

1. A water-based fountain (floating)
2. A land and water based fountain (having components on both land and in water)
3. A strictly land based fountain (all components are land based and throw into the existing bay)

The City is looking for something new and innovative that will be a tourist attraction, an iconic piece unique to Windsor and the park and something that has entertainment qualities that incorporates various water patterns, lighting and perhaps even music and fire. The fountain is to be designed to fit specifically within the context of this unique site and ensure that all features of the new design are easily accessible for future maintenance.

Peace Fountain History

The Charles Brooks Memorial Peace Fountain opened in 1978. The fountain is both a celebration of Charles Brooks' life and accomplishments, as well as a beautiful symbolic call for democratic peace—a meaning only enhanced by its presence on the international border with the United States. Charles Brooks was a highly accomplished and respected union and civic leader who lived and worked in Windsor. He had significant influence on social progress and achievements with workers rights and welfare, the effects of which radiated nationally and internationally. Mr. Brooks was a significant advocate for the City of Windsor itself, being involved with affordable housing projects for workers, as well as playing an important role in realizing the transformation of the riverfront from industrial uses to an extensive public park system. The legacy of Mr. Brooks, as well as the call for peace, are messages that are as important today as they were when the fountain opened. The fountain is at once a celebratory space for community gathering and memory, as well as a calming civic anchor set in the beautiful Reaume Park.

The Peace Fountain was a major technical innovation when it was installed in 1978, being the only international floating fountain in the world. From being in operation for 43 years, the fountain has become a landmark in Windsor, and a place imbued with memories of generations of Windsorites.

The Peace Fountain has faced a number of challenges in its lifetime, requiring extensive repairs, expensive and difficult operations and maintenance needs, and difficulty sourcing compatible replacement equipment. The technology that operates the fountain, lighting, and programming is as old as the fountain itself and as such has limited options for new programming and effects.

Public Engagement

Approach to Public Engagement

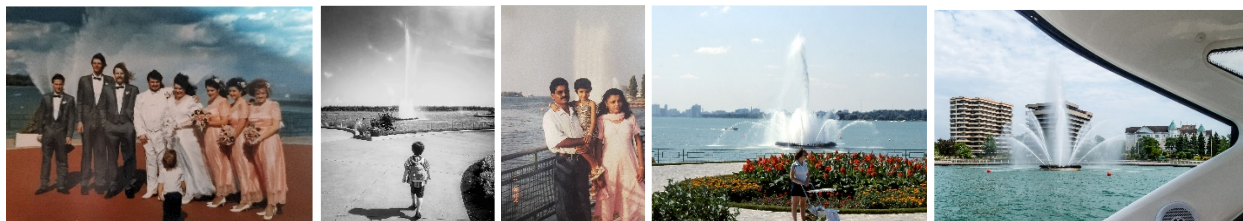
Given the civic importance of the Peace Fountain, as well as the significant attachments generations of Windsorites have for the Peace Fountain, getting public input and feedback was paramount. We developed a multi-phased, multi-platform approach to public engagement for the Peace Fountain.

The primary platform for public engagement is the project website, www.peacefountain.ca. The website was designed as a source of project information as well as a portal for public feedback. It outlines the engagement process, the history of the fountain and Charles Brooks, showcases preliminary site analysis and thematic approaches, and hosts a number of integrated surveys for feedback. The website also links to a partner website (coUrbanize) where the public can answer specific questions or share their ideas, thoughts, and feedback generally. These comments formed the majority of the feedback we received for the project. The website and our partner website were designed to Web Content Accessibility Guidelines (WCAG), and they include integrated translation tools for the most commonly spoken languages in Windsor. The public engagement process was launched on November 2, 2021, and remains open for feedback today.

Phase 1 – Share Your Stories

November 2, 2021 – December 16, 2021

We asked Windsorites to share their memories of the Peace Fountain and Reaume Park, including any photos, to help the design team understand what meaning this site holds for Windsorites. At this stage, the public could sign up for updates to stay informed and provide feedback along the way. Here are some of the photos that were shared with us:



Phase 2 – Visioning

December 17, 2021 - present

At this stage, our team examined all the available information and considered the big questions. What does the fountain represent, and what values will it bring into the future? What role should this site play in the community? Here, we established the main themes and creative approaches to the project. We presented three main project themes: **Community**, **Environment**, and **Memory** and set-up surveys for each to get specific feedback on these topics. From the three surveys we had 95 total responses, the results of which are summarized briefly here:

Community Survey Summary

- 74% of respondents were from the City of Windsor, 47% visit the Peace Fountain a few times a year, and 76% visit the Peace Fountain in the evening. Less than 10% of respondents visit the

Peace Fountain only once a year, and 17.6% of respondents visit the Peace Fountain weekly. 67% of visitors spend 30-60 mins per visit, and 64% visit to spend time with family and friends. 38% visit to spend time by themselves. 14.7% visit the Peace Fountain for civic events.

- Qualitative questions based on precedents from around the world were less thoroughly answered. Takeaways include 67% valuing interactive features, and a majority of respondents identifying the Peace Fountain as a place of solitude.

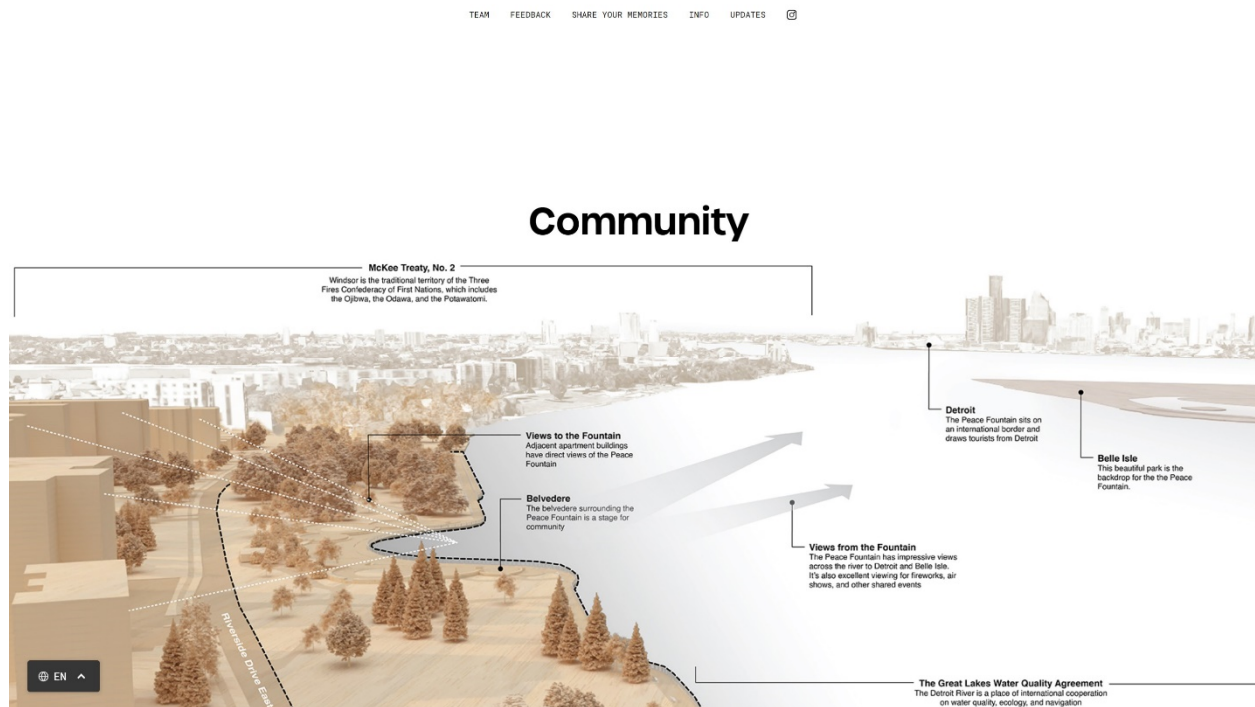
Environment Survey Summary

- 84% of respondents identified the Peace Fountain as Reaume Park’s most defining feature. 74% value energy efficient design, with 42% valuing on-site energy generation. 48% of respondents avoided visiting the Peace Fountain if the weather is too cold.
- Qualitative questions based on precedents from around the world were less thoroughly answered. A majority of respondents identified renewable energy as an interest of theirs.

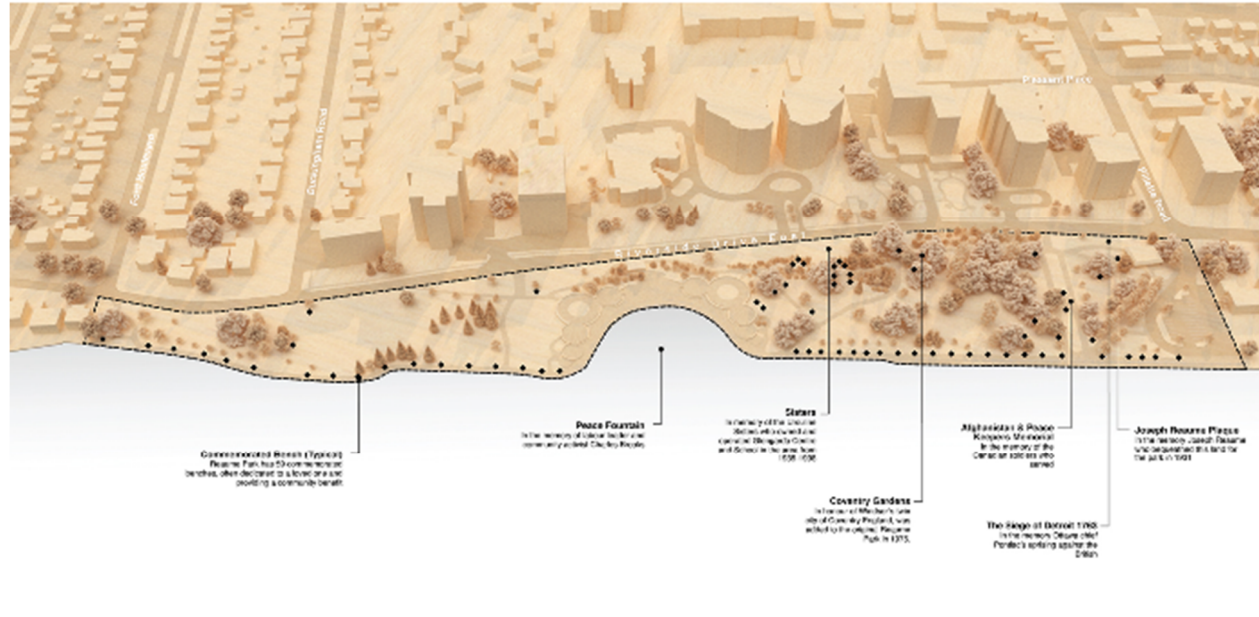
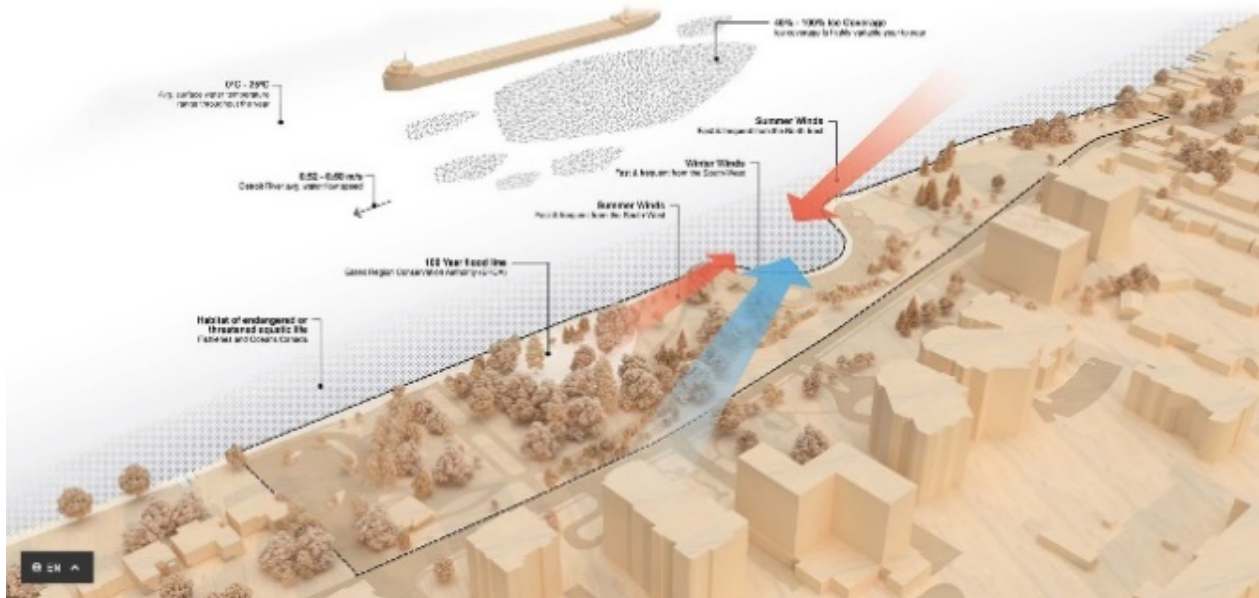
Memory Survey Summary

- 84% of respondents identified that historical and civic events are the most important Windsor memories, and 52% indicated Windsor’s industrial history should be remembered.
- Qualitative questions based on precedents from around the world were less thoroughly answered. Some of the comments received indicated interest in showcasing innovation, having a wow-factor, and ideas for how augmented reality overlays could have environmental and historical narrative elements.

Below are some screenshots of the peacefountain.ca website showing the site analysis for each of the three identified project themes



Environment



Memory

Outreach

We used a number of strategies for public engagement, as well as tools to spread the word about the engagement process. These approaches were designed primarily as virtual due to COVID concerns as well as to provide a platform for Windsorites to engage with on their own time.

- **Press Releases & Social Media Announcements**

Working closely with the City, press releases were planned to coincide with the phases of public engagement. The public engagement process was also advertised on the landing page of the City’s website, as well as the City’s social media channels.

- **Media Coverage**

A number of articles were written about the Reimagining the Peace Fountain project, including coverage with CTV News Windsor and an interview with the Windsor Star.

- **Instagram**

In an effort to engage youthful audiences, we developed a Peace Fountain Instagram profile with regular project updates and relevant stories to drive further interest, awareness, and feedback.

- **Social Media Ads**

Social Media Ads were used to drive awareness of the project and had significant results in driving traffic and comments to the project website.

- **Indigenous Engagement**

A number of efforts were made to reach out to local indigenous communities for their involvement in the design process, however we found limited interest. Our indigenous consultant reached out to a number of local community leaders and organizations, and we reached out to the University of Windsor’s Great Lakes Environmental Research Institute (GLIER) which works closely with local indigenous communities on water issues.

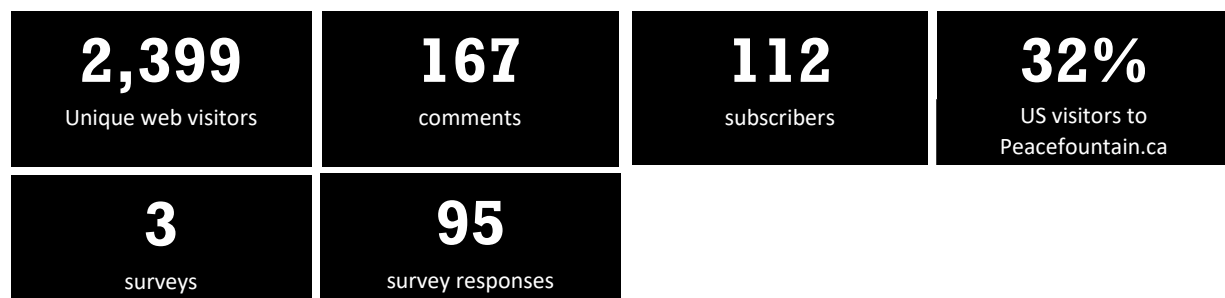
- **Brooks Family**

We met with Charles Brooks’ son, George Brooks, and grandson, David Brooks, regularly throughout the design process to discuss how the design options embody the legacy of the Charles Brooks.

- **Arts Groups**

We met with arts groups and institutions in the City of Windsor to discuss the potential for the reimagined Peace Fountain to act as a platform for public art.

Engagement Stats



Comment Themes

As part of the engagement process, the peacefountain.ca website incorporated a public feedback section (via CoUrbanize) where Windsorites responded to specific questions, and shared their thoughts, ideas, and memories generally. We reviewed every comment and extracted common themes, then went back and tagged every comment based on these themes. A single comment could have multiple thematic tags.

The thematic tags were grouped into like categories as follows—Project (related specifically to desires and ideas for the fountain), Energy Use, Operations, Memories, Appreciation, Lighting, Programming, Costs, Values, and Landscaping. The breakdown of the themes is as follows:

▼ Project - Repair / Refurbish / Restore	▼ Appreciation - Engagement process	▼ Costs - Concern about maintenance
▼ Project - Desire / open to something new	▼ Appreciation - Fountain	▼ Costs - Don't spend too much
▼ Project - Concerned about removal	▼ Appreciation - Water spray / mist	▼ Costs - Make it special
▼ Project - Advocating for new location	▼ Appreciation - Current location	▼ Costs - Spend Locally
▼ Energy - Advocating for efficiency	▼ Appreciation - Importance for tourism	▼ Value - Cleanliness
▼ Energy - Advocating for renewables	▼ Lighting - Advocating for colour	▼ Value - Beautiful riverfront
▼ Operations - Advocating for year-round use	▼ Lighting - Advocating for more lighting	▼ Value - Diversity
▼ Operations - Advocating for 24/7 use	▼ Programming - Advocating for additional uses	▼ Value - Peacefulness / Calm
▼ Memory - Family / friends	▼ Programming - Advocating for interactivity	▼ Value - Connection to Detroit
▼ Memory - Family illness or death	▼ Programming - Advocating for Indigenous conte...	▼ Value - Destination / landmark / unique
▼ Memory - Special event(s)	▼ Programming - Advocating for Improved accessi...	▼ Value - Strength / Achievements of Windsorites
	▼ Programming - Advocating for more seating	▼ Value - History
		▼ Value - Technology / innovation
		▼ Landscape - Advocating for more trees / flowers ...

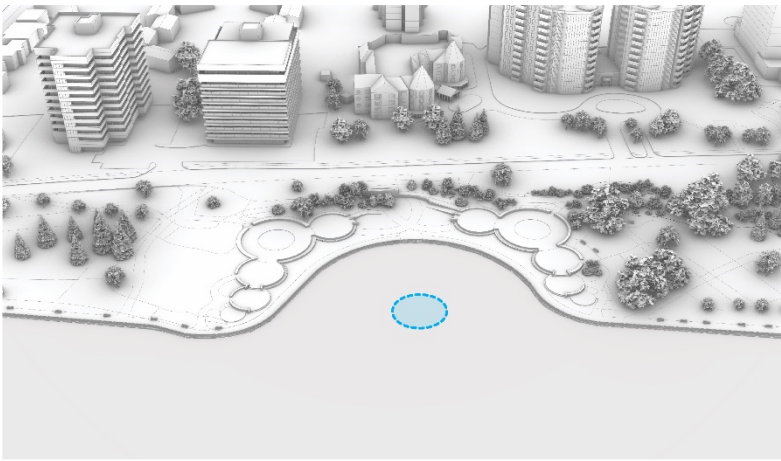
Using these themes, we were able to analyze the comments quantitatively. A graph of the results of this exercise is on the following page. The top five most commonly mentioned themes:

1. Desire to repair, refurbish and/or restore the existing fountain
2. Desire or openness to something new for the fountain
3. Appreciation of the fountain (*tied for second place*)
4. Recalling memories of experiences with family and friends at the fountain
5. Expressed how much they value Windsor's beautiful riverfront

These comments were received in the pre-design phase, and the feedback influenced the design process and design decisions.

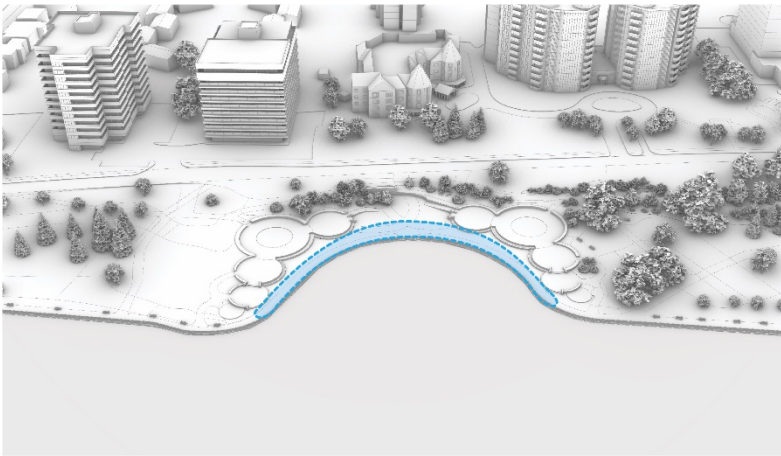
Reimagining The Peace Fountain

Design Options



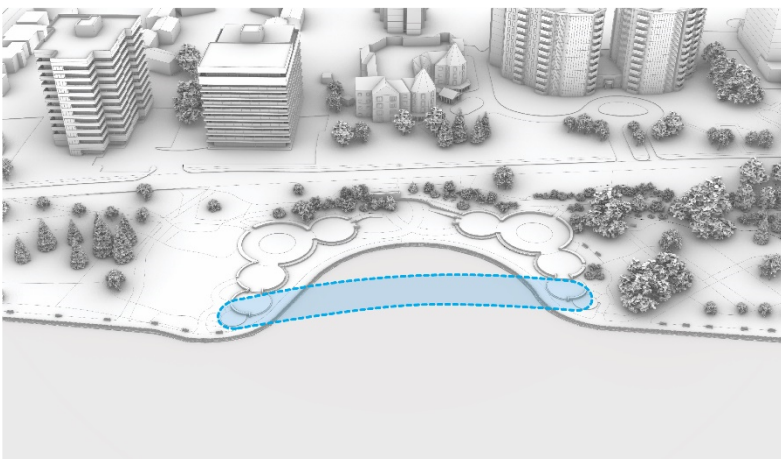
Memories
Floating Fountain Option

Memories is a floating fountain similar in size and shape to the existing Peace Fountain, yet upgraded with contemporary fountain equipment and lighting, augmented reality integration, and winter programming. Additionally, it incorporates a number of design strategies to reduce operation and maintenance challenges of the current fountain.



The Boardwalk
Land-based Option

The Boardwalk places all of the fountain’s infrastructure on the belvedere, reinvigorating the plaza with new public infrastructure, engaging lighting effects, and new seating. The Boardwalk fountain also creates a flood barrier to address increasingly frequent and severe flooding of the Detroit River due to climate change.



The Arch
Land & Water-based Option

The Arch spans across the bay, symbolizing the international nature of the fountain, framing views to Belle Isle and Detroit. The fountain equipment is located in the arch, creating unique and exciting waterflow and lighting possibilities.

Design Considerations

The proposals for the Peace Fountain are designed with a number of considerations in mind:

Respecting Reaume Park, the Peace Fountain, and the Legacy of Charles Brooks

Reaume Park and the Peace Fountain are treasured sites for Windsorites. These are beautiful spaces Windsorites love to visit to spend time with family and friends, to escape and find respite and calmness, to celebrate important life events, and to remember loved ones. The overarching takeaway about the existing Peace Fountain and Reaume Park is its aura of beauty and calmness, the importance of the proximity to the river, and the incredible views to Belle Isle and the Detroit skyline. The options we developed are designed to work with these existing qualities of the park.

All Season Programming

We see redesigning the Peace Fountain as an opportunity to design the fountain for year-round use, and to expand the programming possibilities of Reaume Park. Each option is designed with all season use in mind.

Operations & Maintenance

Considering the extensive operational and maintenance demands of the current fountain, one of the primary drivers for this project is to develop fountain concept designs with limited operational and maintenance (O&M) requirements. The designs presented in this report have all been developed with O&M in mind based on numerous discussions with the City's Facilities Operations department.

Interactivity

Making the Peace Fountain an engaging destination for all peoples, families, and ages was paramount. By designing for interactivity and incorporating engagement strategies, the fountain can become that much more a part of the community—literally controlled by the community—and can help build new memories, fun experiences, and continue to draw people back again and again. It can also help showcase Windsor as a city of innovation, making real our ever increasingly connected and digital world.

Climate Change

Studies commissioned by the Windsor Port Authority (WPA) show that climate change is creating significant changes in the Detroit River that must be considered in the design of the Peace Fountain. WPA's Climate Change Risk Assessment in 2021 showed that river levels will likely rise well above the 100-year flood plan by 2030 but will likely stabilize after that with minimal changes into 2050 if the climate projection models are accurate. Additionally noted were the potential negative effects of high winds due to the increased power of the storms and frequency resulting from global warming.

Reaume Park is subject to flooding today, and the frequency and severity of flooding is projected to increase in the coming decades. While the design options presented here incorporate climate resiliency strategies, they don't necessarily address the climate resiliency of Reaume Park itself.

The design options developed for this project are designed to be more energy efficient and environmentally friendly than the current fountain, and we've looked at the potential of on-site renewable energy to further reduce the environmental impact of the fountain.

On-Site Renewable Energy

The proximity of the fountain to the Detroit River presents an opportunity to make use of the river current to produce renewable energy to power the fountain. As part of this project, we looked at the potential of underwater turbines near to Reaume Park to power the Peace Fountain. While there has been significant interest from a wide variety of parties, there is insufficient river data at Reaume Park to fully assess the feasibility and effectiveness of such a system. Neither the Windsor Port Authority or the University of Windsor's Great Lakes Institute for Environmental Research have on-site sensors, nor are aware of any nearby that meet the criteria required to evaluate such a system. Our partner ORPC would have to conduct an in-depth onsite assessment to get the required data to assess the feasibility for this project.

Platform for Public Art

We designed the reimagined Peace Fountain as a platform for public art. Given the importance of the Peace Fountain to the community of Windsor, we looked for opportunities to integrate the community in the programming wherever possible. All three design options present a number of unique opportunities for community arts groups and institutions to program and curate public art content in collaboration with local, as well as non-local, artists. There is significant artistic and narrative potential in the design of lighting displays, projections, augmented reality overlays, and fountain movements that could be programmed as an ever-changing series of public art projects in Windsor. This would have a number of significant benefits, including regularly updated programming (that can be marketed as such) to create a consistent draw to the fountain as well as a unique community-led outdoor arts venue, creating frequent low-barrier-to-entry public art opportunities for artists (especially for those who may have limited opportunities for creating large-scale public art projects), and raising the profile of Windsor in the provincial and national arts scene by creating commissioning opportunities that could be advertised broadly. In addition to programmed content, the fountain could also serve as an interactive backdrop, or 'complimentary performer' for musical acts or performances, responding in real-time to live concerts on the Reaume Park belvedere, or through act-specific pre-programmed content.

Tourism

The current Peace Fountain attracts tourists, and the reimagined Peace Fountain is designed to build on this to expand the potential tourism benefits for the City of Windsor as a whole. The key tourism-focused considerations for the Peace Fountain are:

- **Visibility** - From Detroit and Belle Isle, as well as within Windsor. The fountain's visibility from afar is a point of interest that draws attention to Windsor.
- **Photogenic** - An impressive and memorable backdrop for visitors photographs, for locals and tourists alike.
- **Continuous Temporary Programming** – Changing fountain shows led by local and international artists ("Platform for Public Art") create a reason for people to return to the fountain. Changing shows and aligned programming can be promoted for tourism.
- **Year-Round Programming** - Expanding the programming year-round can create new experiences and tourist draws that can be promoted.
- **Expanded Programming** – The fountain can spur expanded programming opportunities on site to for local small businesses, such as additional F&B offerings, vendor stalls for market events, or even fountain-specific merchandise.

Memories
Floating Fountain Option

Concept

The Peace Fountain is a place of memory. Officially named in the memory of union leader and civic advocate Charles Brooks, the Peace Fountain has become a landmark and cherished destination for generations of Windsorites. The Peace Fountain has been a place for good times spent with families, friends, and out-of-town guests, a picturesque backdrop for major life events such as weddings and graduations, as well as a place of respite and peacefulness for some when facing difficult times. 'Memories' retains the original spirit of the Peace Fountain, while bringing it into the present. It proposes a complete redesign of the fountain to a similar physical appearance yet featuring the latest in fountain technology, lighting, and multimedia. The redesign also proposes two additional smaller fountains to improve the versatility of installation and its entertainment value.

Situated in the middle of the bay, Memories is an object-in-the-round, much like a campfire. Around campfires people gather to hear stories and share their culture. To deliver a magical moment inspired by the history of the site and the one of Windsor itself, we are proposing exciting fountain experience with an interactive augmented reality overlay. All around the plaza surrounding the fountain, Augmented Reality Viewers (ARVs) will allow visitors to have a surprising experience superimposing onto the beautiful fountain choreography diverse narrative visual content that will illustrate further the story the soundtrack will be telling.

Properties

The Floating Fountain option features three floating rafts - one 24' diameter central raft (slightly smaller than the existing Peace Fountain), and two 12' rafts. The central raft is designed as two pieces—essentially two separate fountains that are connected together to form a larger single fountain—allowing the fountain to be removed from the water with a land-based picker-truck, rather than using large and expensive barges and cranes from the riverside.

Mechanized multifunction lighting instruments located around the perimeter of the bay will further augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Additionally, the belvedere would be ringed with a twelve permanent ARVs which visitors can look through to see the fountain effects augmented with additional visual narrative elements.

Summer Programming

The fountain is designed to operate in a number of different modes at different times of day.

- **Fountain – Interactive Mode**

Visitors will have the opportunity to have a very special and cutting-edge moment mixing a fountain show with an augmented reality experience telling the stories of the place and beyond (to be determined with the different stakeholders). The belvedere would be ringed with twelve permanent ARVs which visitors can look through to see the fountain effects overlaid with additional digital visual narrative elements. These visual narrative overlays could be

commissioned from local artists, and multiple 'shows' could be curated together, with each of the twelve ARVs showing a different effect, or having the overlays change seasonally or per a curated schedule. For example, this could include a 5 min loop of pre-rendered content with soundtrack (voice over + music) that is synchronized with fountain movements. Each of the twelve ARVs would include speakers for audio, as well as misters to promote outdoor comfort in summer.

- **Fountain – Idle Mode**

When nobody is interacting with the fountain a pre-programmed sequence will animate the space. In this mode, the simplest nozzles will be mainly used to reduce energy use and wear-and-tear on the fountain equipment.

- **Fountain – Magical Moment**

At specific times of day, such as sunset and later in the evening, a more elaborate activation will take place with memorable music and fountain shows. Eventually, different versions of the show can alternate during the week to renew the visitor's interest.

Winter Programming

Unlike the current Peace Fountain which has to be removed in winter, Memories is designed to remain in the water in winter. During the winter when the fountain would not be operating, a spherical inflatable cover used to protect the fountain equipment from the winter elements would also serve as a canvas for a multimedia projection show. Multi-media shows could be commissioned from local artists, and multiple 'shows' could be curated together. This orb-like feature could also be programmed more generally with lighting effects in response to seasonal holidays and civic events. Through its alluring glowing form floating on the water, as well as ever-changing lighting displays, Memories can transform Reaume Park into a winter destination.

Lighting

The lighting approach aims to go beyond what an ordinary fountain show offers and make out of Reaume Park a must-see touristic attraction. Each fountain nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls. Additional mechanized multifunction lighting instruments located around the perimeter of the bay will augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Also, these lighting instruments allow directing light rays in any direction and will offer a wide variety of artistic fresco marrying light patterns and water movement.

Infrastructure

The current Peace Fountain's pumps are located on the raft which creates a number of complications for operations and maintenance. At the request of the City's Facilities team, we propose to locate the

fountain pumps on land. To accomplish this, the existing service building would be expanded (roughly double the size) to house the pumps and new programming equipment for the fountain and lighting. This expanded service building would be built beside the existing service building and integrated into the landscape similar to the current building. A series of new underground pipes and electrical runs would be laid to service the fountain, and a 48" intake pipe would be required to connect from this expanded service building to the bay. Approximately nine pipes would run from the service building out to the fountains.

A number of different nozzle types are proposed for the rafts:

- Geyser nozzles (up-and-down movement) that can project water 10-30m (30-100')
- High-jet nozzles (up only) that can project up to 50m (164') in height

Each nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls.

To allow the central raft to remain in the water in winter, a number of strategies are used. First, a series of ice clusters would be located at the edge of the bay to prevent large ice pans from entering the bay. The ice clusters would be installed to deflect ice coming downstream, and an opening would still allow boat access into the bay should a need arise. In addition to the ice clusters, the central raft would be moved further into the bay, and de-icing equipment attached to the underside of the fountain would prevent ice formation when the water temperature drops below zero Celsius. The deicing equipment uses small impellers to create bubbles that prevent the formation of ice. This is the same technology commercial docks and marinas use to prevent icing around their infrastructure.

Maintenance

Fountain Equipment: The rafts are designed to be limited in one dimension to 12'. This reduces the size and weight of fountains significantly and allows them to be lifted out of the water by a land-based picker-truck (and transported by truck without an escort) rather than requiring a large barge-mounted crane to remove them from the river side as is currently required with the existing fountain. The smaller, 12' diameter rafts would be removed from the water for winter, and the larger raft is designed to remain in the water in winter. It would need to be removed from the water on occasion for maintenance. Pumps would be located on shore connected by pipes. No divers should be required on a regular basis to maintain the fountains. Most connections from the fountain to underwater infrastructure would be designed with quick release connections and can be lifted out of the water using floats.

Nozzles will require maintenance. Each nozzle assembly can be removed with four bolts and a replacement unit can be bolted in its place for minimal down time. Maintenance of the unit can then be performed in the shop or sent off to a Canadian company for refurbishing. Twice per season a visual inspection for leaks will be performed on each swing nozzle and valve. Once per season motors should be checked for water infiltration. Belt tension should be checked every 2,000 hours. It is suggested that two spare nozzle assemblies be purchased and used as needed for quick replacement if bearings or seals should fail during visual inspections. Bearings and belts should be replaced as required but are designed to last for several years.

AV Equipment: Daily inspection routine should be maintained (1 person, 1 hour daily). Replacement moving head fixtures should be on hand in the eventuality of failures and to keep artistic concept integrity (2 people, 2 hours, according to the replacement count). The rail speakers can be in operation during winter with cautiousness and should be routinely inspected. (1 person, 1 hour daily).

Winterization

In winter, the fountain infrastructure on the central raft would be protected with an inflatable cover that doubles as a projection surface, and a deicing system will be installed to prevent ice buildup around the fountain float and lines. This cover consists of a replaceable lightweight membrane durable enough to last multiple seasons. UV exposure and wind are the two main considerations for a functional, durable cover. PVC coated polyester has inherent resistance to UV and would be used for the lightweight membrane. Pressure regulation with minimal electricity usage would be an important factor for resistance against wind gusts. In addition to structural function, the dome will serve as an aesthetic function of displaying projections. This requires a balance of selecting a fabric that is strong, yet can display an image. The longevity of the membrane depends on a number of factors and different manufacturers offer varying warranties, though likely would be anywhere from 2 – 10 years. Replacement costs would be less than the initial cost (which includes design and engineering). This winterization method is a small fraction of the current cost to remove the fountain from the water in the fall and reinstall in the spring.

Winterization consists of draining all water lines to the nozzles. A small boat would be required to reach the fountain rafts to disconnect and cap waterlines and electrical lines (with Bulgin connectors), disconnect the anchor cables for the two smaller rafts, and tow them to the edge of the bay where a picker truck would remove them from the water for off-site storage. The larger raft would be towed further into the bay and re-anchored into its winter position. The larger raft would have projectors installed & calibrated, and the inflatable winter cover installed. The de-icing air system should be tested at this time.

Additionally, the pump room would be heated, the waterlines that that run from the pump room to the fountain would be heat-traced in their underground run, and a recirculating pump would be run to keep 48" intake pipe ice free.

The Augmented Reality Viewers (ARVs) are taken off and the base is sealed/covered during winter (allow 2 people one day for this task). Moving head lights are specified to be operational to -20°C. If moving heads are intended to be used during winter, transparent shells should be installed to prevent ice from mounting onto them and the temperature should be monitored constantly to avoid any show operation under -20°C. This monitoring can be done with sensors and automated distance control.

Estimated Life Span

The estimated life span of the fountain is dependent on the estimated life span of its component parts:

Structure (Rafts): Expected life span of 25+ years.

Fountain Equipment: Expected life span of fountain equipment is 20+ years although belts and bearings, and motors will have to be replaced as needed. At the 10-15 year mark, or when there has been a 5% failure rate, motors should be purchased for all units and 5% extra to go another 1 -15 years. 2% extra swing units should be purchased at the outset so these can be changed out when experiencing a failure while old units can be refurbished in a shop. Water pumps require new seals and motors around every 8 -15 years depending on the brand used. Integrated LED lighting is expected to last 10 years. Pumps are expected to last 10 years, then require new seals, bearings, and motors.

AV Equipment: Average AV equipment lifespan (daily use) in ideal conditions (Dry, +20°C) is 15,000 hours before planning for a replacement, Moving heads and sound will have to be more regularly maintained (some fans and some motors replacement) after 10,000 hours especially with winter use. Interactive equipment lifespan will vary depending what the final design and equipment choice will be.

Inflatable Cover: The longevity of the membrane depends on a number of factors and different manufacturers offer varying warranties, though likely would be anywhere from 2–10 years.

Evaluation

Pros	Cons
<ul style="list-style-type: none"> • Familiar to the people of Windsor • Addresses a number of the desires identified through the public engagement process, including ‘Repair / Refurbish / Restore,’ ‘Year-round use,’ and ‘Advocating for more colourful lighting’ • Volumetric water display that has unique opportunities for multi-media overlays • Responsive to changing river water levels • Designed for winter-programming • Designed with interactive elements with augmented reality for additional narrative potential • Integrates new strategies for addressing some of the existing O&M concerns, including reducing the need for divers, simplified removal of the fountain for maintenance, and the option to locate the pumps on land • Projected to use less energy than the current fountain 	<ul style="list-style-type: none"> • Somewhat similar physical appearance to the existing fountain • Less immersive than other options • The fountain remains in the water, retaining some of the operational, maintenance, and logistical challenges and costs of the existing fountain

The Boardwalk
Land-based Option

Concept

The Detroit River has connected Windsor and Detroit through trade, history and ecology. It's also been a site of constant dynamism, with the river changing throughout the seasons and years. The current Peace Fountain floats on the Detroit River, however this results in a number of technical challenges responding to the constant changes of the river. The Boardwalk concept is a water interactive art installation that recognizes the importance of the river. Rather than floating in the river, it rings the belvedere at Reaume Park creating a fountain experience that reimagines the relationship of public experience and the Detroit River. The Boardwalk builds on the qualities of calmness and peacefulness in Reaume Park by focusing attention to the Detroit River—the fountain jettisons water out into the bay, creating a direct connection between land and water. It also integrates new seating and lighting creating an innovative experience for parkgoers and the community. The Boardwalk creates a flood barrier, limiting or reducing flooding in parts of Reaume Park caused by high water levels in the river.

As the Boardwalk is situated on the belvedere at Reaume Park, its proximity to people creates a unique opportunity for interactivity. All around the walkway, the presence, movement, and participation of visitors trigger different fountain effects, altering the shape and the colors of fountain effects. As is obvious, the approach is clearly family-oriented and offers a unique playground for kids of all ages. The Boardwalk can operate in all seasons and can help transform Reaume Park into a year-round destination of unique seasonal experiences.

Properties

The Boardwalk reinvigorates the belvedere around the bay at Reaume Park, introducing a new fountain that also serves to improve the plaza itself. The Boardwalk replaces the existing guardrail around the bay with a new fountain infrastructure housed in a series of repeating precast concrete enclosures. These precast units fulfil a number of functions: they house all the fountain nozzles and pipes (locating all the equipment on land for easy maintenance access); creates an integrated guardrail; and creates a flood barrier for the belvedere. These precast elements also include an 'engagement hand rail' along its edge which houses sensors and interactive components that allows visitors' actions to have an effect on the fountain's water movements and lighting schemes. Rippling out and away from this new fountain is a new surface treatment for the plaza that incorporates additional seating and lighting effects integrated into the pavement. The pavement lighting effects could be comprised of either fully-programmable, in-ground lighting, or glow-in-the-dark pebbles that could be augmented by fully-programmable lighting integrated into the handrail and benches.

Mechanized multifunction lighting instruments located around the perimeter of the bay will further augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence.

Summer Programming

The fountain is designed to operate in a number of different modes at different times of day.

- **Fountain – Interactive Mode**

Visitors will have the opportunity to interact with the fountain in different manners. This option is family oriented and becomes a vast playground for kids of all ages.. All around the walkway, the presence and movement of visitors trigger different fountain & multimedia effects.

- **Interactive Mode 1 - “Walk by”**

As a visitor walks closer to the edge of the water their presence is detected and a wave begins to follow their movements. It would also induce a sound effect that follows the visitor. These interactive effects would also change the in-ground lighting and handrail lighting creating a highly immersive experience.

- **Interactive Mode 2 - “Artful Play”**

Interactive positions integrated into the handrail around the fountain give visitors control over the shape and color of the waterflow. This could be through direct control of flow and colour via buttons or a rheostat, and/or through more abstract means like measuring heart rates. These interactive effects would also change the in-ground lighting and handrail lighting creating a highly immersive experience.

- **Fountain – Idle Mode**

When nobody is interacting with the fountain, a calming pre-program sequence of fountain movement will animate space.

- **Fountain – Magical Moment**

At specific times of day, such as sunset and later in the evening, a more elaborate activation will take place with memorable music and fountain shows. Eventually, different versions of the show can alternate during the week to renew the visitor's interest.

The Boardwalk fountain’s waterflow is sensitive to the effects of wind. To address this, the waterflow is designed as predominantly horizontal. Additionally, wind sensors would allow real-time waterflow adjustments to wind effects, in part to reduce water spray onto the plaza, but also as a choreography strategy. In extreme wind conditions the fountain may temporarily turn off water flow.

Winter Programming

In winter, the Boardwalk’s primary programming is lighting. Taking advantage of long nights and short days, lighting effects produced by the handrail and in-ground lighting are enhanced, including programmed lighting in the plaza, fully programmable illumination effects along the boardwalk, as well as interactive components. The interactive sensors and inputs that are integrated into the handrail can remain active in winter, though rather than influencing waterflow it can affect lighting .

Lighting

Each fountain nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls. Additional mechanized multifunction lighting instruments located around the perimeter of the bay will augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Also, these lighting instruments allow directing light rays in any direction and will offer a wide variety of artistic fresco marrying light patterns and water movement.

Infrastructure

All of the fountain nozzles, pipes, electrical, and interactive technologies would be housed in a series of repeating precast concrete enclosures located along the edge of the bay, out of the water. These precast units house all the fountain nozzles and pipes, locating all the equipment on land for easy maintenance access., as well as creating an integrated guardrail and flood barrier for the belvedere. The precast enclosures would likely be comprised of ultra-high-density concrete with a polished finish to achieve a sufficient degree of water tightness, to reduce maintenance and cleaning, and to create a clean, beautiful looking finish for this public infrastructure. The polished finish would help reflect the various lighting effects in the plaza. The precast enclosures would have gaskets at their joints for water tightness to maintain their flood barrier role. A new drainage system would likely be required within or near the base of the enclosures on the plaza side to redirect runoff that currently may be directed into the bay, as well as to drain the enclosures from any water ingress from rain, snow, and the fountain itself.

The nozzles themselves would allow 90 degrees of rotation to achieve the desired effect. Each nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls. As proposed, the nozzles and pipe sizes allow water to be projected up to 15m (45') into the bay.

The existing service building would be expanded (roughly double the size) to house the pumps and new programming equipment for the fountain and lighting. This expanded service building would be built beside the existing service building and integrated into the landscape similar to the current building. A series of new underground pipes and electrical runs would be laid to service the fountain, and a 48" intake pipe would be required to connect from this expanded service building to the bay.

Maintenance

Structure: The precast enclosures would likely be designed as two pieces, with a bottom and a top piece. Regular maintenance could be achieved through access panels or removal panels from the landside. More extensive maintenance could be achieved by removing the top panel of the enclosure. The pre-cast concrete enclosures would require periodic cleaning of the exterior surfaces.

Fountain Equipment: Each nozzle assembly can be removed with four bolts and a replacement unit can be bolted in its place for minimum down time. Maintenance of the unit can then be performed in the

shop or sent off to a Canadian company for refurbishing. Twice per season a visual inspection for leaks will be performed on each swing nozzle and valve. Belt tension should be checked every 2,000 hours. It is suggested that two spare nozzle assemblies be purchased and used as needed for quick replacement if bearings or seals should fail during visual inspections. Bearings and belts to be replaced as required but designed to last for several years.

AV Equipment: Daily inspection routine should be maintained (1 person, 1 hour daily). Replacement moving head fixtures should be on hand in the eventuality of failures and to keep artistic concept integrity (2 people, 2 hours, according to the replacement count). The rail speakers can be in operation during winter with cautiousness and should be routinely inspected. (1 person, 1 hour daily)

Winterization

Winterization consists of draining all water lines to the nozzles. Air to be added to pressurize the main water line to 25 psi and a program sequence of nozzles turning off and on to clear all remaining water from the nozzles. Additionally the pump room would be heated and a recirculating pump would be run to keep 48" intake ice free. Moving head lights are specified to be operational to -20°C. If moving heads are intended to be used during winter, transparent shells should be installed to prevent ice from mounting onto them and the temperature should be monitored constantly to avoid any show operation under -20°C. This monitoring can be done with sensors and automated distance control.

Estimated Life Span

The estimated life span of the fountain is dependent on the estimated life span of its component parts:

Structure: The precast units are expected to last 25 to 50 years, depending on the supplier.

Fountain Equipment: Expected life span of fountain equipment is 20+ years although belts and bearings, and motors will have to be replaced as needed. At the 10-15 year mark, or when there has been a 5% failure rate, motors should be purchased for all units and 5% extra to go another 10- 15 years. 2% extra swing units should be purchased at the outset so these can be changed out when experiencing a failure while old units can be refurbished in a shop. Water pumps require new seals and motors around every 8 -15 years depending on the brand used. Integrated LED lighting is expected to last 10 years. Pumps are expected to last 10 years, then require new seals, bearings, and motors.

AV Equipment: Average AV equipment life-span (daily use) in ideal conditions (Dry, +20°C) is 15,000 hours before planning for a replacement, Moving heads and sound will have to be more regularly maintained (some fans and some motors replacement) after 10,000 hours especially with winter use. Interactive equipment lifespan will vary depending what the final design and equipment choice will be.

Evaluation

Pros	Cons
<ul style="list-style-type: none"> • Addresses a number of the desires identified through the public engagement process, including ‘Desire/Open to something new,’ ‘Year-round use,’ ‘Advocating for more colourful lighting,’ ‘Advocating for more lighting,’ ‘Advocating for more seating’ • All fountain infrastructure is located out of the water for easy maintenance. No requirement to remove the fountain in winter, saving approximately \$100,000 / yr (2022 dollars) • Responsive to changing river levels over time- Potential to act as flood barrier to limit or reduce flooding of the belvedere • Unique water display possibilities, including fun interactive elements • Integrates improvements to the belvedere, including additional seating and lighting • Winter programming opportunities (ie. Fountain operation, or light & sound shows) • Projected to use less energy than the current fountain 	<ul style="list-style-type: none"> • Not familiar to the people of Windsor • Reduced view of the river from the belvedere compared to the current condition • Limited visibility from Riverside Drive, Belle Isle, and within Reaume Park • Sensitive to effects of wind

The Arch

Land & Water-based Option

Concept

The Peace Fountain is international. Sited on the border with the United States on one of the busiest commercial waterways in the world, it is a symbol of the relationship between Windsor and Detroit. The Arch is a fountain built on this idea of connection, evoking the relationship of Windsor and Detroit and referencing the bridges that cross the river solidifying an important trade route. The Arch frames views towards downtown Detroit and Belle Isle—its height, water display, and lighting give the fountain visibility from Windsor and Detroit. The Arch has a landmark presence—its geometry lifted from the existing curving bay of the belvedere at Reaume Park. It creates a new landmark for the park with an innovative water feature, showcasing Windsor as a city of innovation much in the same way that the original Peace Fountain did when it opened 43 years ago. The Arch features a unique and evocative water display building on the concept of a bridge between cultures and peoples. This impressive 98-metre-long water sculpture will evoke in its movement and its shape the bridge between two countries, its circulation and the spreading effect of the socio-economic benefit.

Properties

The Arch is a 98m long, 14m tall steel arch spanning above the bay at Reaume Park. Unlike the current Peace Fountain where all of the fountain equipment is in the water and has to be removed in winter, the Arch houses all of the fountain infrastructure high above the water and can remain in place in winter. This creates many unique opportunities to create an innovative fountain with a variety of waterflow concepts. At the base of the arch on either side are two buttresses that support the arch and house additional service spaces to house the pumps, filters, computers and programming equipment.

Mechanized multifunction lighting instruments located around the perimeter of the bay will further augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence.

Summer Programming

The fountain is designed to operate in a number of different modes at different times of day.

- **Fountain – Interactive Mode**
Visitors will have the opportunity to interact with the fountain in different manners. First, their presence will be detected which will cause the fountain to showcase different shapes and patterns. Second, 12 interactive stations around the bay will allow the visitors to control a certain part of the fountain, in terms of shape and colors. Also, integrated into the floor, a luminous installation will react to the people's presence.
- **Fountain – Idle Mode**
To offer a variety of stunning fountain sequences, the water installation will also react in real-time to the activity on Ambassador bridge with different shapes movement and colors.
- **Fountain – Magical Moment**
At specific times of day, such as sunset and later in the evening, a more elaborate activation will take place with memorable music and fountain shows. Eventually, different versions of the show can alternate during the week to renew the visitor's interest.

Winter Programming

In winter, the Arch helps transform Reaume Park into a destination.

- **Sculpture**
The Arch creates a highly visible presence in Reaume Park, framing views to Detroit throughout the year and creating a landmark presence that can attract visitors in its own right.
- **Lighting**
The Arch can act as a surface onto which different lighting effects can be projected, animating the riverfront throughout the year. Lights on the fountain itself can project onto the water or to the belvedere to create exciting light shows at night, partake in a larger Reaume Park-wide winter lights festival, or to support complimentary outdoor winter programming on the belvedere.
- **F&B Opportunities**
The existing café at Reaume Park could be opened for winter operations, with a seasonal menu of tea, coffee, and hot chocolate to help support the visitor experience. Alternatively, or in addition to, the belvedere could host food trucks to support winter programming, or for winter food festivals.

Lighting

Each fountain nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls. Additional mechanized multifunction lighting instruments located around the perimeter of the bay will augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Also, these lighting instruments allow directing light rays in any direction and will offer a wide variety of artistic fresco marrying light patterns and water movement.

Structure

The shape of the fountain has been informed by the structural loads imposed upon it. The classical form of an arch is utilized to minimize bending forces throughout the structure resulting in an efficient use of materials. To withstand the wind loads coming off the Detroit River, the arch is widened at its base giving the structure additional stability while maintaining a slim and elegant structure at the crown of the arch.

A box truss will form the underlying structure of the arch. Four main circular sections will form the main chords of the box truss. These chords will be attached together with an interweaving network of smaller diagonal elements. These diagonal elements will be positioned with care to avoid conflicting with the articulating fountain nozzles. The use of a truss typology allows for tailoring in size of the individual elements to their exact structural needs thus minimizing the use of material.

To achieve the unique structural form of the arch, the chords will be faceted into linear segments to closely align with the exterior cladded surface of the arch. A series of cleats that support removable cladding elements will be integrated along the faceted chord segments to make up the difference between the rationalized structural geometry and the final cladded surface. In this way the construction logic is similar to that of a car, with a rigid chassis that supports enclosing panels.

The steel arch will be supported by a concrete structure that will also facilitate the technical services rooms at each end of the arch. A piled foundation will likely be required and exact requirements and foundation depth will need to be assessed in the next stage of the project.

Infrastructure

The Arch would require two new service buildings, one on either end of the arch, integrated within the foundations for the arch. One would house computers, electrical, and programming equipment for the fountain and lighting effects. The other would house pumps, filters, and other 'wet' infrastructure. A new 48" diameter intake pipe from the river would be connected to this service building. The existing service room would likely remain to house electrical equipment. New electrical lines could be run to the new service buildings through the landscape to reduce disruption to the plaza.

The Arch itself houses 85 nozzles, supply lines, and electrical works for the integrated lighting. The voltage required for lighting is such that transformers would be required and located within the arch (currently estimated at 6 transformers). The arch would have an internal drainage system to remove accumulated water from the fountain's water, rain, and snow. The nozzles themselves would allow 180 degrees of rotation to achieve the desired effect. Each nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls. As proposed, the nozzles and pipe sizes allow water to be projected up to 15m (45'). At the apex of the arch, the height of the water at maximum flow rate would be about 29m (95') above the water.

Additional lighting would be integrated into the arch and buttresses to light the arch itself, and to provide additional lighting projection onto the water.

Maintenance

Structure: The arch cladding would require periodic cleaning of the exterior surfaces.

Fountain Equipment: The nozzles, lighting, piping and electronics located in the Arch would be accessible through removable cladding panels accessed from the top of the arch. Access to the equipment would be from the top of the arch. The specific details of how to access the top of the arch will be developed in later design phases. Each nozzle assembly can be removed with four bolts and a replacement unit can be bolted in its place for minimum down time. Maintenance of the unit can then be performed in the shop or sent off to a Canadian company for refurbishing. Twice per season a visual inspection for leaks will be performed on each swing nozzle and valve. Belt tension should be checked every 2000 hours. It is suggested that two spare nozzle assemblies be purchased and used as needed for quick replacement if bearings or seals should fail during visual inspections.

AV Equipment: Daily inspection routine should be maintained (1 person, 1 hour daily). Replacement moving head fixtures should be on hand in the eventuality of failures and to keep artistic concept integrity (2 people, 2 hours, according to the replacement count). The rail speakers can be in operation during winter with cautiousness and should be routinely inspected. (1 person, 1 hour daily)

Winterization

Winterization consists of draining all water lines to the nozzles. Air to be added to pressurize the main water line to 25 psi and a program sequence of nozzles turning off and on to clear all remaining water from the nozzles. Additionally the pump room would be heated and a recirculating pump would be run to keep 48" intake ice free. Moving head lights are specified to be operational to -20°C. If moving heads are intended to be used during winter, transparent shells should be installed to prevent ice from mounting onto them and the temperature should be monitored constantly to avoid any show operation under -20°C. This monitoring can be done with sensors and automated distance control.

Estimated Life Span

The estimated life span of the fountain is dependent on the estimated life span of its component parts:

Structure: Standard design life for this kind of structure following the Ontario Building Code (OBC) is 50 years. It's possible to extend this up to 100 years, likely at a negligible cost. This possibility for the foundations cannot be assessed at this time as geotechnical information is required.

Fountain Equipment: Expected life span of fountain equipment is 20+ years although belts and bearings, and motors will have to be replaced as needed. At the 10-15 year mark, or when there has been a 5% failure rate, motors should be purchased for all units and 5% extra to go another 10 - 15 years. 2% extra swing units should be purchased at the outset so these can be changed out when experiencing a failure while old units can be refurbished in a shop. Water pumps require new seals and motors around every 8 -15 years depending on the brand used. Integrated LED lighting is expected to last 10 years. Pumps are expected to last 10 years, then require new seals, bearings, and motors.

AV Equipment: Average AV equipment lifespan (daily use) in ideal conditions (Dry, +20°C) is 15,000 hours before planning for a replacement, Moving heads and sound will have to be more regularly maintained (some fans and some motors replacement) after 10,000 hours especially with winter use. Interactive equipment lifespan will vary depending on what the final design and equipment choice will be.

Evaluation

Pros	Cons
<ul style="list-style-type: none"> • Addresses a number of the desires identified through the public engagement process, including ‘Desire/Open to something new,’ ‘Year-round use,’ ‘Advocating for more colourful lighting,’ ‘Advocating for more lighting,’ ‘Advocating for more seating’ • A new and innovative water feature that inspires an image of Windsor as a future-focused city of innovation • All fountain infrastructure is located out of the water for easy maintenance. No requirement to remove the fountain in winter resulting in significant yearly cost savings • Visibility from Riverside Drive & Belle Isle • Responsive to changing river levels over time • Unique water display possibilities, and potential for interactive elements • Integrates improvements to the belvedere, including additional, fully programmable lighting • Winter programming opportunities • Easy maintenance 	<ul style="list-style-type: none"> • Not familiar to the people of Windsor • Most expensive option

Additional Considerations

All Options

Permitting & Approvals

There are many Authorities Having Jurisdiction (AHJ) that would require consultation for each design option moving forward to determine the exact permitting requirements. The following processes and AHJ permits would have to be evaluated for the Peace Fountain project:

- **Environmental Assessment (EA)**

The Environmental Assessment (EA) process is a planning tool used to identify the possible adverse effects of proposed infrastructure projects on the environment. The Ontario Environmental Assessment Act requires Ontario municipalities to complete an EA when undertaking capital works projects. Consultation with an environmental consultant would be required to determine next steps.

- **Fisheries and Oceans Canada (DFO)**

The bay at Reaume Park and the surrounding waters are home to 'Extirpated, Endangered, or Threatened aquatic species at risk' as recognized by the DFO. Due to various proposed in-water works for all design options, and their required construction activity, works either in the bay (such as the ice-clusters) and/or at the shore (intake pipes for on-shore pumps) could have an impact on the species at risk in the bay. As such, consideration must be given to addressing Fisheries and Oceans Canada's regulatory requirements. Consultation with an environmental consultant, and/or Fisheries and Oceans Canada would be required to determine next steps.

- **Ontario Ministry of the Environment, Conservation and, Parks (OME)**

The OME requires environmental approvals and/or permissions for a number of different project types and works. There is a specific approvals process for renewable energy projects. Consultation with an environmental consultant would be required to determine next steps.

- **Windsor Port Authority (WPA)**

WPA regulates lighting, pyrotechnics, noise, obstructions, berthing, and many other components that could affect navigation of ships in the river. They also regulate and monitor construction activities in the water. The WPA only requires a permit for construction activities in the water which would be applied for and issued just a few days before work begins. It is recommended to have regular consultative meetings with the WPA in the design phase to avoid any potential issues later in the development process.

- **Essex Region Conservation Authority (ERCA)**

Reaume Park and the Peace Fountain are located in the ERCA's 'Limit of Regulated Area.' ERCA would likely need to review the project to address provincial standards for preservation of natural features and protection from potential hazards such as the floodplain that Reaume Park is located in. A pre-consultation meeting would be a first step with the ERCA to determine the specific requirements for their permitting processes and timeline

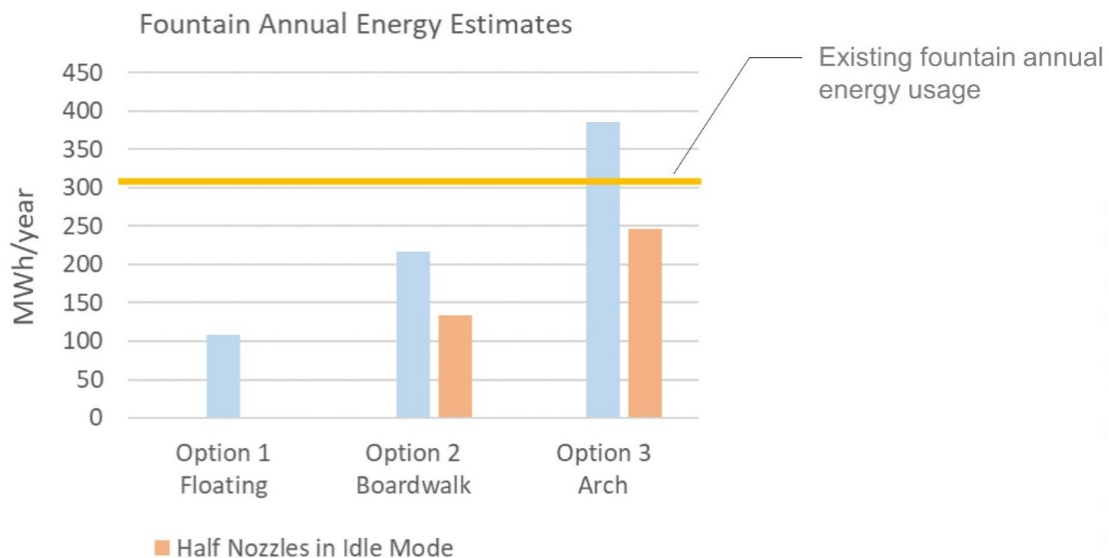
	EA	DFO	WPA	ERCA
Memories Floating Fountain option	C	C	C , P	C , P
The Boardwalk Land-based option	C	C	C , P	C , P
The Arch Land & water-based option	C	C	C , P	C , P

P = Permit required, C = Consultation required

Projected Energy Use

The energy-use of the proposed fountains depends on a host of factors. The numbers presented here are best estimates based on current designs and are appropriate to the level of design (conceptual design). To achieve these results a number of assumptions have been made:

- The fountain is operational 12 hours a day, from May to mid-October, to provide a comparative baseline to the existing fountain
- 20 minutes of each hour is “show mode”, while the remainder of the hour is “idle” mode
- Fountain is in idle mode 66% of operating hours
- Preliminary selection of nozzles, required pressure, flow rates, pump sizes, and lighting equipment
- Does not account for A/V equipment, interactive technologies, and any required conditioning, lighting, security & life safety systems of expanded or new service buildings



The Arch consumes more energy than the Memories Floating Fountain or the Boardwalk options since water must be pumped nearly 50' vertically to reach the apex of the arch. A strategy for reducing annual energy in Options 2 and 3 is to reduce by half the number of active nozzles during idle mode.

Renewable Energy Potential

Based on power outputs at various water velocities provided by the Ocean Renewable Power Company (ORPC) for two of their underwater turbine systems, we calculated the percentage of the fountain's energy use could be covered by renewable hydrokinetic energy. We are presenting the results at different water velocities as there is insufficient river data at Reaume Park to make a concise determination of water velocity. Actual river current velocities require verification via on-site measurement. ORPC can do this over the course of two days for a fee.

For the Floating Fountain, a single RivGen 3.0 turbine system can nearly meet the fountain's annual electricity consumption for average current velocities of at least 1.5 m/s. For the Boardwalk and the Arch, a single RivGen 3.0 river turbine requires average current velocities of at least 2 m/s and 2.5 m/s, respectively. For both Options 2 and 3, halving the number of active nozzles in idle mode reduces the minimum average current velocities and/or number of river turbine systems needed to meet the fountain's annual electricity consumption.

There are a number of grants available from the Federal Government, including from the National Research Council (NRC), Sustainable Development Technology Canada, and the Canada Infrastructure Bank (CIB), that can be used towards the costs of a renewable energy system.

		Average Current Velocity (m/s)	Floating Fountain	The Boardwalk		The Arch	
				All Nozzles in Idle Mode	½ Nozzles in Idle Mode	All Nozzles in Idle Mode	½ Nozzles in Idle Mode
RivGen 2.1	1.25		28%	14%	22%	7%	12%
	1.5		48%	24%	39%	13%	21%
	2		111%	56%	90%	30%	49%
	2.5		120%	60%	97%	32%	53%
RivGen 3.0	1.25		49%	24%	40%	13%	22%
	1.5		84%	42%	68%	22%	37%
	2		199%	99%	161%	53%	88%
	2.5		389%	195%	316%	103%	172%

Fountain Equipment Sourcing

One of the significant challenges with maintaining fountain equipment in North America is that most manufacturers are in Europe or Asia, resulting in difficult sourcing and long lead-times for replacement parts. For reimagining the Peace Fountain, our team can deliver a made-in-Ontario solution for the fountain nozzles, simplifying replacement and reducing lead-times.

Appendix A:

ROM Costs

Methodology

The costing for the three options represents a **Rough Order of Magnitude (ROM)** which, as an industry convention, has an expected accuracy of -25% to +75%. The designs as presented are conceptual and require detailed design development where optimization of designs can be addressed and more accurate costing can be developed. The costs make a number of assumptions about site conditions for which detailed technical information was not available, such as geotechnical studies and water velocity data. Additionally, current construction pricing is highly inflationary and volatile, and the costs presented here, while they include escalation contingency, are likely to be affected by this global issue outside of any design decisions and optimization. Where inflation has been considered for long-term costs, we have used an average rate of inflation of 2.5% per year, near the upper-end of the Bank of Canada's inflation targets. Although current inflation rates are much higher, we expect that over several decades the inflation rate would achieve, on average, the Bank of Canada's targets.

For each of the three design approaches, we've provided a ROM estimate based on preliminary costing provided by our consultants and potential suppliers and contractors.

Existing Operations & Maintenance Costs

To contextualize the estimated operations and maintenance costs presented in this report, we have outlined the three main sources of operations and maintenance costs for the current fountain. The designs considered for this project incorporate strategies to reduce operations and maintenance costs, and the long-term cumulative value of these savings can be significant. The current Peace Fountain has operated for 43 years, so we have assumed a 40-year horizon to evaluate these costs.

1. Maintenance

Estimated at approximately \$50,000 per year (2021 dollars), based on consultation with the City of Windsor. Over the next 40 years, the current fountain's maintenance could cumulatively cost approximately **\$3.5 million**, adjusted for inflation.

2. Winterization

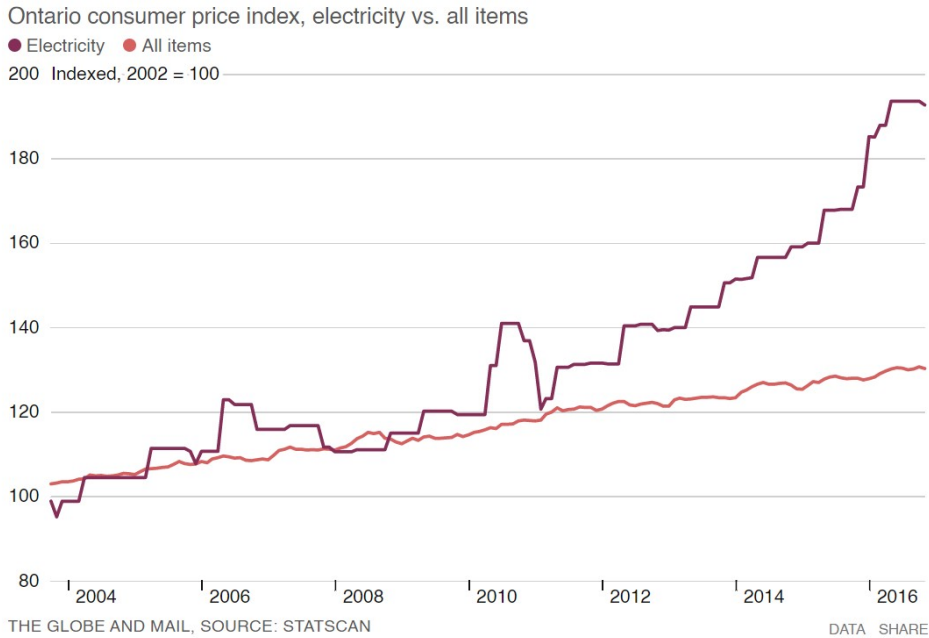
Estimated at approximately \$100,000 per year (2021 dollars) based on consultation with the City of Windsor. This includes removing the fountain from the river in October, and reinstalling it in May. Over the next 40 years, the current fountain's winterization could cumulatively cost approximately **\$6.9 million**, adjusted for inflation.

3. Electricity Costs

The current Peace Fountain uses an average of 300 MWh of electricity a year (10-year average, 2012 to 2021 inclusive)—based on usage data and electricity bills provided by the City of Windsor. This costs \$50,000 a year (10-year average) with an average cost per kilowatt hour of \$0.17. Over the next 40 years, the current fountain's electricity use could cumulatively cost approximately **\$3.5 million**, adjusted for inflation. Please also see the following section, "Electricity Costs" for more information.

Electricity Costs

We have estimated energy use and costs for the three design approaches. Where we project future electricity costs we project their costs based on the Bank of Canada's target inflation rates, however we note that electricity costs in Ontario have outpaced the Consumer Price Index for more than a decade, and as such could be much higher in the long run than shown here. This affects both estimated electricity costs as well as potential savings.



Renewable Energy

We worked closely with the Ocean Renewable Power Company (ORPC) to evaluate the potential of underwater turbines to generate electricity for the Peace Fountain. ORPC has a number of different financial and partnerships arrangements that are possible to implement their systems:

- Sell the power-generating equipment directly to the municipality (or a community or any organizations/companies that will be created to develop the project);
- Rent the device, with or without a contract for operating and maintenance services; or,
- Be part of a partnership with the municipality (and other partners if necessary) negotiating a Power Purchase Agreement (PPA) with the local utility for example.

The best system and partnership model would be determined in collaboration with the City (and any other partners if necessary) and would require a feasibility assessment using accurate, on-site measurements of water velocities.

Preliminary Assessment Costs

As we've mentioned elsewhere in this report, there is insufficient river data at Reaume Park to make a concise determination at this time which system would be most appropriate and how much power it would generate. Actual river current velocities require verification via on-site measurement. ORPC can conduct such a study for approximately \$20,000.

Capital Costs (Outright Purchase Option)

Depending on the system, the installed cost ranges from \$420,000 - \$1,280,000 (including the turbine, power electronics, and on-shore power station). We have attached reports from ORPC that outline the technologies and costs of the various systems. As previously mentioned, alternative arrangements are possible where outright purchase is not required.

Electricity Cost Savings

There is insufficient river data at Reaume Park to make a concise determination at this time which system would be most appropriate and how much power it would generate. In lieu, we have presented the potential energy generation at different water velocities to show what could be possible. Two different systems were evaluated for the Peace Fountain: ORPC's RivGen3.0 and RivGen2.1. We've outlined their potential for each fountain option in this report.

Grants

There are a number of government grants that could fund a portion of the renewable energy infrastructure—anywhere from 30% to 80%, depending on the grant and circumstances:

- **Smart Renewables and Electrification Pathways Program (SREP) – National Resources Canada: Stream #2: Emerging Technologies**

The Smart Renewables and Electrification Pathways Program (SREPs) provides direct financial support to eligible renewable energy and grid modernization projects during the construction phase. Projects must use market ready technologies and apply workplace equity, diversity, and inclusion components. Funding limits are based on a percentage of total project costs. This percentage varies according to project stream, with a \$50-million cap on any single project. The maximum eligible percentage of total project costs is 30% for emerging technologies. This grant is on a first come, first served basis and issues funding decisions within 90 business days.

- Sustainable Development Technology Canada Grant**
Federal Government grants for promising clean technology development and demonstration projects that are start-ups or scale-ups. It is intended for projects at a pre-commercial readiness level, and funds development or demonstration projects. The program can fund on average 33% (up to 40%) of eligible projects costs. The average contribution is \$3million, with funds disbursed in 5 years or less.
- Canada Infrastructure Bank (CIB) – Clean Power**
The CIB develops new partnerships and bring a private sector focus to achieve Canada’s environmental sustainability and prosperity goals. The Peace Fountain may be eligible within either the Clean Power stream which focuses on the development of renewable energy, including solar, wind, small-scale hydro, tidal, biomass, and geothermal infrastructure.
- Federation of Canadian Municipalities: Signature Initiative**
Signature initiative funding (combined loans and grants) helps cities of all sizes implement bold environmental projects that reduce GHG emissions and protect the air, water or land. This funding is designed to accommodate transformative, best-in-class municipal projects, meaning they’re highly innovative and impactful. These qualify for a low-interest loan of up to \$10 million and a grant worth up to 15% of the loan; cover up to 80% of your eligible costs.

Maintenance Costs

Annual maintenance costs are projected to be between \$24,000 - \$41,000 per year, depending on the system. As previously mentioned, alternative arrangements are possible where maintenance could be included in a long-term rental agreement with the technology provider. Maintenance includes raising the RivGen device to surface and visually inspect mooring line connections to pontoons, power and data cables, and cable junction box, shore station, and project signage. Major maintenance would be every five years, and would require measuring and check bearing alignment, inspecting generator seals, paint, anodes, and internal oil, and repair/replace as necessary, touching-up paint and replace anodes on electronics case as needed, inspecting mechanical brake seals, internal oil, paint, and anodes, and repair/replace as necessary, inspecting and replacing ballast system components as necessary, and removing growth/debris as necessary.

Funding Opportunities

Being a civic landmark on an international border, we believe the Peace Fountain represents a strong case to pursue additional funding opportunities through a number of avenues, such as provincial or federal funding, community benefits funding from large projects in Windsor, philanthropy, and/or third-party funding, either as a one-off or in support of on-going programmed events at the fountain.

Floating Fountain

Item #	Description	Qty	Units	Unit Price	Sub-Total	Specifications / Notes
Site Work						
1.0	Demolition					
1.1	Removal of existing retaining wall near services building, removal of sidewalk concrete near services building, removal of plaza concrete for installation of pipes and electrical	-	Allowance	\$ -	\$ 30,000.00	
2.0	Excavation					
2.1	Water-based excavation for installation of intake pipe, Land-based excavation for installation of electrical and water lines, excavation for expanded service buildings, excavation for electrical lines to ARVs	-	Allowance	\$ -	\$ 80,000.00	
3.0	Civil					
3.1	Intake Pipe (48" dia.) to pump room, Supply pipelines to fountain (approx. 240' in length each)	-	Allowance		\$ 325,000.00	
4.0	Hardscape					
4.1	Make good plaza where excavation required for pipes and electrical	-	Allowance		\$ 20,000.00	
5.0	Architecture					
5.1	Services building expansion	-	Allowance		\$ 300,000.00	Assume 600 sqft, concrete construction
6.0	Electrical & Utilities					
6.1	Electrical upgrades (allowance), if required	-	Allowance		\$ 100,000.00	Excludes electrical for fountain or AV systems. Upgrades to existing electrical equipment if required
7.0	Structural					
7.1	Ice Cluser piles (in water)	20	EA	\$ 15,000.00	\$ 300,000.00	For winter operations
Sub-Total					\$ 1,155,000.00	

Fountain						
8.0	Fountain (Rafts & Equipment)					
8.1	Fountain rafts with ballasts (and air tanks if required--dependent on nozzle selection)	3	EA	\$ 250,000.00	\$ 750,000.00	
8.2	Geyser nozzles with 2D and light modul	50	EA	\$ 38,000.00	\$ 1,900,000.00	*Option to adjust number of nozzles
8.3	Main geyser nozzles (up to 50 meter high)	3	EA	\$ 12,000.00	\$ 36,000.00	*Option to adjust number of nozzles
8.4	Main electronics package and engineer to design	1	EA	\$ 340,000.00	\$ 340,000.00	Control system for nozzles and integrated lighting, new electrical from service room to fountain
8.5	Vario Pumps	3	EA	\$ 120,000.00	\$ 360,000.00	
8.6	Inflatable winter cover / projection surface	-	Allowance	\$ -	\$ 30,000.00	ROM Costing by Evolution Dome. Price includes design, engineering, material, inflation equipment, 10 year warranty
Sub-Total					\$ 3,416,000.00	

9.0	Activations & Lighting					
9.1	AV System (boardwalk mounted lights, audio system, control system)	-	Allowance	\$ -	\$ 1,000,000.00	
9.2	Electrical and Installation	-	Allowance	\$ -	\$ 150,000.00	
9.3	AR Viewing (ARV) Stations	12	EA	\$ 20,000.00	\$ 240,000.00	
9.4	Projectors for winter cover	-	Allowance	\$ -	\$ 200,000.00	*Alternatively, projectors could be rented
Sub-Total					\$ 1,590,000.00	

	Site Work - Subtotal				\$ 1,155,000.00	
	Fountain - Subtotal				\$ 5,006,000.00	
				Subtotal Hard Costs	\$ 6,161,000.00	

	Hard Costs - Estimated Cost Range			\$6.2m to \$7.2 million		Range calculation: Lower end: Price shown here, rounded up Upper end: Price + 15% design contingency
	Design Services		8.0%		\$500,000 to \$576,000	
	Escalation Allowance		5.0%		\$310,000 to \$360,000	

Estimated Energy Costs

Note these estimated energy costs are subject to the assumptions outlined in the 'Projected Energy Use' section of this Report, and represent a simple order-of-magnitude calculation.

Annual energy use of current Fountain	300 MWh/year
Estimated annual energy use of new fountain	110 MWh/year
Estimated reduction in energy use	- 63%
Estimated annual electricity costs of new fountain (2022 dollars)	\$18,000

Renewable Energy Potential

As noted in the 'Renewable Energy Potential' section of this report, we are presenting the results at different water velocities as there is insufficient river data at Reaume Park to make a concise determination of water velocity. Actual river current velocities require verification via on-site measurement.

	Average Current Velocity (m/s)	Percentage of annual energy consumption met by river turbines at various current velocities	Net electrical consumption (additional electricity required (-), or surplus (+))	Potential Annual Electricity Cost Savings (2022 dollars)
RivGen 2.1	1.25	28%	-79.2 MWh	\$5,040
	1.5	48%	-57.2 MWh	\$8,640
	2	111%	+12.1 MWh	\$18,100
	2.5	120%	+22.0 MWh	\$22,000

Estimated Annual Operations Costs

Item	Estimated Annual Cost	Notes
Maintenance Costs Per year	\$26,000	Blended, 10-year average for annual costs maintenance. It assumes 10 days a year for on-site inspections, adjustments, troubleshooting, and minor repairs and replacement costs. Major components such as motors or refurbishments excluded. Compared to the other two options, the Floating Fountain has more complex nozzles and equipment more exposed to the sweather, resulting in expected higher maintenance costs
Seasonal Operational Change Costs Per year	\$16,000 - \$20,000	Includes winterzation and summerization. The Floating Fountain has more involved seasonal operational changes than the other two options.
Estimated Electrical Costs Per year	\$18,000	
ESTIMATED ANNUAL OPERATIONS COSTS	\$60,000 - \$64,000	

The Boardwalk – Land-based Fountain

Item #	Description	Qty	Units	Unit Price	Sub-Total	Specifications / Notes
Site Work						
1.0	Demolition					
1.1	Removal of existing retaining wall near services building, removal of sidewalk concrete near services building, Removal of plaza concrete as required, removal of existing guardrail	-	Allowance	\$ -	\$ 100,000.00	
2.0	Excavation					
2.1	Water-based excavation for installation of intake pipe, Land-based excavation for installation of electrical and water lines, Excavation for expanded service buildings, backfilling	-	Allowance	\$ -	\$ 80,000.00	
3.0	Civil					
3.1	Supply pipelines to fountain (460' in length, 24" dia.), Intake Pipe (48" dia.) to pump room	-	Allowance	\$ -	\$ 200,000.00	
4.0	Hardscape					
5.1	CIP Concrete plaza w/ integrated seating, CIP Concrete fountain enclosure ends, Make good plaza for install of piping infrastructure, Inlaid glow-in-the-dark aggregate	-	Allowance	\$ -	\$ 265,000.00	
5.0	Architecture					
5.1	Services building expansion	-	Allowance	\$ -	\$ 300,000.00	Assume 600 sqft, concrete construction
6.0	Electrical & Utilities					
6.1	Electrical upgrades (if required)	-	Allowance	\$ -	\$ 100,000.00	Excludes electrical for fountain or AV systems. Upgrades to existing electrical equipment if required
Sub-Total					\$ 1,045,000.00	

Fountain						
7.0	Fountain (Structure)					
7.1	Precast fountain enclosure (5 straight, 18 curved pieces)	-	Allowance	\$ -	\$ 900,000.00	ROM costing by Canadian Precast Limited (Supply & install, w/ noncorrosive reinforcing, polished concrete finish)
Sub-Total					\$ 900,000.00	

8.0	Fountain (Equipment)					
8.1	Nozzles w/ integrated lighting	137	EA	\$ 12,000.00	\$ 1,644,000.00	*Option to adjust number of nozzles
8.2	24" HDPE pipe	350	LF	\$ 74.00	\$ 25,900.00	
8.3	Saddle 2"	137	EA	\$ 1,400.00	\$ 191,800.00	
8.4	Fittings	137	EA	\$ 190.00	\$ 26,030.00	*Option to adjust number of nozzles
8.5	Variable control valve for nozzles	137	EA	\$ 5,000.00	\$ 685,000.00	*Option to adjust number of nozzles
8.6	Labor to install nozzles	137	EA	\$ 1,000.00	\$ 137,000.00	*Option to adjust number of nozzles
8.7	Variable speed pumps	3	EA	\$ 140,000.00	\$ 420,000.00	
8.8	Electrical	-	Allowance	\$ -	\$ 550,000.00	
8.9	Labor to install pipeline & saddles	350	LF	\$ 950.00	\$ 332,500.00	
Sub-Total					\$ 4,012,230.00	

9.0	Activations & Lighting					
9.1	Playback system & software	-	Allowance	\$ -	\$ 345,000.00	
9.2	AV System (boardwalk lights, sound, interactive tech)	-	Allowance	\$ -	\$ 1,000,000.00	
Sub-Total					\$ 1,345,000.00	

Site Work - Subtotal					\$ 1,045,000.00	
Fountain - Subtotal					\$ 6,257,230.00	
Subtotal Hard Costs					\$ 7,302,230.00	

Hard Costs - Estimated Cost Range				\$7.3m to \$8.4 million		Range calculation: Lower end: Price shown here, rounded up Upper end: Price + 15% design contingency
Design Services		8.0%		\$584,000 to \$672,000		
Escalation Allowance		5.0%		\$365,000 to \$420,000		

Estimated Energy Costs

Note these estimated energy costs are subject to the assumptions outlined in the 'Projected Energy Use' section of this Report, and represent a simple order-of-magnitude calculation. For this calculation we assume only half the nozzles are used in idle mode.

Annual energy use of current Fountain	300 MWh/year
Estimated annual energy use of new fountain	125 MWh/year
Estimated reduction in energy use	- 58%
Estimated annual electricity costs of new fountain (2022 dollars)	\$21,000

Renewable Energy Potential

As noted in the 'Renewable Energy Potential' section of this report, we are presenting the results at different water velocities as there is insufficient river data at Reaume Park to make a concise determination of water velocity. River current velocities require verification via on-site measurement.

RivGen 2.1	Average Current Velocity (m/s)	Percentage of annual energy consumption met by river turbines at various current velocities	Net electrical consumption (additional electricity required (-), or surplus (+))	Potential Annual Electricity Cost Savings (2022 dollars)
	1.25	22%	-97.5 MWh	\$4,583
	1.5	39%	-76.25 MWh	\$8,125
	2	90%	-12.5 MWh	\$18,750
	2.5	97%	-3.75 MWh	\$20,208

RivGen 3.0	Average Current Velocity (m/s)	Percentage of annual energy consumption met by river turbines at various current velocities	Net electrical consumption (additional electricity required (-), or surplus (+))	Potential Annual Electricity Cost Savings (2022 dollars)
	1.25	40%	-75 MWh	\$8,333
	1.5	68%	-40 MWh	\$14,167
	2	161%	+76 MWh	\$33,542
	2.5	361%	+326 MWh	\$75,208

Estimated Annual Operations Costs

Item	Estimated Annual Cost	Notes
Maintenance Costs Per year	\$21,500	Blended, 10-year average for annual costs maintenance. It assumes 10 days a year for on-site inspections, adjustments, troubleshooting, and minor repairs and replacement costs. Major components such as motors or refurbishments excluded.
Seasonal Operational Change Costs Per year	\$7,000 - \$10,000	Includes winterization and summerization
Estimated Electrical Costs Per year	\$21,000	
ESTIMATED ANNUAL OPERATIONS COSTS		\$49,500 - \$52,500

The Arch – Land & Water-based Fountain

Item #	Description	Qty	Units	Unit Price	Sub-Total	Specifications / Notes
Site Work						
1.0	Demolition					
1.1	Removal of existing concrete as required	-	Allowance	\$ -	\$ 10,000.00	
2.0	Excavation					
2.1	Water-based excavation for installation of intake pipe, Excavation for Arch foundations, backfill	-	Allowance	\$ -	\$ 420,000.00	
3.0	Civil					
3.1	Intake Pipe (48" dia.) to pump room, intake screen, electrical run from existing service room to new service rooms (through planted area)	-	Allowance	\$ -	\$ 60,000.00	
4.0	Structural					
4.1	Foundations (including integrated service rooms, approx. 600 sqft total)	-	Allowance	\$ -	\$ 1,260,000.00	*Due to limited geotechnical information there is a lot of uncertainty in this cost
5.0	Hardscape					
5.1	Make good plaza finishes	-	Allowance	\$ -	\$ 10,000.00	
6.0	Architecture					
6.1	Service buildings (integrated into arch foundations - fixtures, finishes & services only)	-	Allowance	\$ -	\$ 100,000.00	
6.0	Electrical & Utilities					
6.1	Electrical upgrades (if required)	-	Allowance	\$ -	\$ 100,000.00	Excludes electrical for fountain or AV systems. Upgrades to existing electrical equipment if required
Sub-Total					\$ 1,960,000.00	

Fountain						
7.0	Fountain (Structure)					
7.1	Box Truss	-	Allowance	\$ -	\$ 5,260,000.00	ROM Costing by Walters Group, supply & install. Assumes barge-based installation (additional \$250,000 if no barge)
7.3	Arch cladding	-	Allowance	\$ -	\$ 3,760,000.00	ROM Costing by Walters Group, supply & install
Sub-Total					\$ 9,020,000.00	

8.0	Fountain (Equipment)					
8.1	Swivels, nozzles, and lights 15m	85	EA	\$ 14,000.00	\$ 1,190,000.00	
8.2	18" HDPE pipe	350	LF	\$ 45.00	\$ 15,750.00	
8.3	Saddle 2"	85	EA	\$ 400.00	\$ 34,000.00	
8.4	Fittings	85	EA	\$ 190.00	\$ 16,150.00	
8.5	Variable control valve for nozzles	85	EA	\$ 5,000.00	\$ 425,000.00	
8.6	Labor to install nozzles	85	EA	\$ 1,000.00	\$ 85,000.00	
8.7	Variable speed pumps	3	EA	\$ 140,000.00	\$ 420,000.00	
8.8	Electrical	-	Allowance	\$ -	\$ 450,000.00	
8.9	Labor to install pipeline & saddles	350	EA	\$ 950.00	\$ 332,500.00	
Sub-Total					\$ 2,968,400.00	

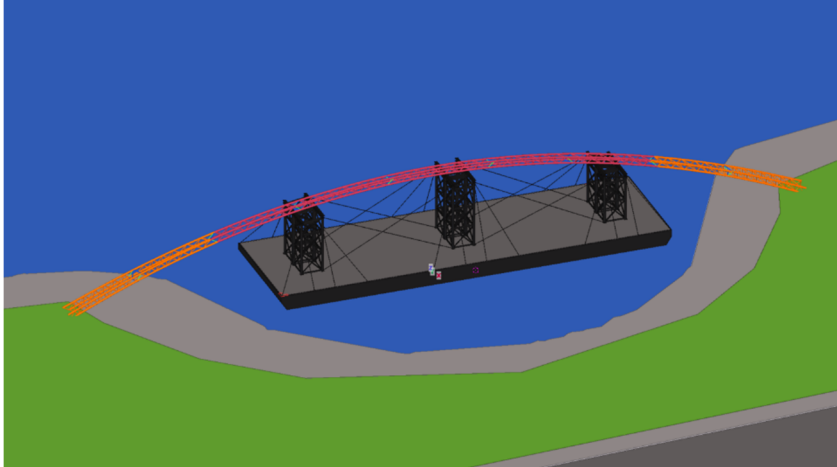
9.0	Activations & Lighting					
9.1	Playback system & software	-	Allowance	\$ -	\$ 100,000.00	
9.2	AV System (boardwalk lights, sound, interactive tech)	-	Allowance	\$ -	\$ 600,000.00	
9.3	Electrical and Installation	-	Allowance	\$ -	\$ 250,000.00	
Sub-Total					\$ 950,000.00	

Site Work - Subtotal					\$ 1,960,000.00	
Fountain - Subtotal					\$ 12,938,400.00	
Subtotal Hard Costs					\$ 14,898,400.00	

Hard Costs - Estimated Cost Range					\$15.0m to \$17.1 million	Range calculation: Lower end: Price shown here, rounded up Upper end: Price + 15% design contingency
Design Services (estimated)			8.0%		\$1.2m to \$1.34 million	
Escalation Allowance			5.0%		\$750,000 - \$855,000	

Installation Strategy

The cost presented here is based on the installation strategy of a barge with temporary shoring occupying the bay. Further study is required to confirm this approach. Alternative approaches may be more expensive.



Estimated Energy Costs

Note these estimated energy costs are subject to the assumptions outlined in the 'Projected Energy Use' section of this Report, and represent a simple order-of-magnitude calculation. For this calculation we assume only half the nozzles are used in idle mode.

Annual energy use of current Fountain	300 MWh/year
Estimated annual energy use of new fountain	250 MWh/year
Estimated decrease in energy use	- 17%
Estimated annual electricity costs of new fountain (2022 dollars)	\$42,000

Renewable Energy Potential

As noted in the 'Renewable Energy Potential' section of this report, we are presenting the results at different water velocities as there is insufficient river data at Reaume Park to make a concise determination of water velocity. Actual river current velocities require verification via on-site measurement.

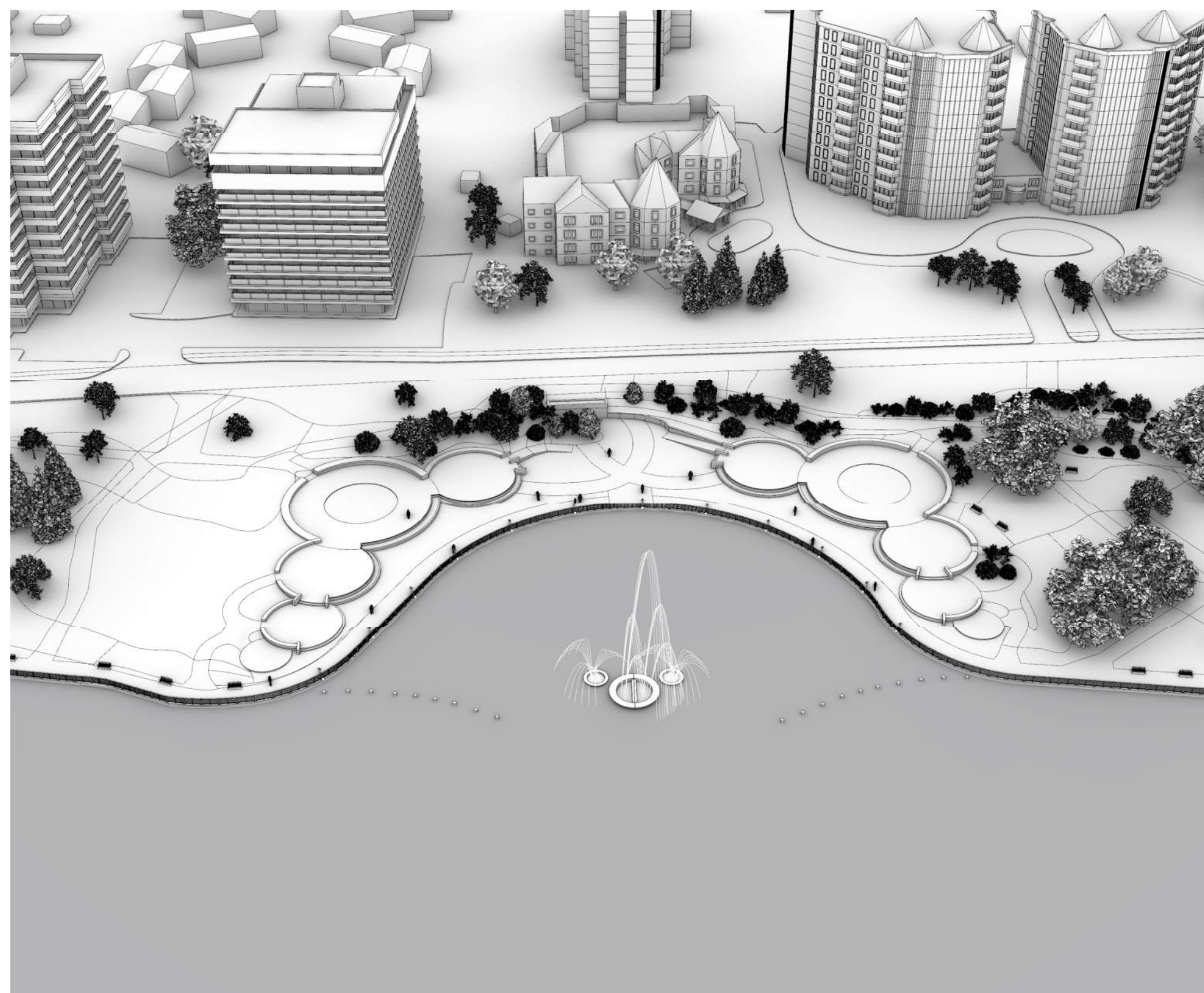
RivGen 2.1	Average Current Velocity (m/s)	Percentage of annual energy consumption met by river turbines at various current velocities	Net electrical consumption (additional electricity required (-), or surplus (+))	Potential Annual Electricity Cost Savings (2022 dollars)
	1.25	12%	-220 MWh	\$5,000
	1.5	21%	-197.5 MWh	\$8,750
	2	49%	-127.5 MWh	\$20,417
	2.5	53%	-117.5 MWh	\$22,083

RivGen 3.0	Average Current Velocity (m/s)	Percentage of annual energy consumption met by river turbines at various current velocities	Net electrical consumption (additional electricity required (-), or surplus (+))	Potential Annual Electricity Cost Savings (2022 dollars)
	1.25	22%	-195 MWh	\$9,167
	1.5	37%	-157.5 MWh	\$15,417
	2	88%	-30 MWh	\$36,667
	2.5	172%	+180 MWh	\$71,667

Estimated Annual Operations Costs

Item	Estimated Annual Cost	Notes
Maintenance Costs Per year	\$21,500	Blended, 10-year average for annual costs maintenance. It assumes 10 days a year for on-site inspections, adjustments, troubleshooting, and minor repairs and replacement costs. Major components such as motors or refurbishments excluded.
Seasonal Operational Change Costs Per year	\$7,000 - \$10,000	Includes winterization and summerization
Estimated Electrical Costs Per year	\$42,000	
ESTIMATED ANNUAL OPERATIONS COSTS	\$70,500 - \$73,500	

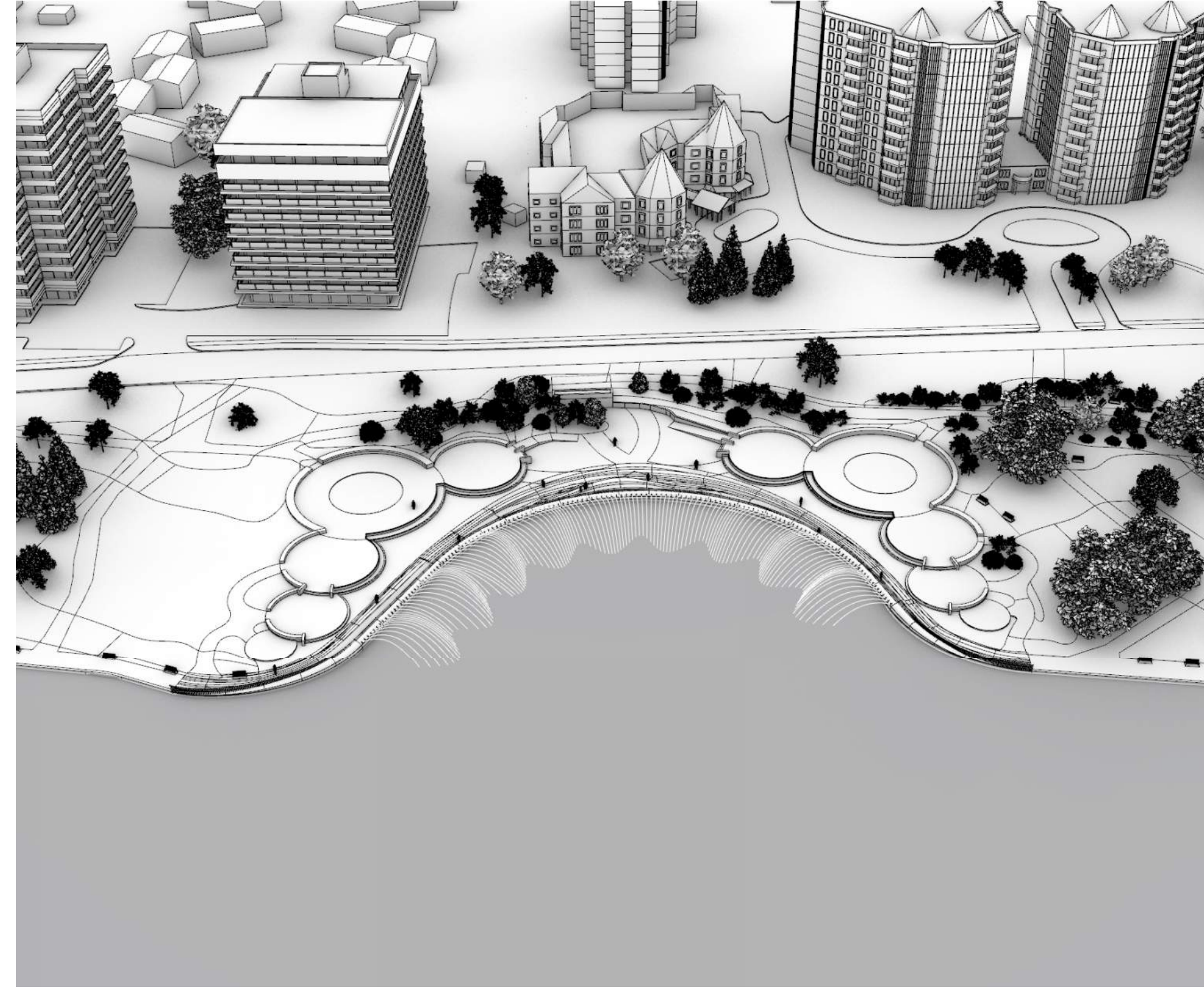
APPENDIX B: VISUALS



Floating Fountain Option

FLOATING FOUNTAIN

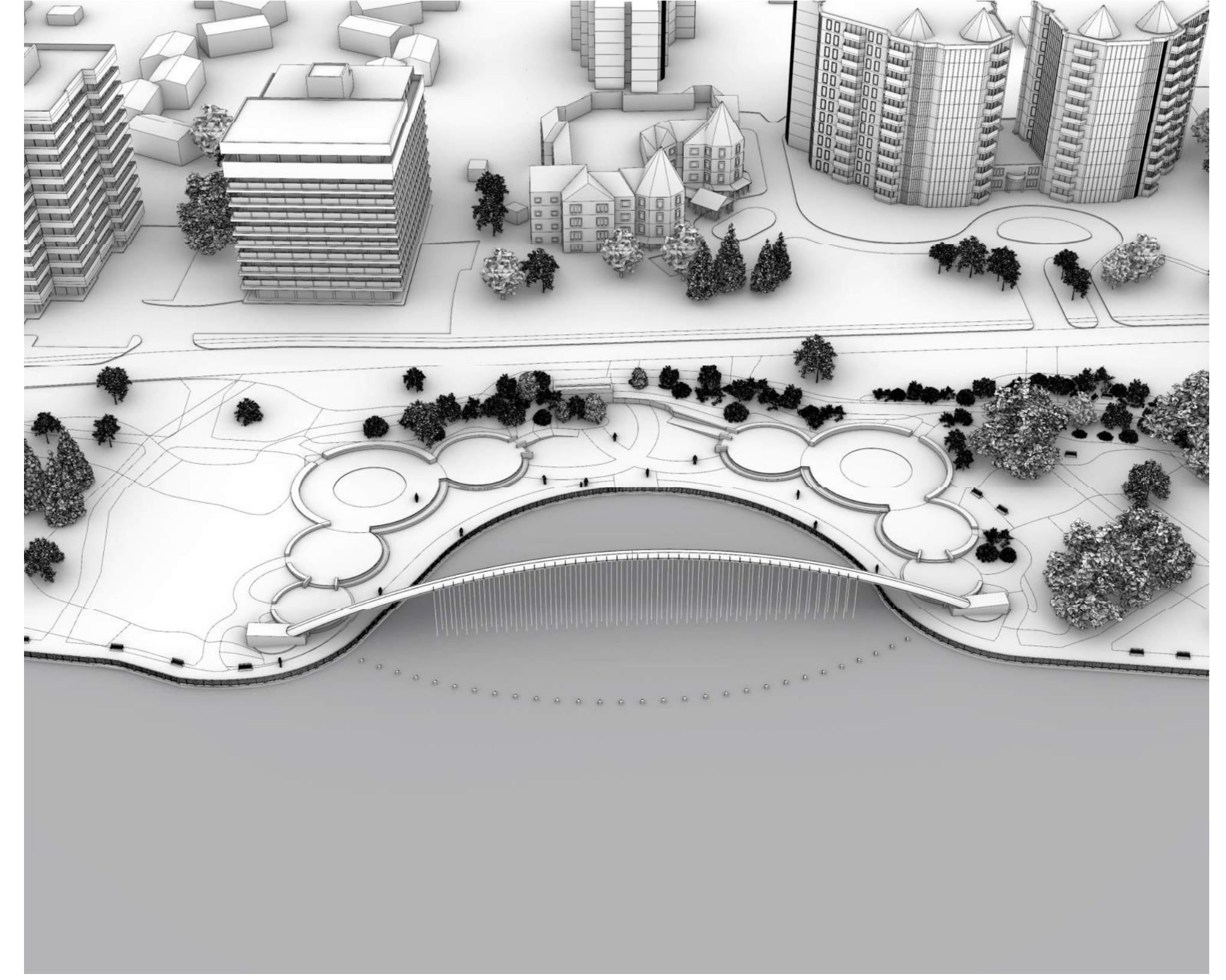
Memories is a floating fountain similar in size and shape to the existing Peace Fountain, yet upgraded with contemporary fountain equipment and lighting, augmented reality integration, and winter programming. Additionally it incorporates a number of design strategies to reduce operation and maintenance challenges of the current fountain.



Land-based Option

THE BOARDWALK

The Boardwalk places all of the fountain's infrastructure on the belvedere, reinvigorating the plaza with new public infrastructure, engaging lighting effects, and new seating. The Boardwalk fountain also creates a flood barrier to address increasingly frequent and severe flooding of the Detroit River due to climate change.



Land & Water-based Option

THE ARCH

The Arch spans across the bay, highlighting the international nature of the fountain, framing views to Belle Isle and Detroit. The fountain equipment is located in the arch, creating unique and exciting waterflow and lighting possibilities.

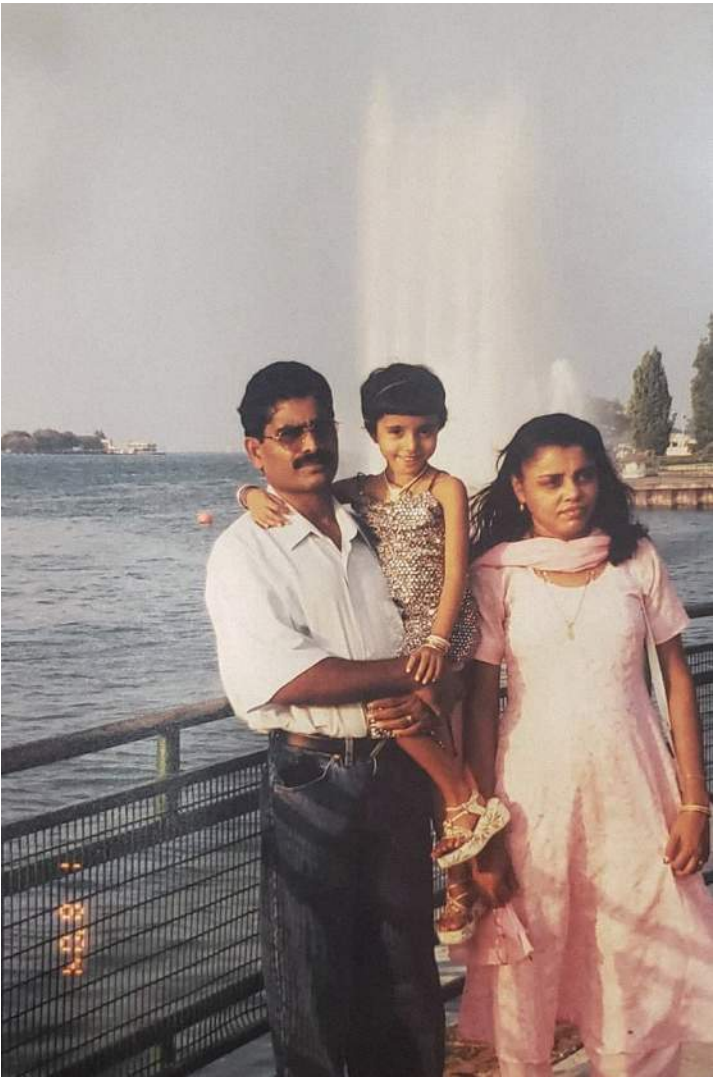
FLOATING FOUNTAIN

CONCEPT

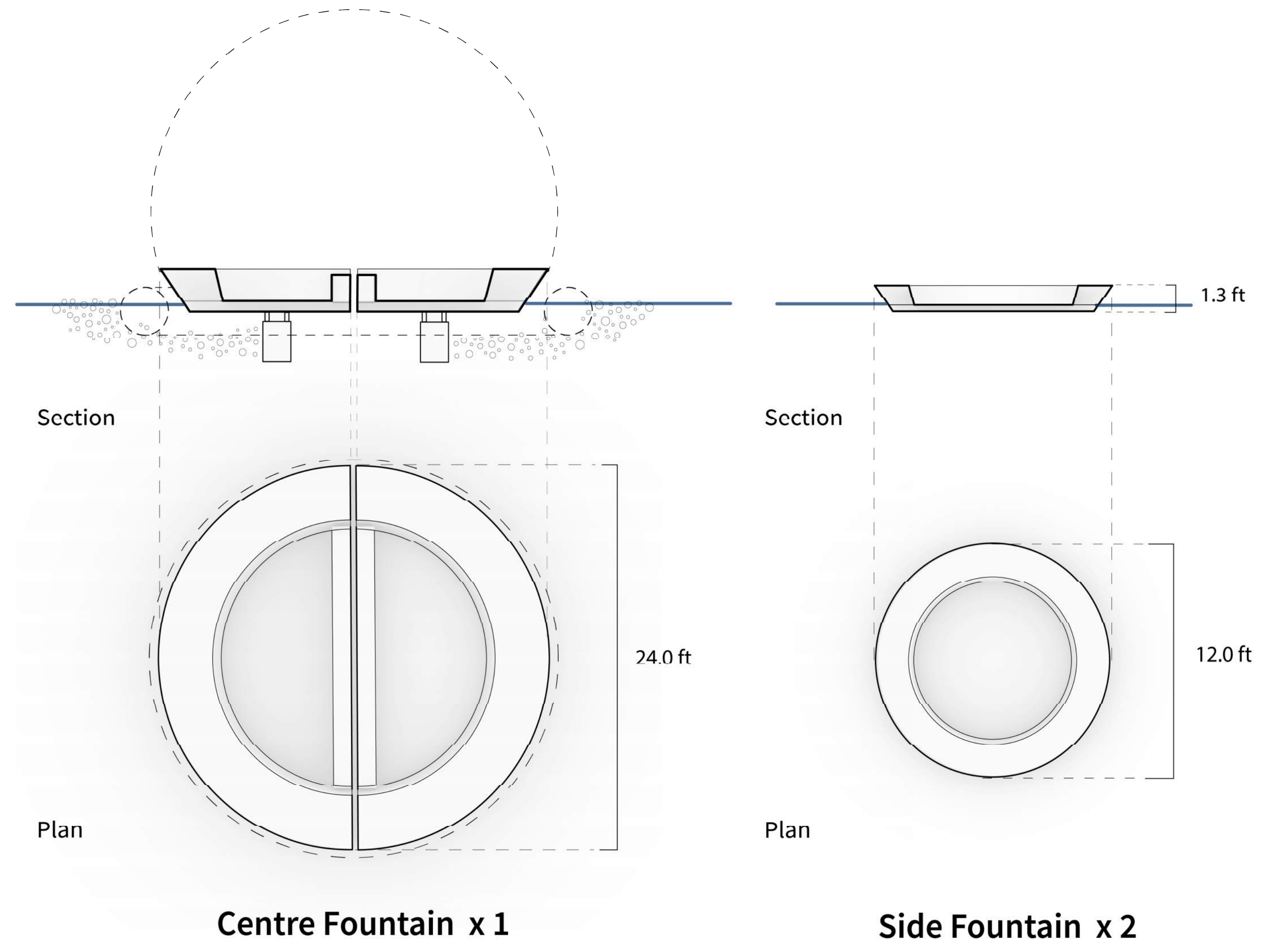
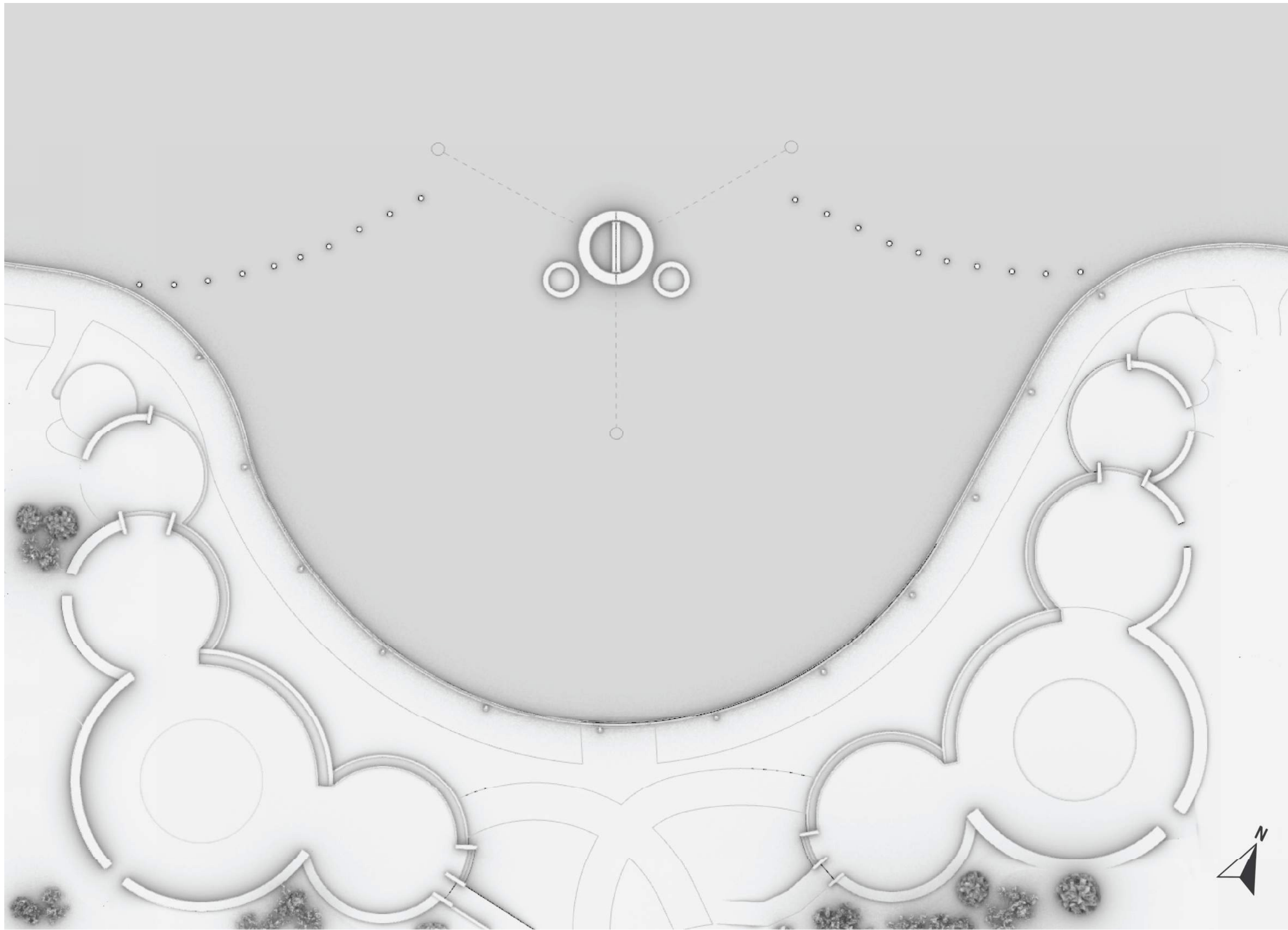
The Peace Fountain is a place of memory.

Officially named in the memory of union leader and civic advocate Charles Brooks, the Peace Fountain has become a landmark and cherished destination for generations of Windsorites. The Peace Fountain has been a place for good times spent with families, friends, and out-of-town guests, a picturesque backdrop for major life events such as weddings and graduations, as well as place of respite and peacefulness for some when facing difficult times. 'Memories' retains the original spirit of the Peace Fountain, while bringing it into the present. It proposes a complete rebuild of the fountain to a similar physical appearance yet featuring the latest in fountain technology, lighting, and multimedia.

Situated in the middle of the bay, Memories is an object-in-the-round, much like a campfire. Around campfires people gather to hear stories and share their culture. To deliver a magical moment inspired by the history of the site and the one of Windsor itself, we are proposing exciting fountain experience with an interactive augmented reality overlay. All around the plaza surrounding the fountain, Augmented Reality Viewers (ARVs) will allow visitors to have a surprising experience superimposing onto the beautiful fountain choreography diverse narrative visual content that will illustrate further the story the soundtrack will be telling.



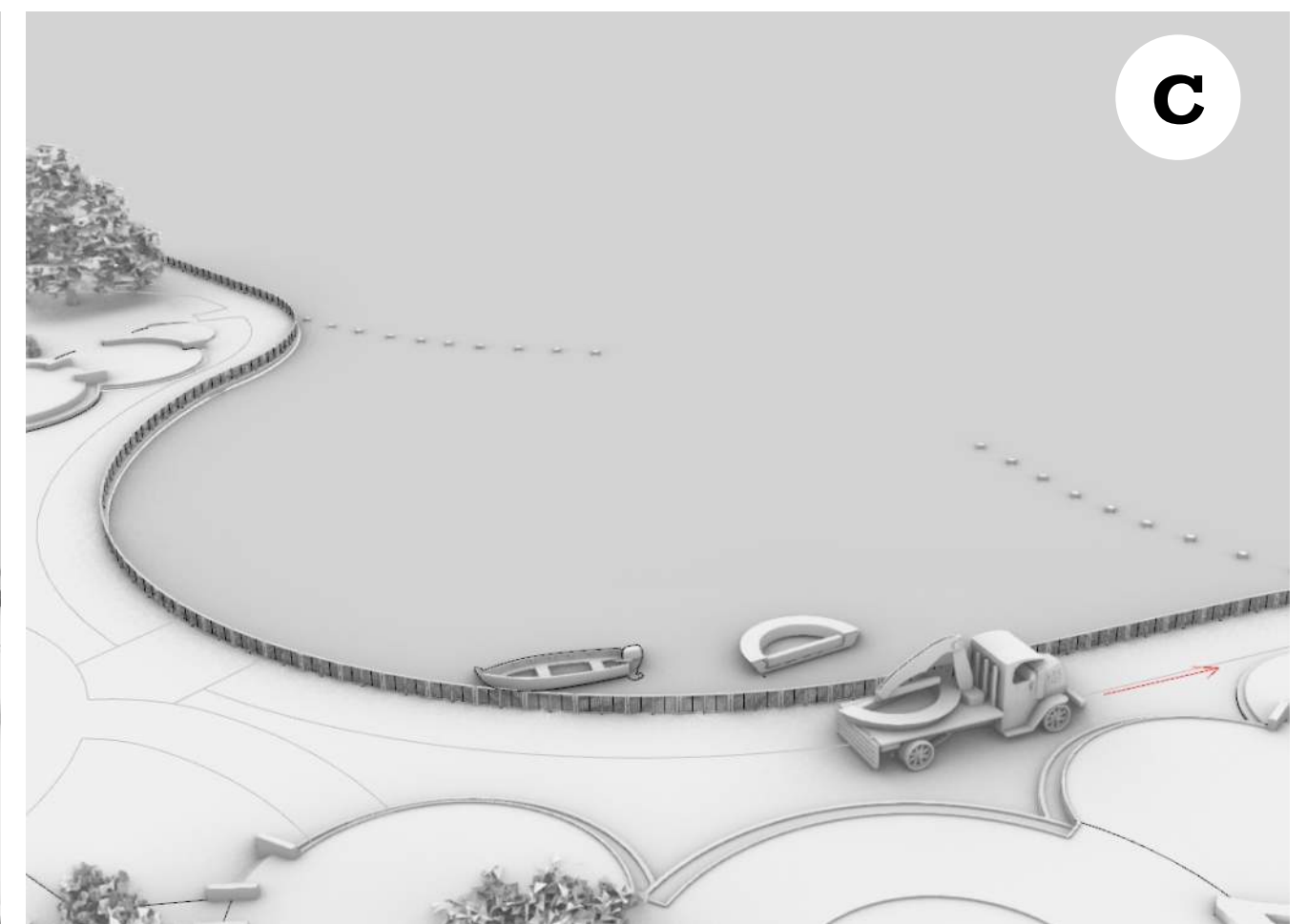
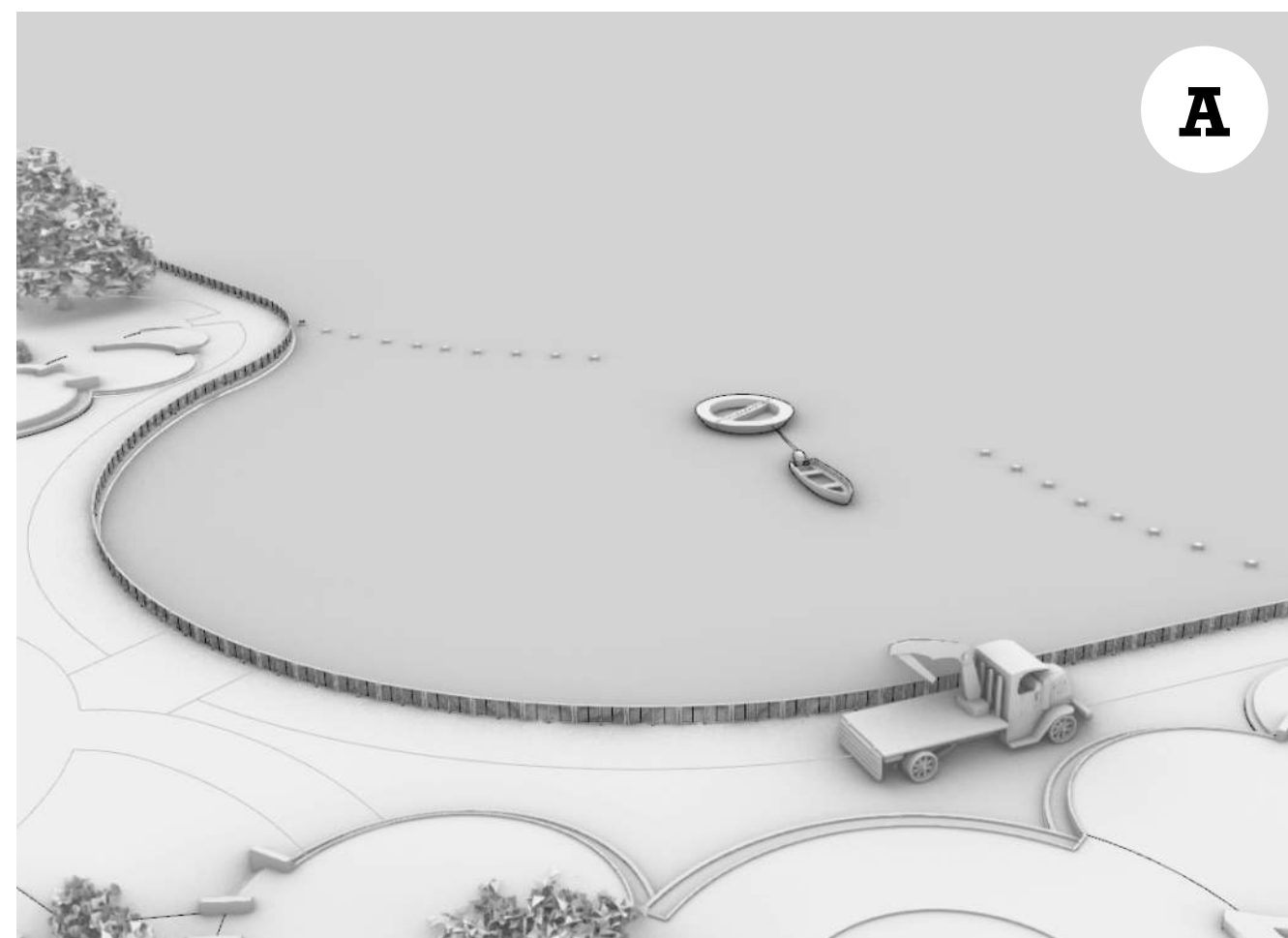


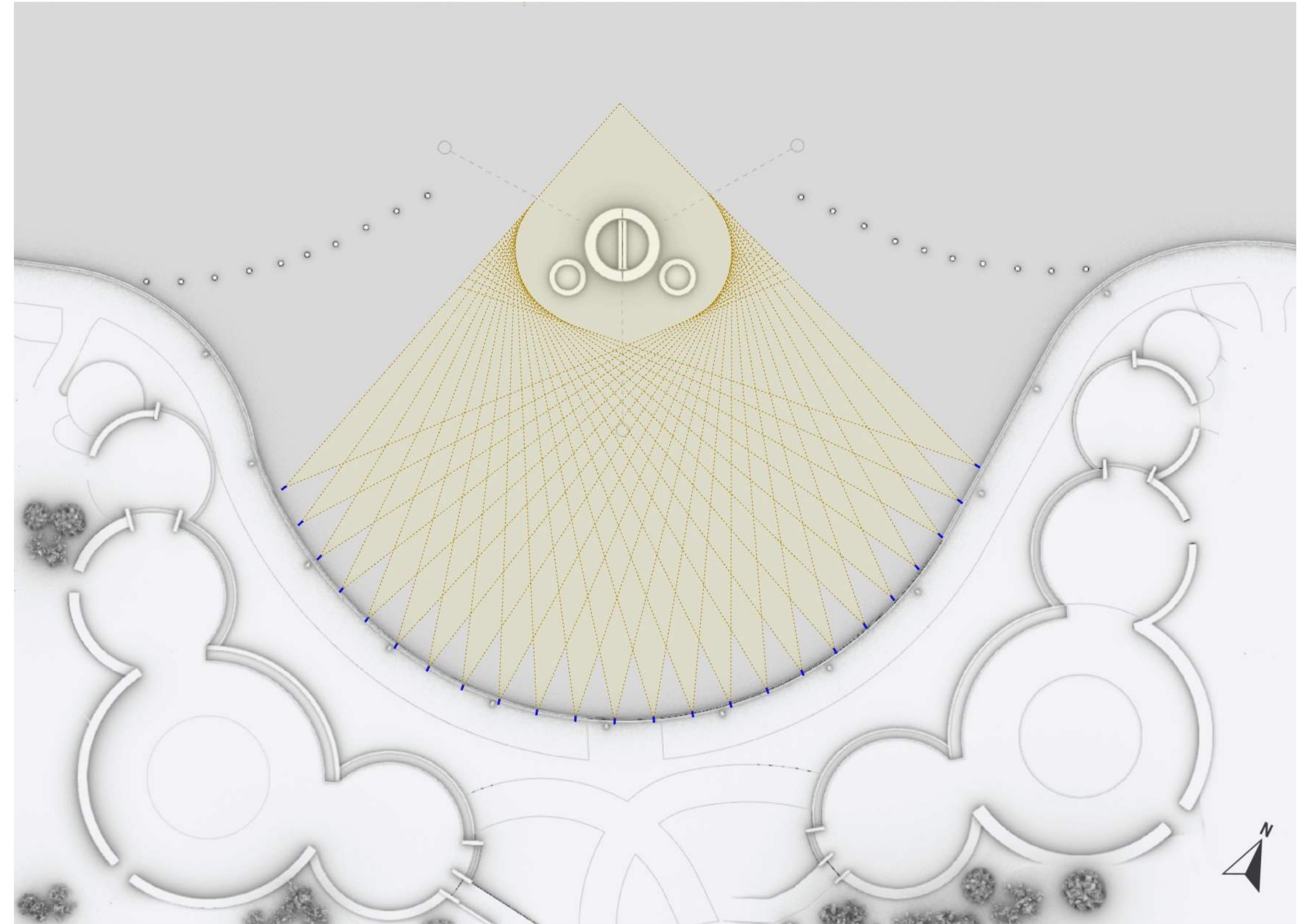


PROPERTIES

The Floating Fountain option features three floating rafts, one 24’ diameter central raft (slightly smaller than the existing Peace Fountain), and two 12’ rafts. The central raft is designed as two pieces—essentially two separate fountains that are connected together to form a larger single fountain—to enabling the fountain to be removed from the water with a land-based picker-truck, rather than using large and expensive barges and cranes from the riverside. The smaller, 12’ diameter rafts would be removed from the water for winter, and the larger raft is designed to remain in the water in winter. It would need to be removed from the water on occasion for maintenance.

In addition to the fountain, the belvedere would be ringed with a number of permanent augmented reality (AR) ‘viewers’ which visitors can look through to see the fountain effects augmented with additional visual narrative elements.





SUMMER PROGRAMMING

The fountain is designed to operate in a number of different modes at different times of day.

- **Fountain – Interactive Mode**

Visitors will have the opportunity to have a very special and cutting-edge moment mixing a fountain show with an augmented reality experience telling the stories (to be determined with the different stakeholders).

- **Fountain – Idle Mode**

When nobody is interacting with the fountain a pre-programmed sequence will animate the space. In this mode, the simplest nozzles will be mainly used to reduce energy use and wear-and-tear on the fountain equipment.

- **Fountain – Magical Moment**

At specific times of day, such as sunset and later in the evening, a more elaborate activation will take place with memorable music and fountain shows. Eventually, different versions of the show can alternate during the week to renew the visitor's interest.

LIGHTING

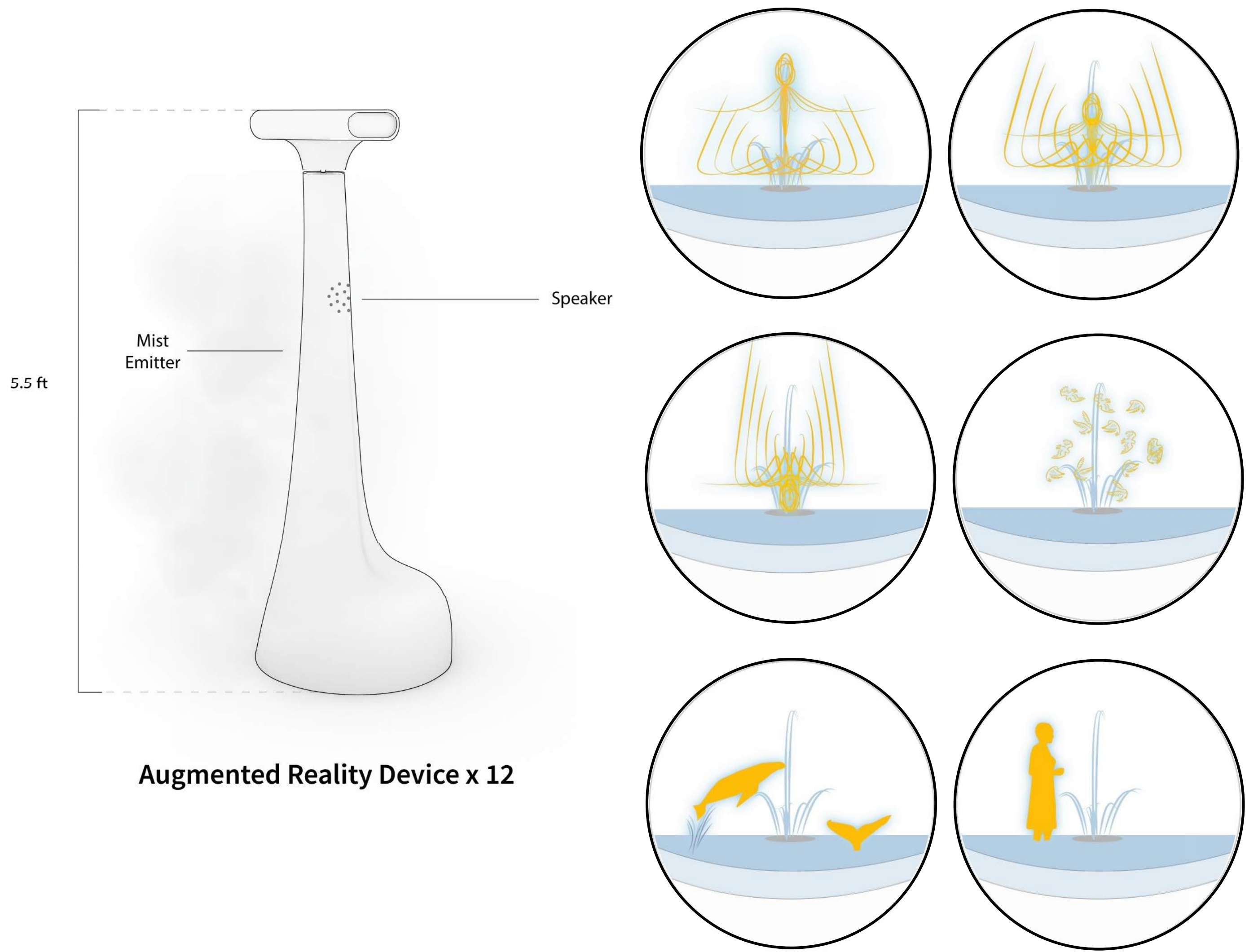
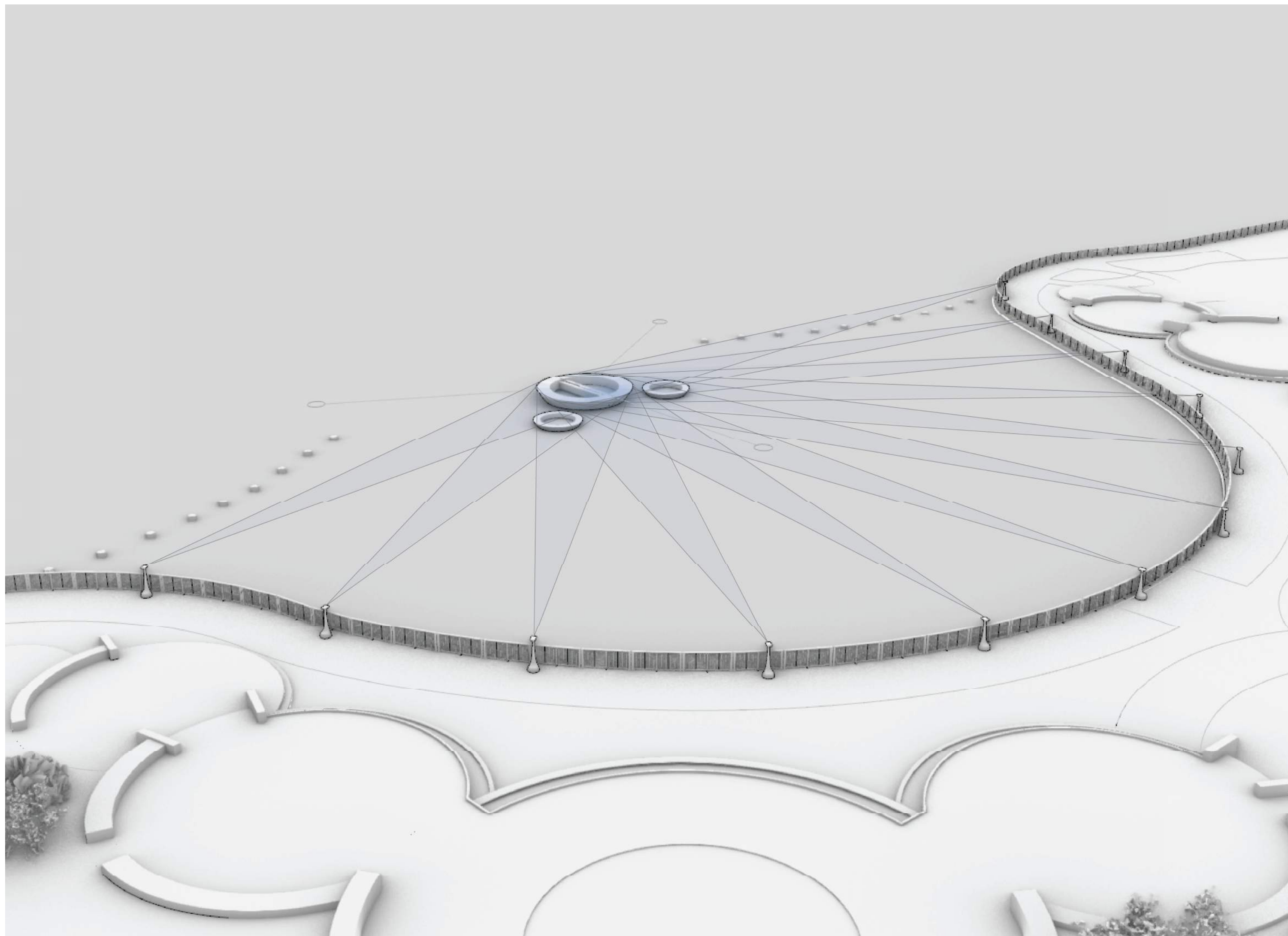
The lighting approach aims to go beyond what an ordinary fountain show offers and make out of Reaume Park a must-see touristic attraction.

Integrated Fountain Lighting

Each fountain nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls.

Land-based Lighting

Additional mechanized multifunction lighting instruments located around the perimeter of the bay will augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Also, these lighting instruments allow directing light rays in any direction and will offer a wide variety of artistic fresco marrying light patterns and water movement.



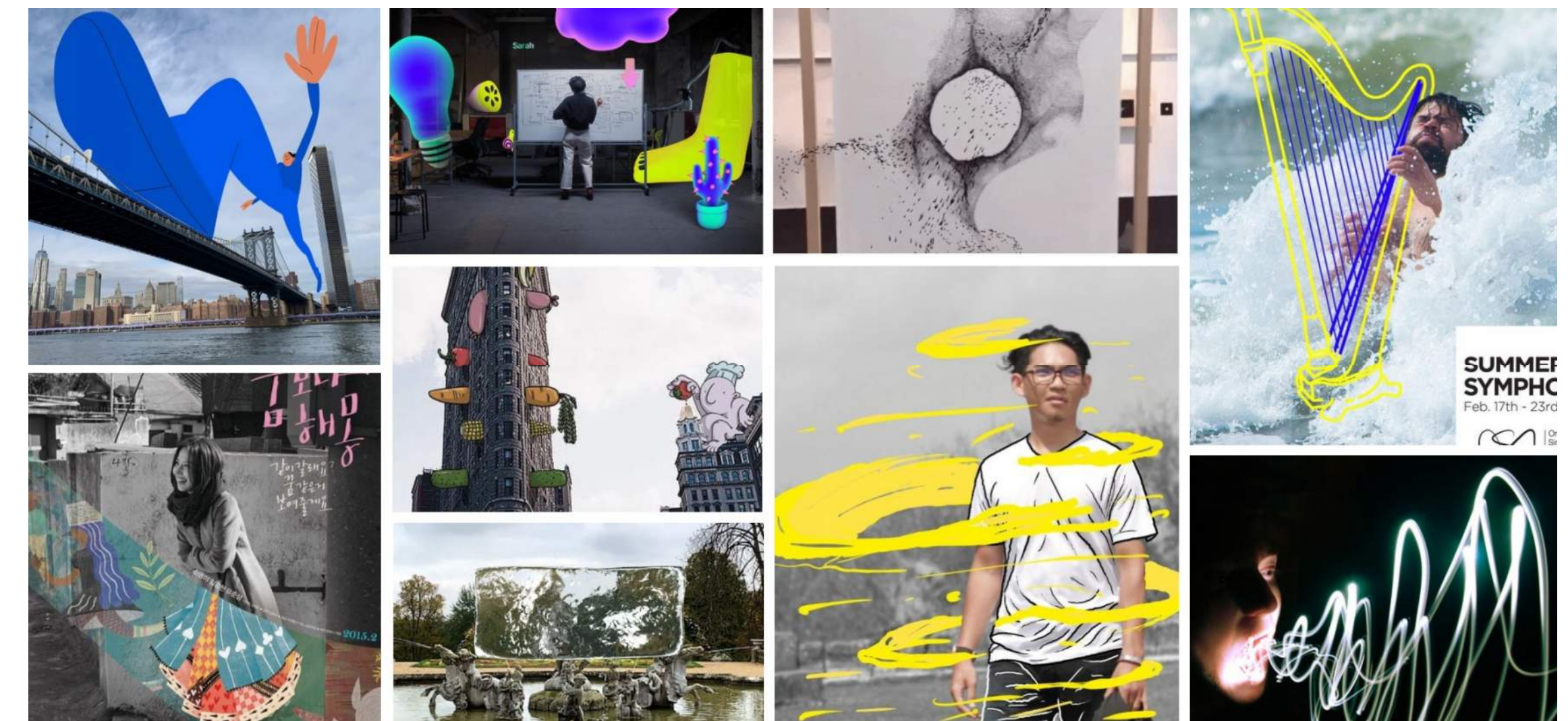
INTERACTIVITY – AUGMENTED REALITY

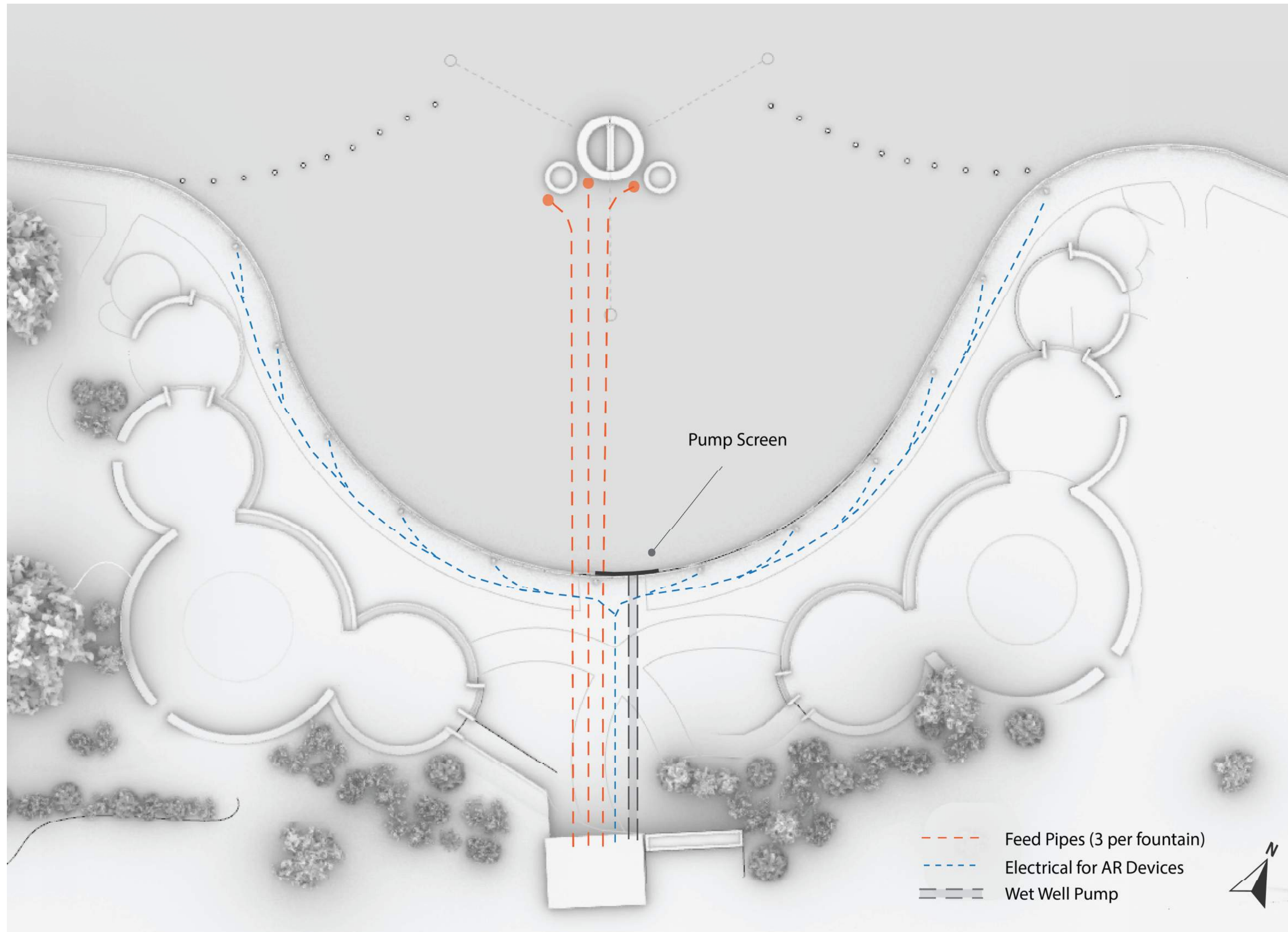
This option gives back an enhanced version of the fountain that is so iconic and loved by the population. Sitting right in the middle of the bay, we see this fountain as a metaphor for the traditional campfire around which the region’s peoples are coming to be together, to hear stories and share their precious moment.

The belvedere would be ringed with a twelve permanent augmented reality (AR) ‘viewers’ which visitors can look through to see the fountain effects augmented with additional visual narrative elements. These visual narrative overlays could be commissioned from local artists, and multiple ‘shows’ could be curated together, with each of the

twelve viewers showing a different effect, or having the overlays change seasonally or per a curated scheduled.

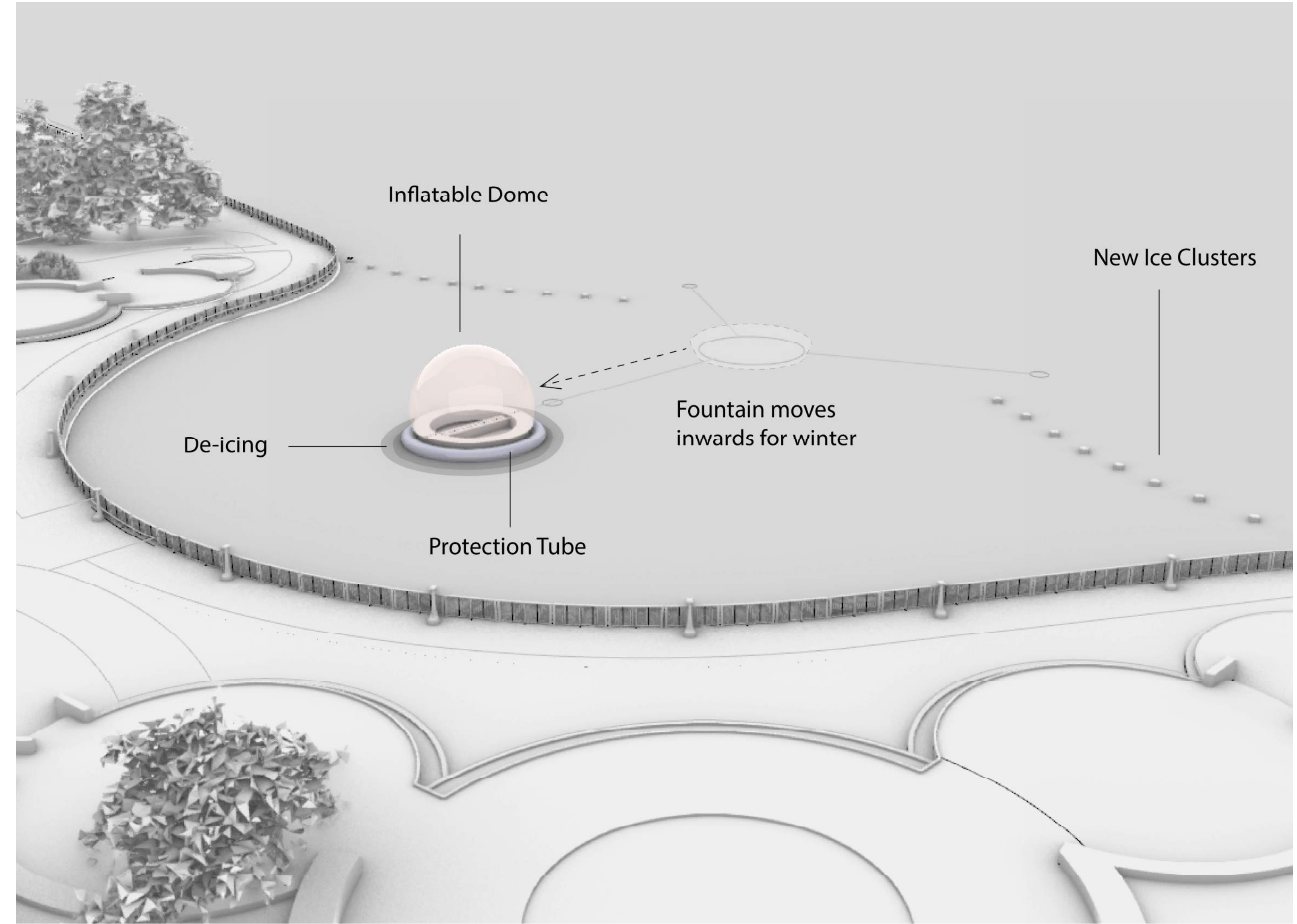
In interactive mode a dozen of binoculars will detect the visitor offering them to see the fountain in a very surreal way adding augmented reality content that no one else will be able to see. For example, this could include a 5 min loop of pre-rendered content with soundtrack (voice over + music) that is synchronized with fountain movements.





FOUNTAIN INFRASTRUCTURE

The current Peace Fountain’s pumps are located on the raft which creates a number of complications for operations and maintenance. At the request of the City’s Facilities team, we propose to locate the fountain pumps on land. To accomplish this, the existing service building would be expanded (roughly double the size) to house the pumps and new programming equipment for the fountain and lighting. This expanded service building would be built beside the existing service building and integrated into the landscape similar to the current building. A series of new underground pipes and electrical runs would be laid to service the fountain, and a 48” intake pipe would be required to connect from this expanded service building to the bay. Approximately nine pipes would run from the service building out to the fountains.



ICE MANAGEMENT

To allow the central raft to remain in the water in winter, de-icing equipment would be attached to the underside of the fountain. The deicing equipment produces bubbles to prevent ice formation when the water temperature drops below zero Celsius.

The central raft would move inwards away from the river and further into the bay. This is to create distance from ice pans in the river. A series of ice clusters at the edges of the bay prevent large chunks of ice from entering the bay. The fountain would be further protected from ice with deicing equipment attached to the underside of the fountain raft, as well as an inflatable tube surrounding the raft itself to protect it from any closer encounters with floating ice.





WINTER PROGRAMMING

Unlike the current Peace Fountain which has to be removed in winter, Memories is designed to remain in the water in winter. During the winter when the fountain would not be operating, a spherical inflatable cover used to protect the fountain equipment would serve as a canvas for a multimedia projection show. Multi-media shows could be commissioned from local artists, and multiple 'shows' could be curated together. This orb-like feature could also be programmed more generally with lighting effects in response to seasonal holidays and civic events. Through its alluring glowing form floating on the water, as well as ever-changing lighting displays, Memories can transform Reaume Park into a winter destination.

The projection surface would be a replaceable lightweight inflatable membrane, durable enough to last multiple seasons. UV exposure and wind are the two main considerations for a functional, durable cover. PVC coated polyester has inherent resistance to UV and would be used for the lightweight membrane. Pressure regulation with minimal electricity usage would be an important factor for resistance against wind gusts. In addition to structural function, the dome will serve an aesthetic function of displaying projections. This requires a balance of selecting a fabric that is strong, yet can display an image.



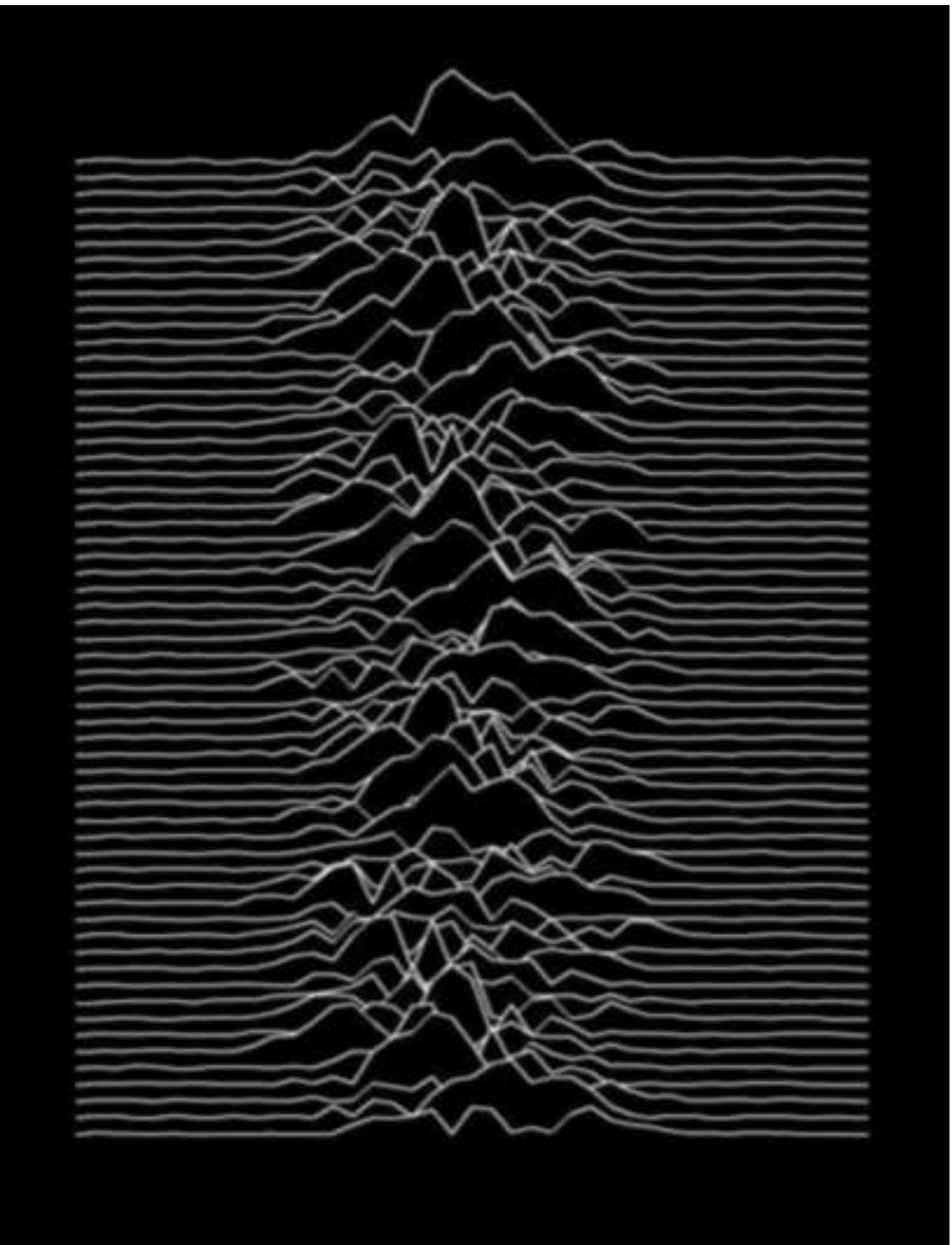
THE BOARDWALK

CONCEPT

The Detroit River is the artery of Windsor-Detroit.

For millennia the river has been a vital site of connection, trade, and ecology. It's also been a site of constant dynamism, with the river changing throughout the seasons and years. The current Peace Fountain floats on the Detroit River, however this results in a number of technical challenges responding to the constant changes of the river. The Boardwalk is a fountain that recognizes the importance of the river, and rather than floating in the river, rings the belvedere at Reaume Park creating a fountain that reimagines the relationship of public experience and the Detroit River. The Boardwalk builds on the qualities of calmness and peacefulness in Reaume Park by focusing attention to the Detroit River—the fountain jettisons water out into the bay, creating a direct connection between land and water. It also integrates new seating and lighting, creating better experiences for park goers. The Boardwalk creates a flood barrier, limiting or reducing flooding in parts of Reaume Park caused by high water levels in the River.

As the Boardwalk is situated on the belvedere at Reaume Park, its proximity to people creates a unique opportunity for interactivity. All around the walkway, the presence and movement of visitors trigger different fountain effects, such as water shapes during the day, and shape and color at night. It is family oriented and becomes a vast playground both for the kids during the day and for the older kid of all ages during the evening. The Boardwalk can operate in all seasons and can help transform Reaume Park into a year-round destination of unique seasonal experiences.





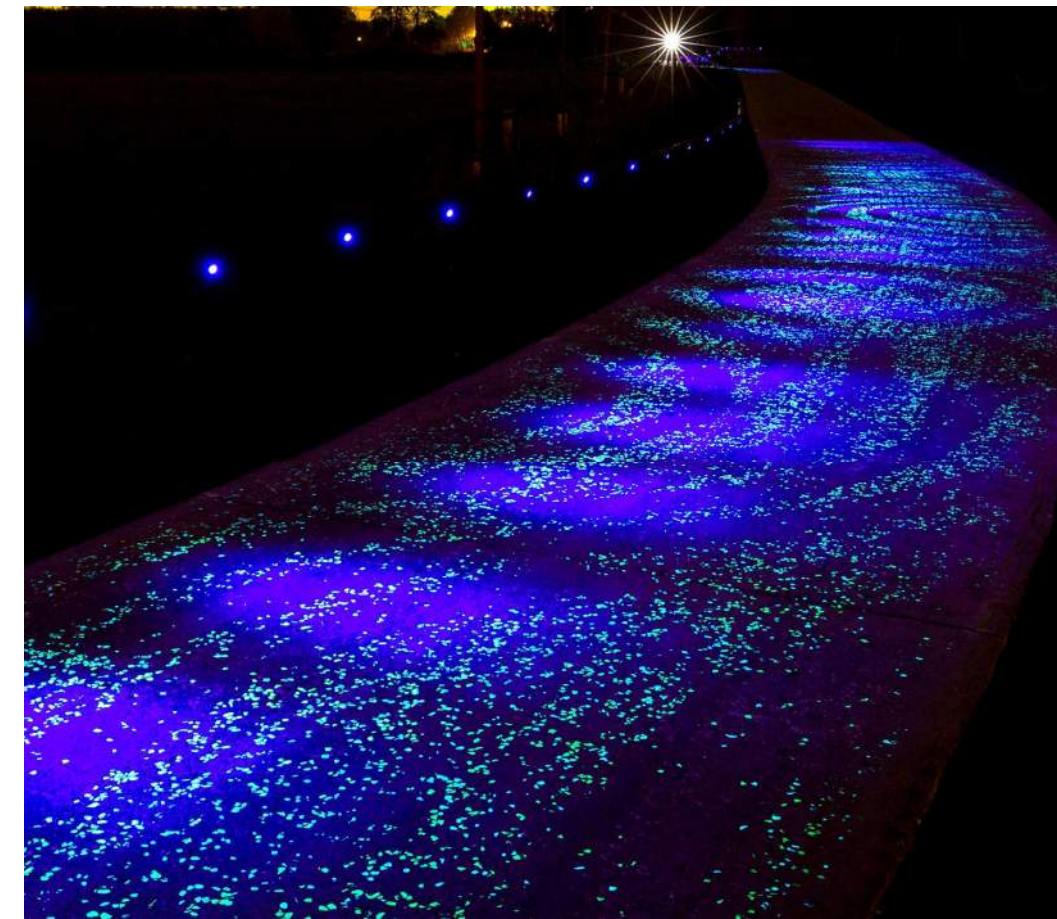


REIMAGINED PLAZA

The Boardwalk reinvigorates the belvedere around the bay at Reaume Park, introducing a new fountain that also serves to improve the plaza itself. The Boardwalk replaces the existing guardrail around the bay with a new fountain infrastructure housed in a series of repeating precast concrete enclosures. These precast units fulfil a number of functions: they house all the fountain nozzles and pipes (locating all the equipment on land for easy maintenance access), creates an integrated guardrail, and creates a flood barrier for the belvedere. These precast elements also include a 'engagement hand rail' along its edge which houses sensors and interactive components that allow visitors actions to have an effect on the fountain's water movements and lighting schemes. Rippling out and away from this new fountain is a new surface treatment for the plaza that incorporates additional seating and engaging lighting.

ILLUMINATED BOARDWALK

The plaza would include integrated 'glow-in-the-dark' pebbles that create exciting lighting effects at night. On cloudy days, or day with less sunlight, the pebbles can be activated or augmented with artificial lighting integrated in the handrail of the fountain infrastructure.





SUMMER PROGRAMMING

The fountain is designed to operate in a number of different modes at different times of day.

- **Fountain – Interactive Mode**

Visitors will have the opportunity to interact with the fountain in different manners. First their presence will be detected which will cause a wave to form and follow their movement. Second 12 interactive stations around the bay will allow the visitors to control a certain part of the fountain, in terms of shape and colors. Even their heartbeat will translate into fountain effect. Also, integrated into the floor, a luminous installation will also react to the people's presence.

- **Fountain – Idle Mode**

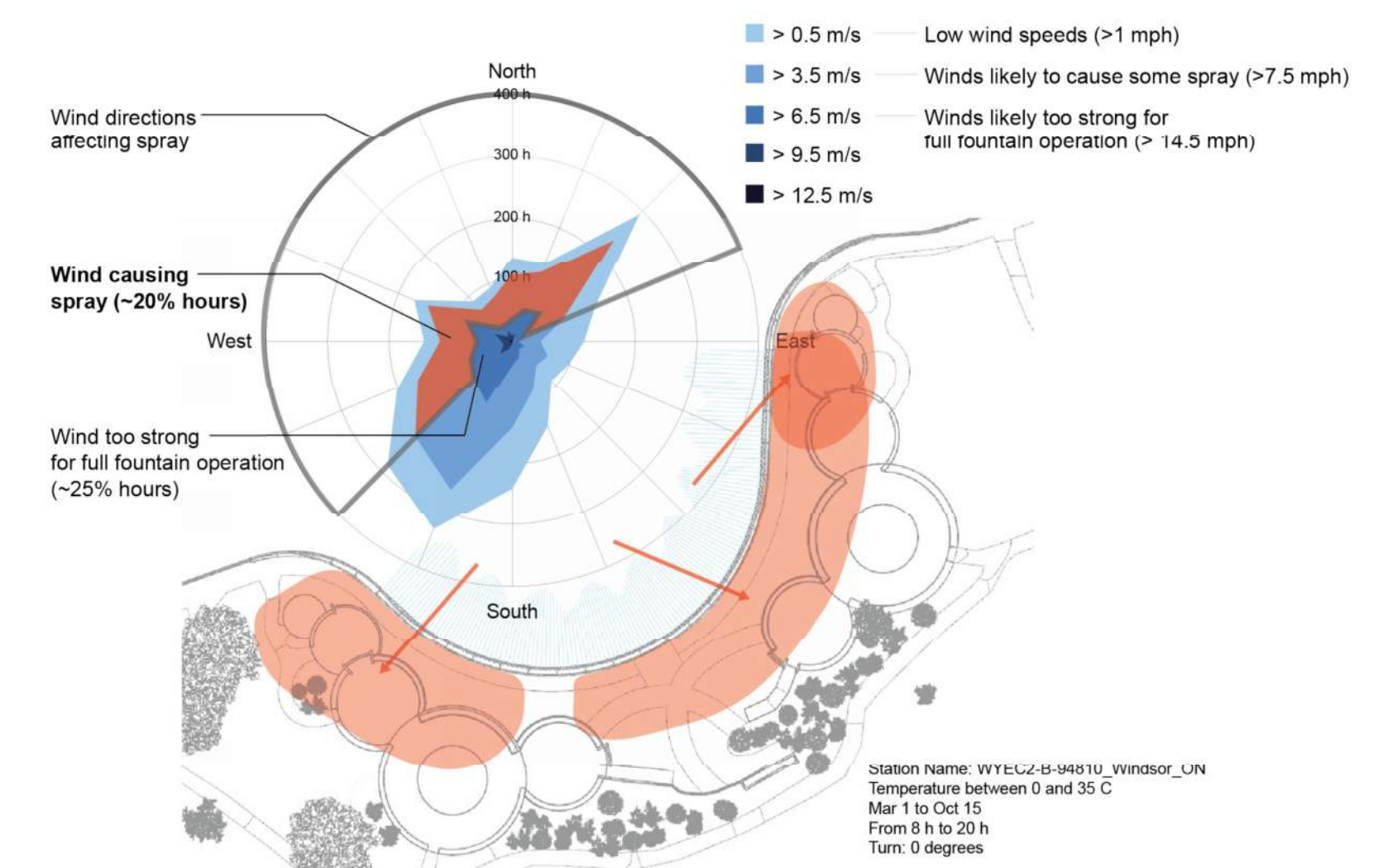
When nobody is interacting with the fountain, a calming a pre-program sequence of fountain movement will animate space.

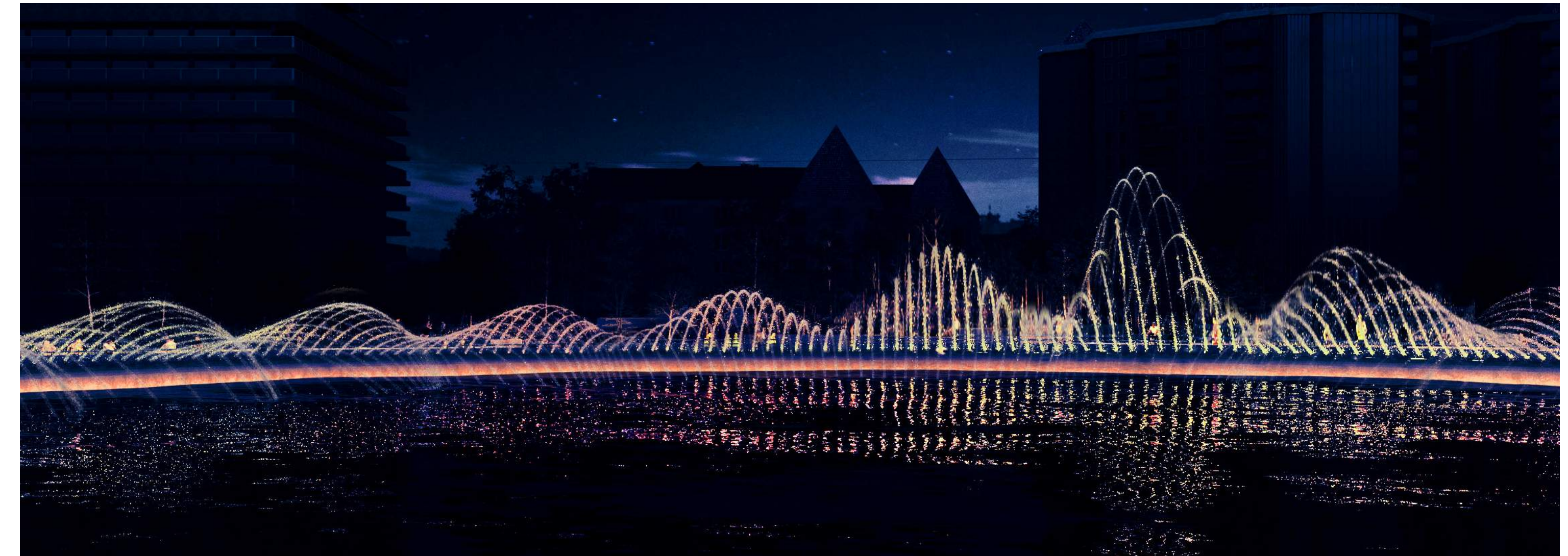
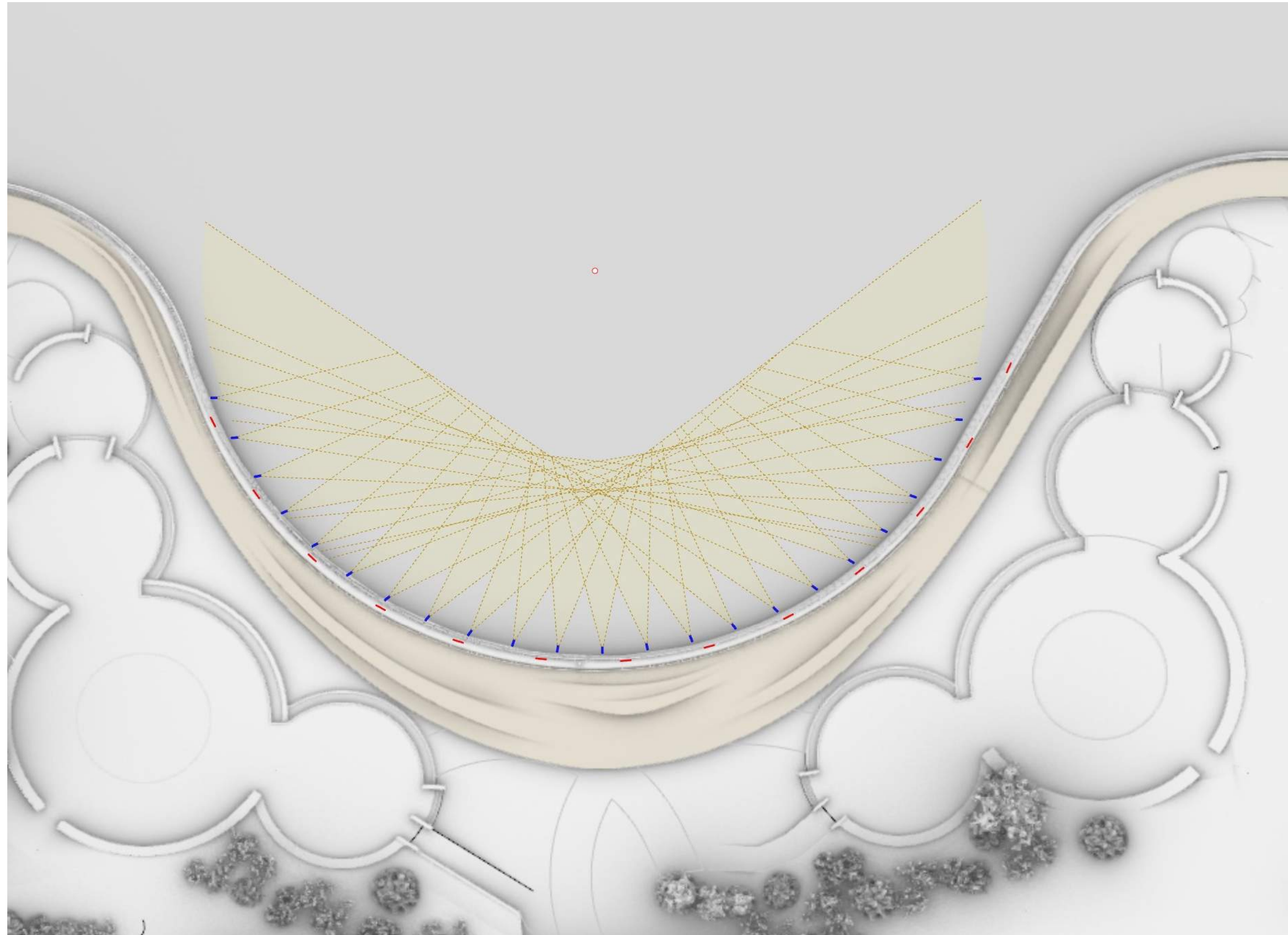
- **Fountain – Magical Moment**

At specific times of day, such as sunset and later in the evening, a amore elaborate activation will take place with memorable music and fountain shows. Eventually, different versions of the show can alternate during the week to renew the visitor's interest

Effects of Wind

Between May 1 and October 15, approximately 20% of operating hours are likely to experience conditions where wind can cause water spray on the plaza. The red arrows and shaded areas on the diagram show the most likely directions to be affected by wind. During this same period, approximately 25% of operating hours are likely to experience wind speeds above 6.5 m/s which may be too strong for full fountain operation. Excess fountain spray may be mitigated by decreasing the height of water jets or by using wind sensors to limit the use of nozzles facing the wind. Water spray would be beneficial to outdoor comfort during periods of hot outdoor temperatures.





LIGHTING

The lighting approach aims to go beyond what an ordinary fountain show offers and make out of Reaume Park a must-see touristic attraction.

Integrated Fountain Lighting

Each fountain nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls.

Land-based Lighting

Additional mechanized multifunction lighting instruments located around the perimeter of the bay will augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Also, these lighting instruments allow directing light rays in any direction and will offer a wide variety of artistic fresco marrying light patterns and water movement.

INTERACTIVITY

This option is family oriented. It become a vast playground both for the kids during the day and for the older kid of all ages during the evening. All around the walkway, the presence and movement of visitor trigger different fountain & multimedia effects.

- **Interactive Mode 1 - "Walk by"**
As visitor walk closer to the edge of water their presence is detected and a wave begin to follow . This liquid twin will also induce a sound effect that will also follow the visitor.
- **Interactive Mode 2 - "Artful Play"**
Gives the interactors control over the shape and color of the effect the water jet produces. 12 interactive position will be spread around the perimeter of the safety fence.

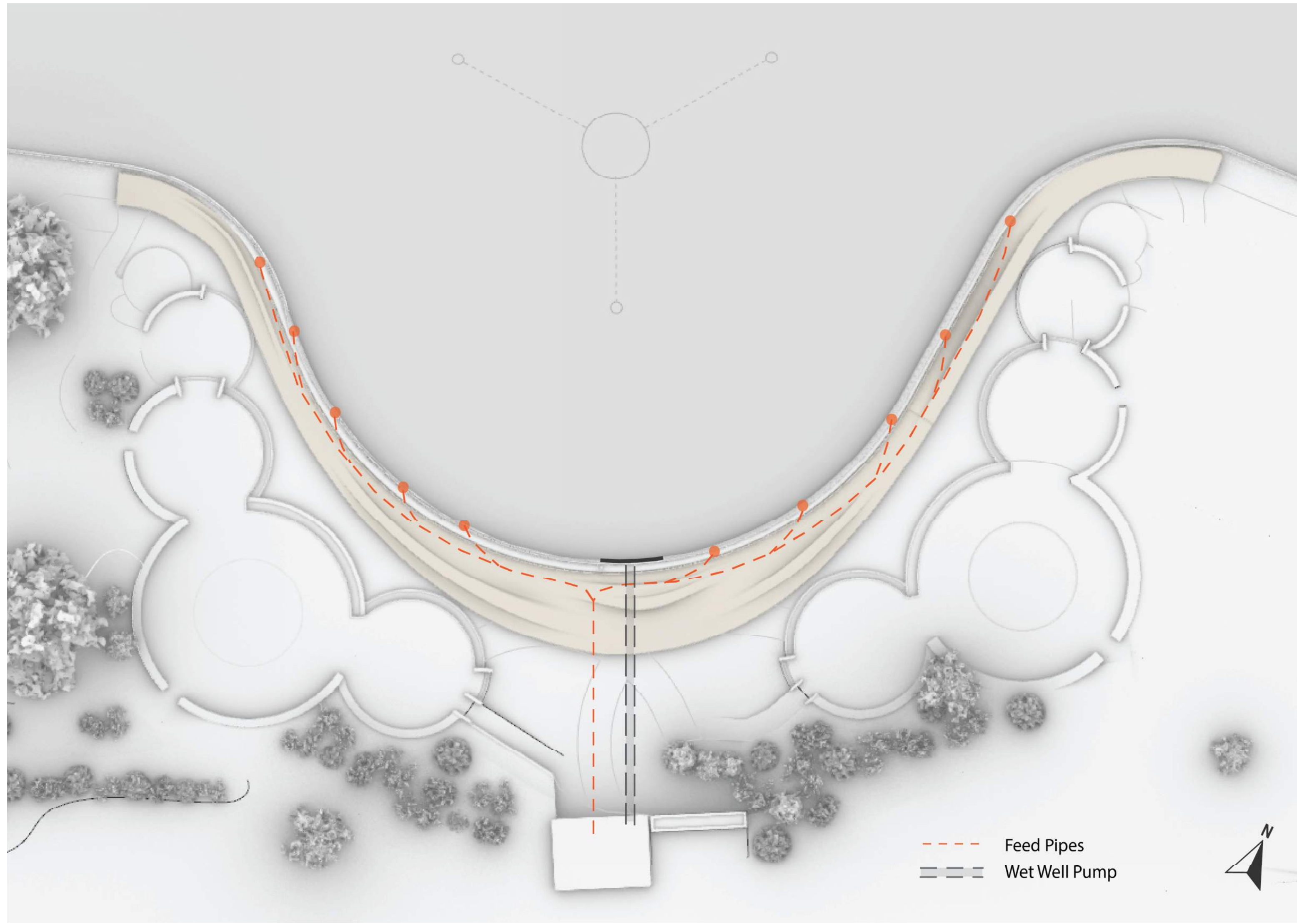




WINTER PROGRAMMING

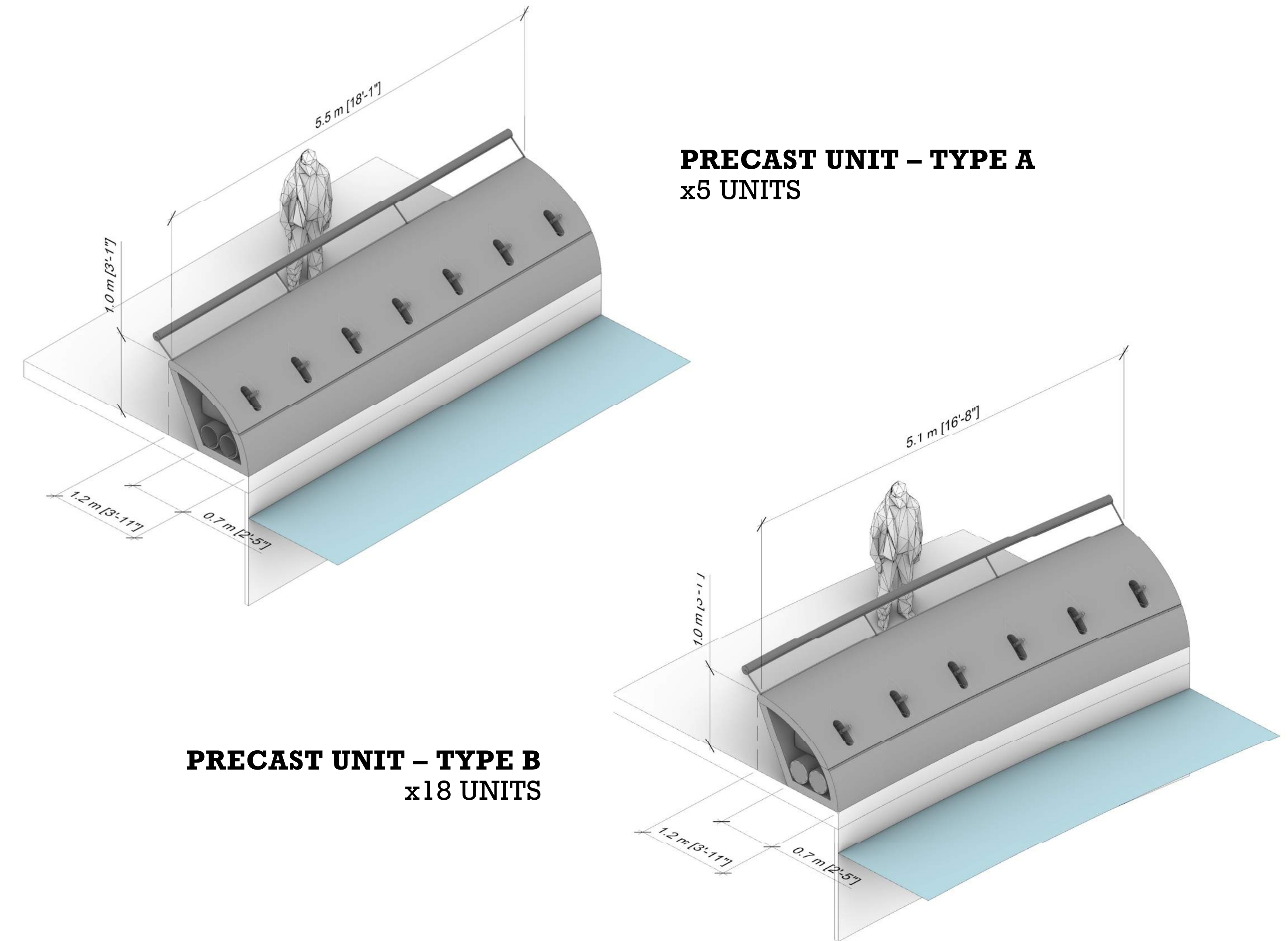
In winter, the Boardwalk's primary programming is lighting. Taking advantage of long nights and short days, lighting effects are enhanced, including programmed lighting in the plaza, fully programmable illumination effects along the boardwalk, as well as interactive components. The interactive sensors and inputs that are integrated into the handrail can remain active in winter, though rather than influencing waterflow it can affect lighting on the boardwalk.





FOUNTAIN INFRASTRUCTURE

The existing service building would be expanded (roughly double the size) to house the pumps and new programming equipment for the fountain and lighting. This expanded service building would be built beside the existing service building and integrated into the landscape similar to the current building. A series of new underground pipes and electrical runs would be laid to service the fountain, and a 48" intake pipe would be required to connect from this expanded service building to the bay. Transformers for 24v control will be located on the fountain structures.



CONSTRUCTION STRATEGY

The Boardwalk replaces the existing guardrail around the bay with a new fountain infrastructure housed in a series of repeating precast concrete enclosures. These precast units fulfil a number of functions: they house all the fountain nozzles and pipes (locating all the equipment on land for easy maintenance access), creates an integrated guardrail, and creates a flood barrier for the belvedere. These precast elements also include a 'engagement hand rail' along its edge which houses sensors and interactive components that allow visitors actions to have an effect on the fountain's water movements and lighting schemes.



THE ARCH

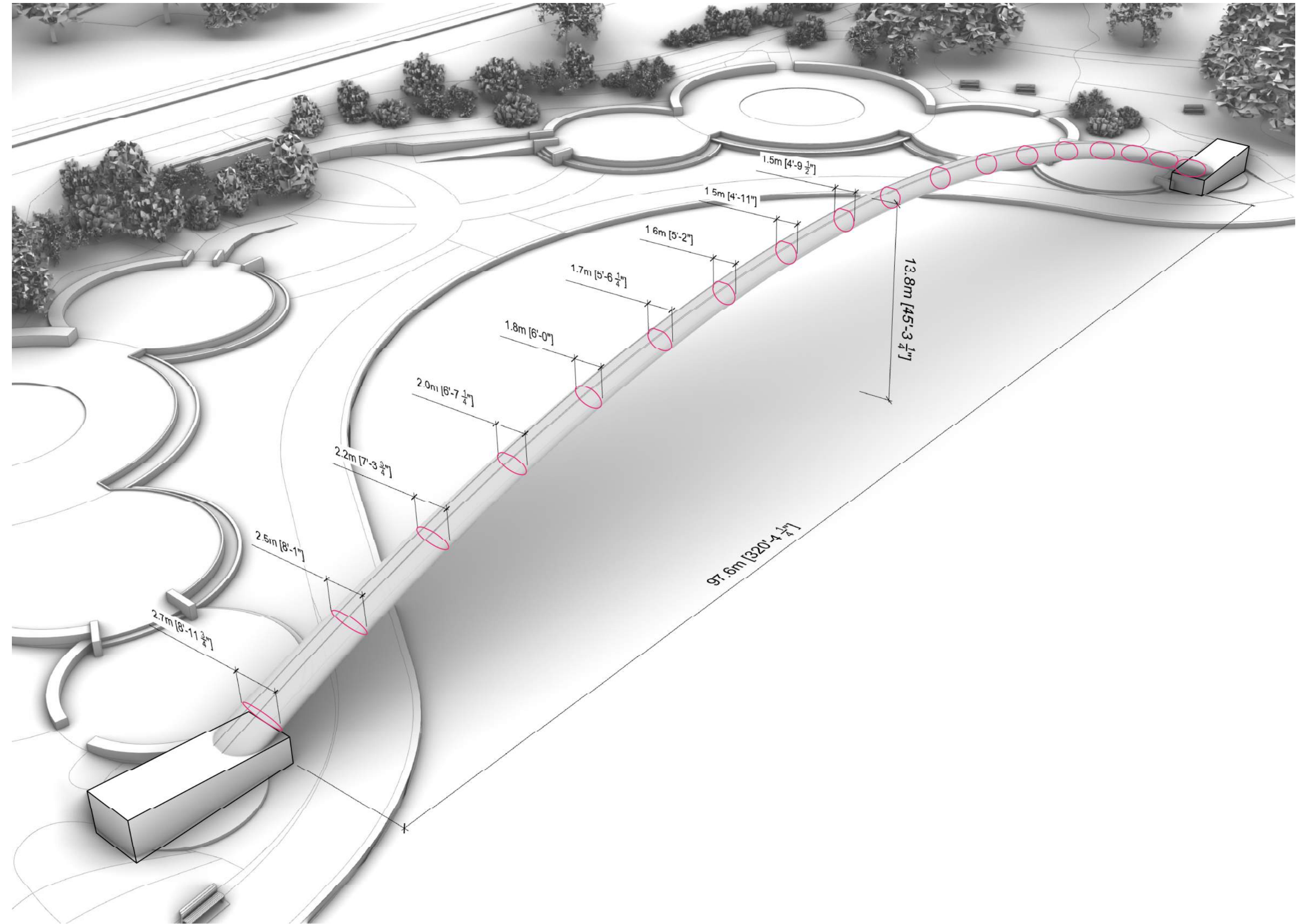
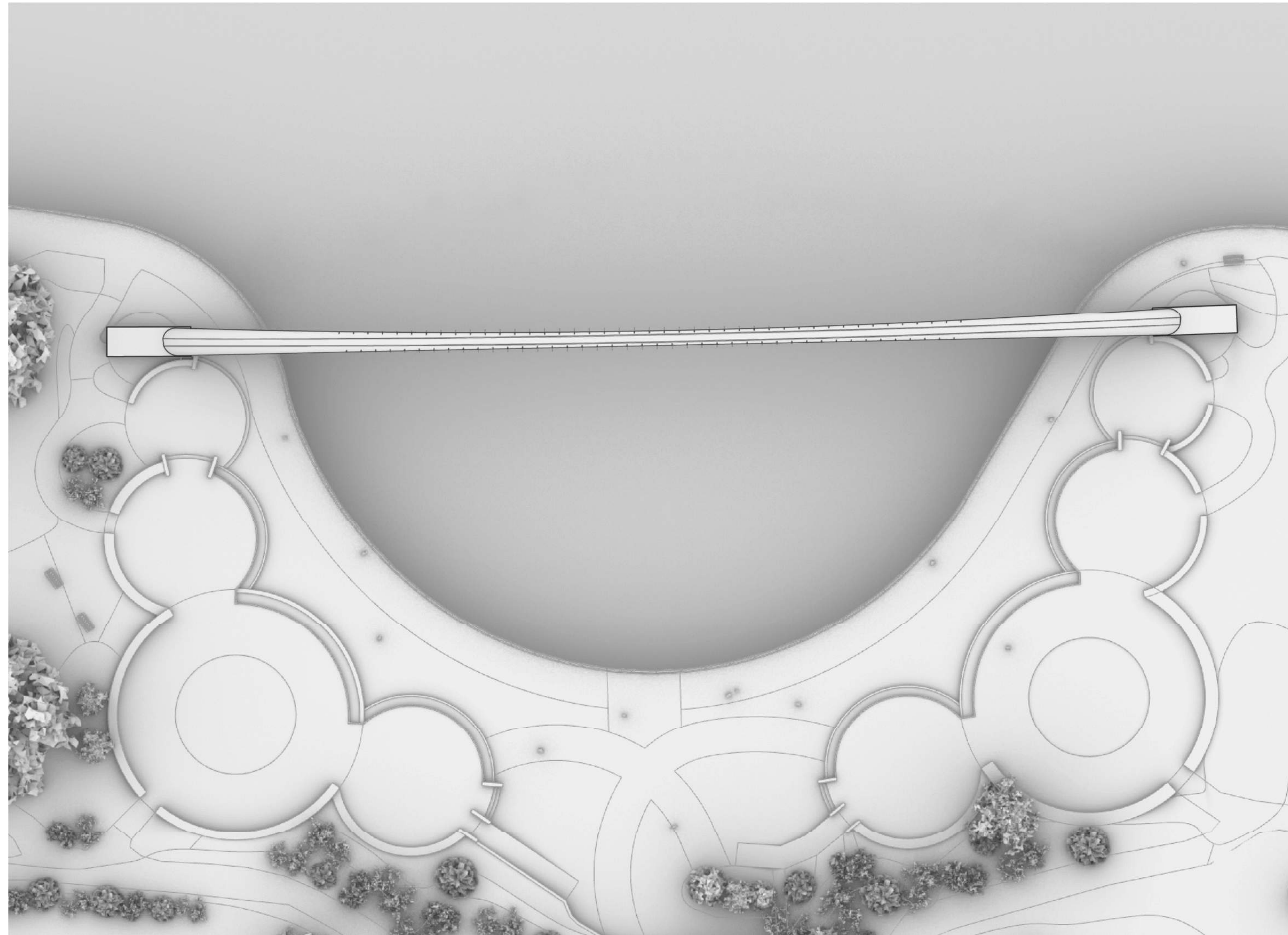
CONCEPT

The Peace Fountain is an international fountain.

Sited on an international boarder in one of the busiest commercial waterways in the world, it reflects the relationship between Windsor and Detroit. The Arch is a fountain built on the idea of connection. It evokes the relationship of Windsor and Detroit, and references the bridges that cross the river, solidifying this important trade route. The Arch frames views towards Detroit and Belle Isle—its height, water display, and lighting give the fountain visibility from Windsor and Detroit. The Arch has a calming presence—its geometry building from the existing geometry of the belvedere at Reaume Park. It creates a new landmark for the park with an innovative water feature, showcasing Windsor as a city of innovation much in the same way that the original Peace Fountain did when it opened 43 years ago.

The Arch features a unique and evocative water display building on the concept of a bridge between cultures and peoples. An impressive 250-foot-long water sculpture will evoke in its movement and it's shape the bridge between two countries, its circulation and the spreading effect of the socio-economic benefit.

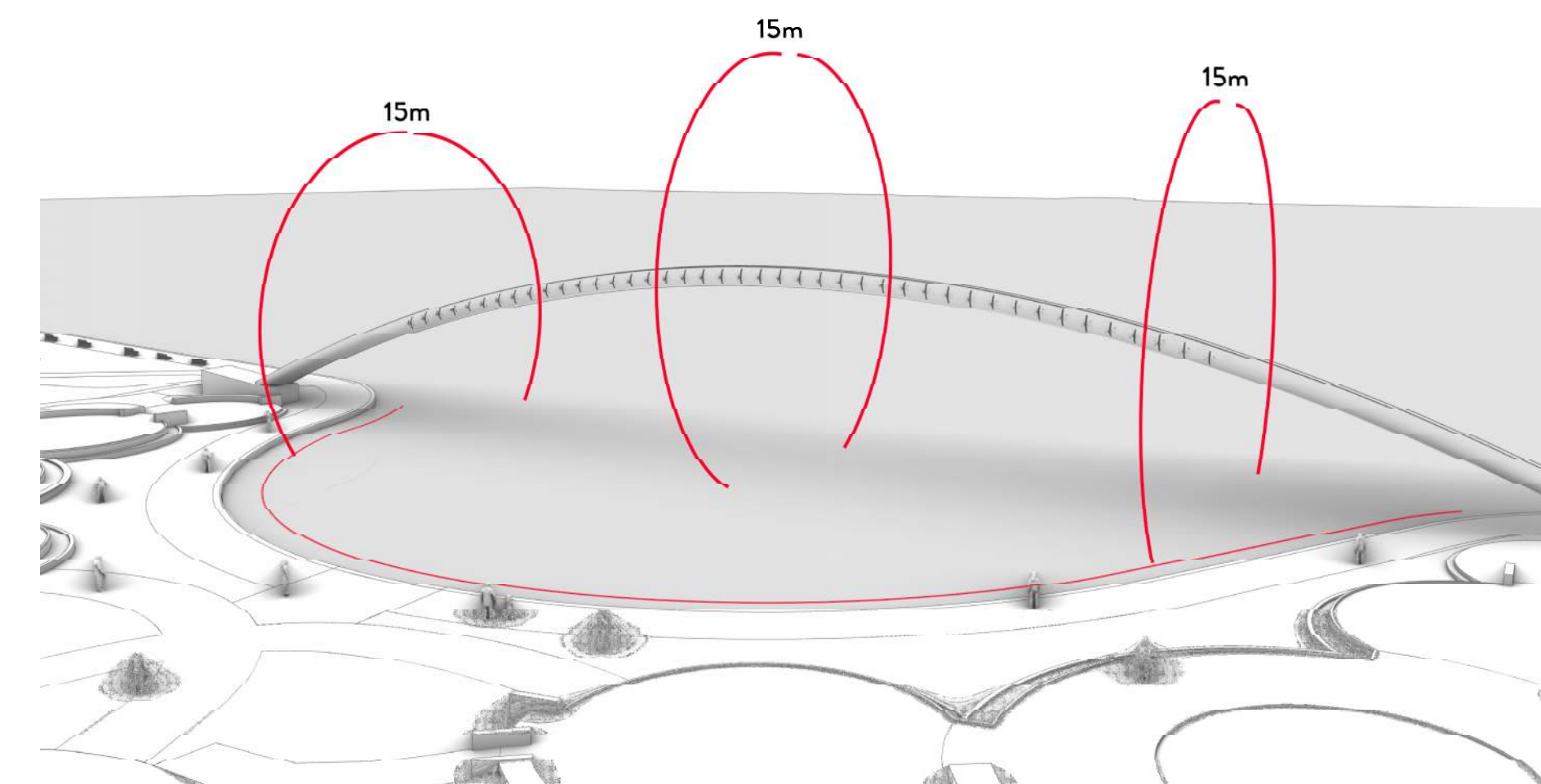




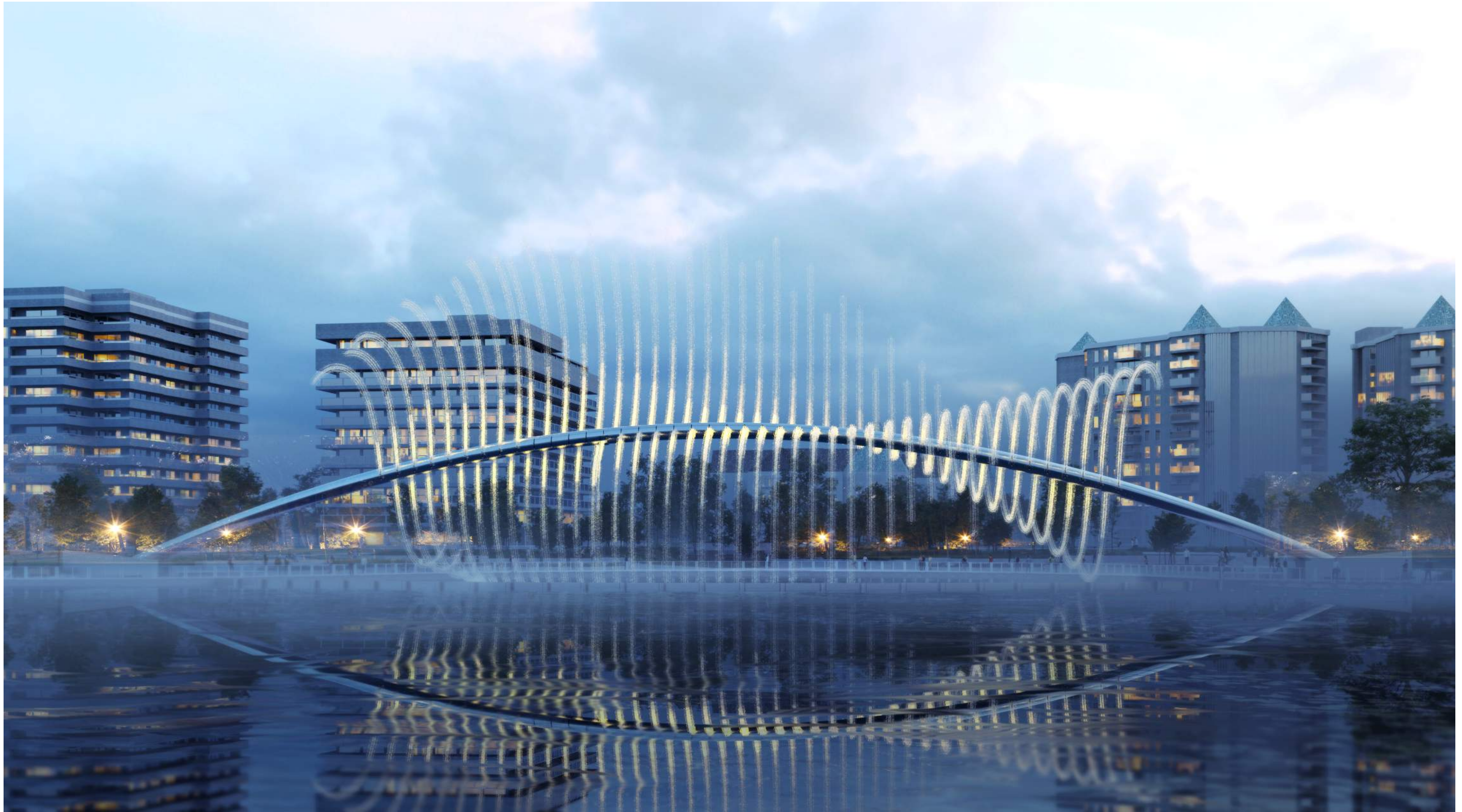
PROPERTIES

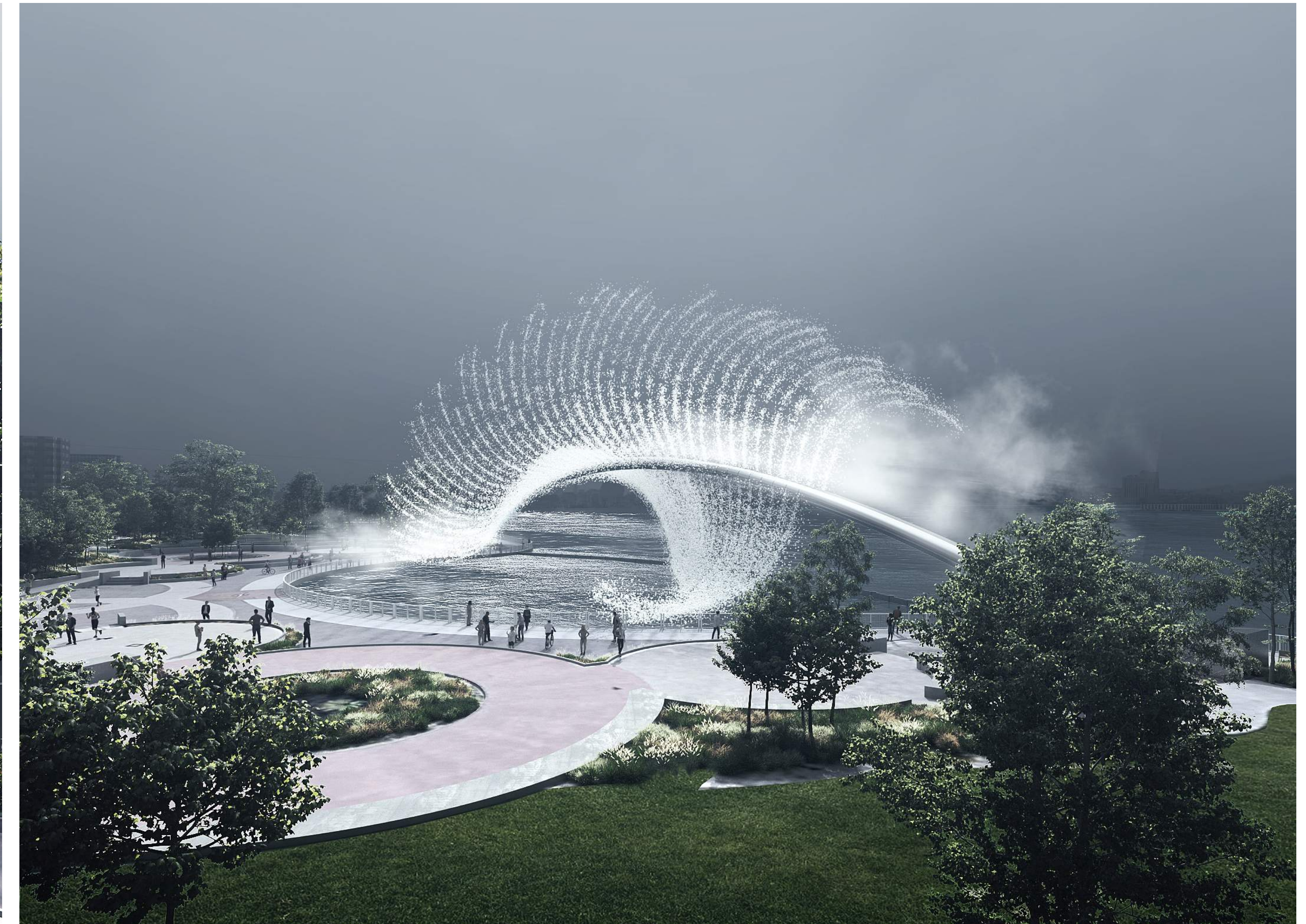
The Arch is a 98m long, 14m tall steel arch spanning above the bay at Reaume Park. Unlike the current Peace Fountain where all of the fountain equipment is in the water and has to be removed in winter, the Arch houses all of the fountain infrastructure high above the water and can remain in place in winter. This creates many unique opportunities to create an innovative fountain with a variety of waterflow concepts.

WATERFLOW



The Arch is designed for 360 degrees of waterflow, with a throw of up to 15m. The location of the nozzles has been calibrated to ensure water only throws into the bay. Sensors would constantly measure wind speed and direction and adjust the water pressure and nozzle activations as necessary to reduce water spray onto the belvedere.





SUMMER PROGRAMMING

The fountain is designed to operate in a number of different modes at different times of day.

- **Fountain – Interactive Mode**

Visitors will have the opportunity to have a very special and cutting-edge moment mixing a fountain show with an augmented reality experience telling the stories (to be determined with the different stakeholders).

- **Fountain – Idle Mode**

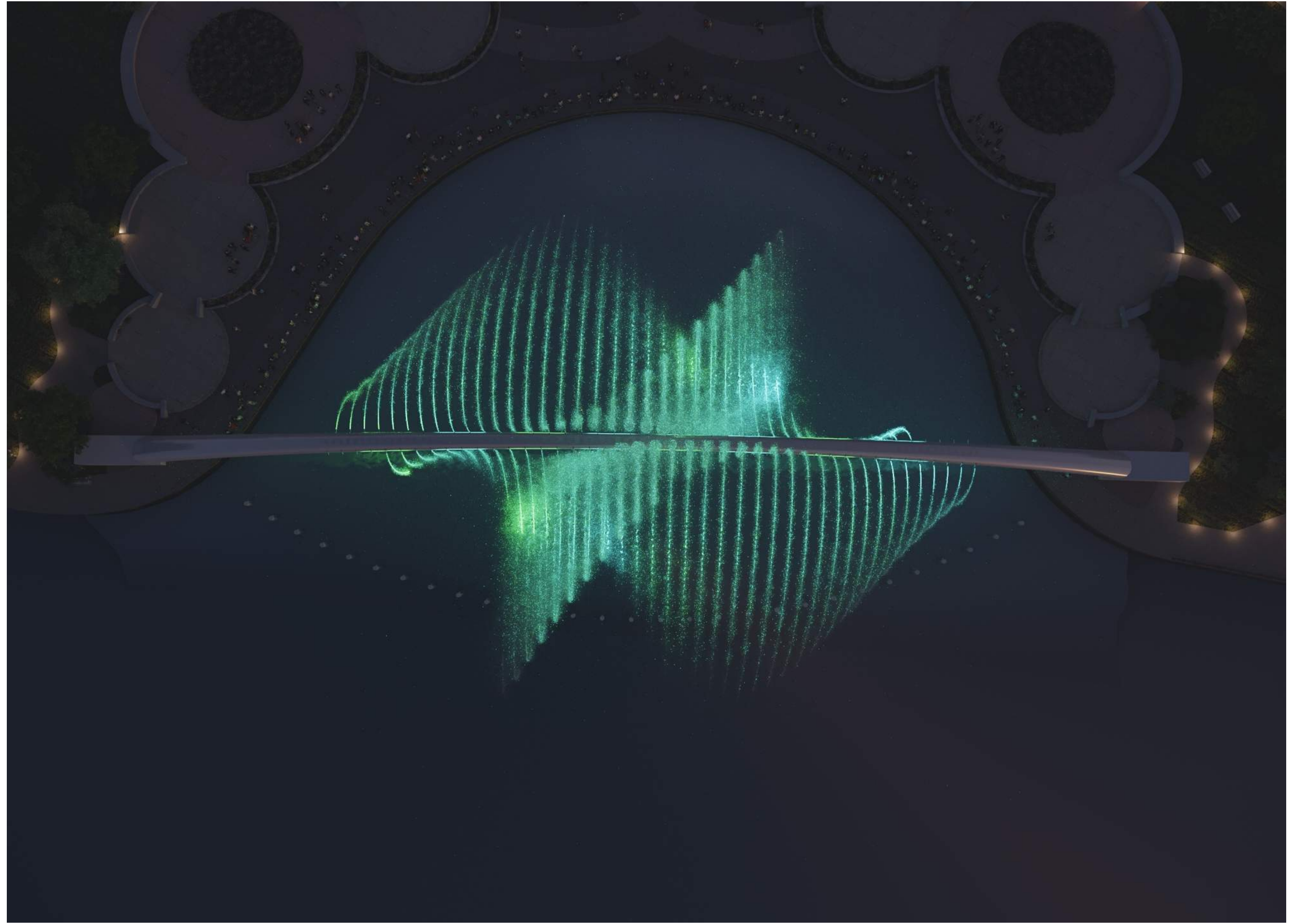
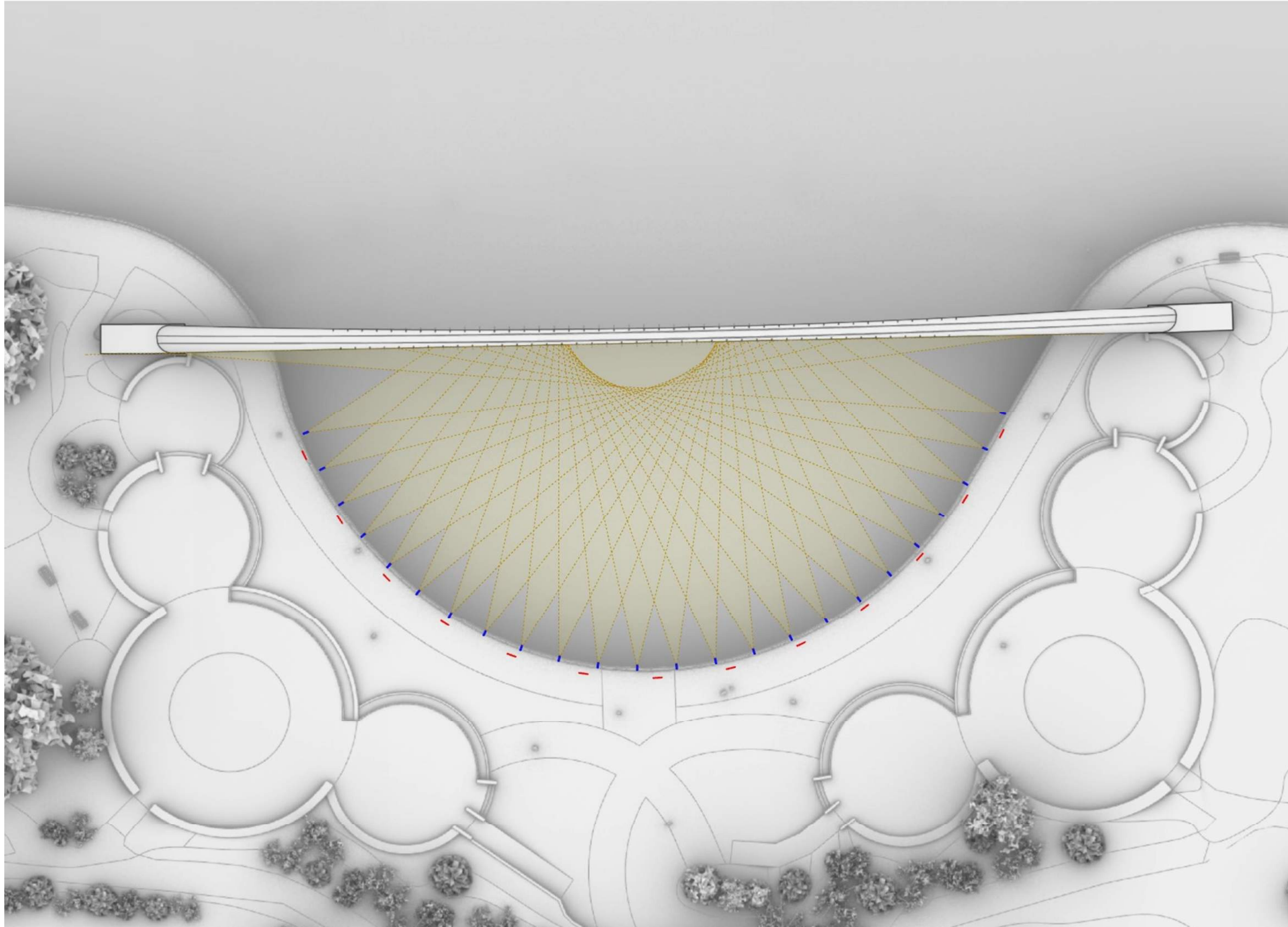
When nobody is interacting with the fountain a pre-programmed sequence will animate the space. In this mode, the simplest nozzles will be mainly used to reduce energy use and wear-and-tear on the fountain equipment. In Idle mode the fountain can also develop effects that are ‘indexed’ to other activities in the City of Windsor, such as

a measure of the traffic flow on the Ambassador Bridge.

- **Fountain – Magical Moment**

At specific times of day, such as sunset and later in the evening, a more elaborate activation will take place with memorable music and fountain shows. Eventually, different versions of the show can alternate during the week to renew the visitor's interest.

Additionally, the Arch fountain would be interactive with the wind. Using wind sensors, the waterflow would adjust in real-time to wind effects, in part to reduce water spray onto the plaza, but also as a choreography strategy. In extreme wind conditions the fountain may temporarily turn-off its waterflow.



LIGHTING

The lighting approach aims to go beyond what an ordinary fountain show offers and make out of Reaume Park a must-see touristic attraction.

Integrated Fountain Lighting

Each fountain nozzle would include integrated lighting that follows the path of the waterflow. Both nozzles and lighting are fully programmable with DMX controls.

Land-based Lighting

Mechanized multifunction lighting instruments located around the perimeter of the bay will augment the fountain show with layers of magic, adding depth of color, materiality, and texture, magnifying the water's presence. Also, these

lighting instruments allow directing light rays in any direction and will offer a wide variety of artistic fresco marrying light patterns and water movement.

Arch-based Lighting

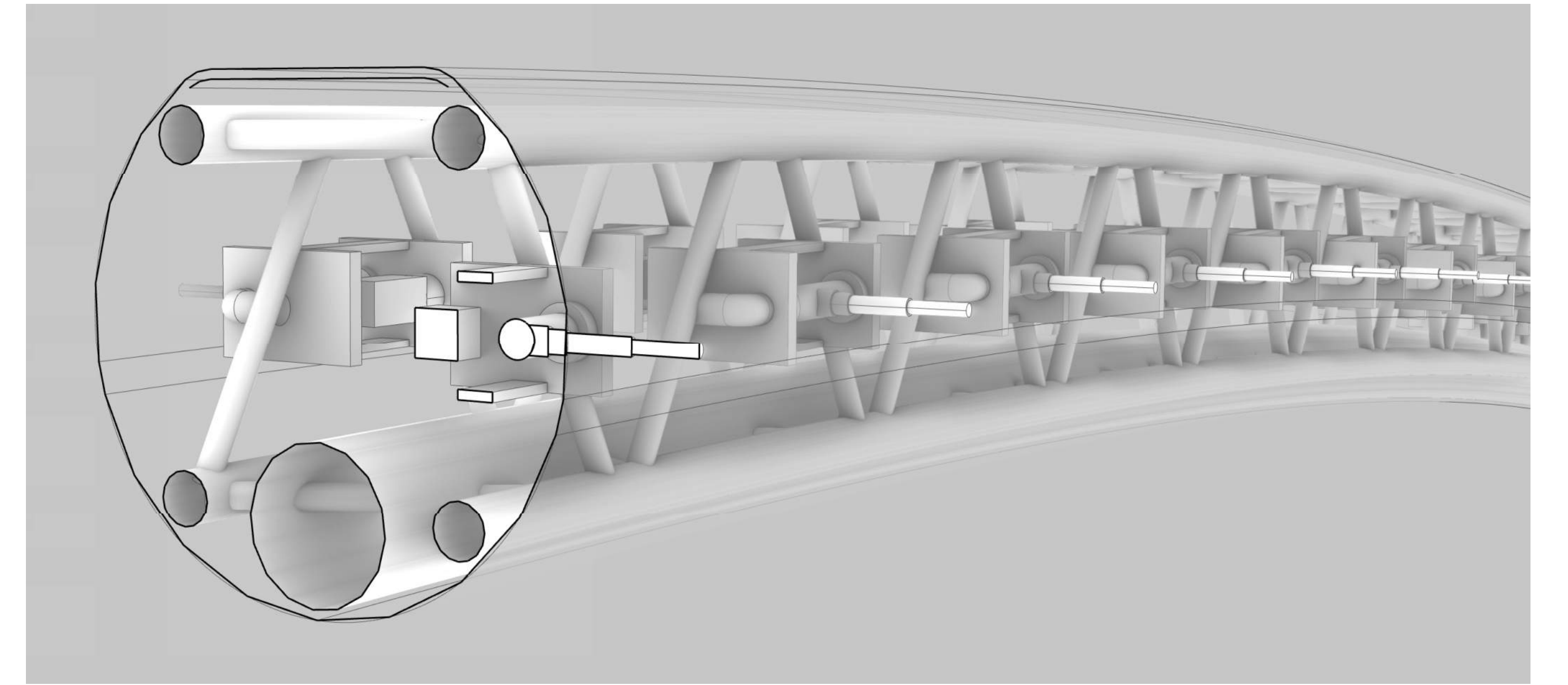
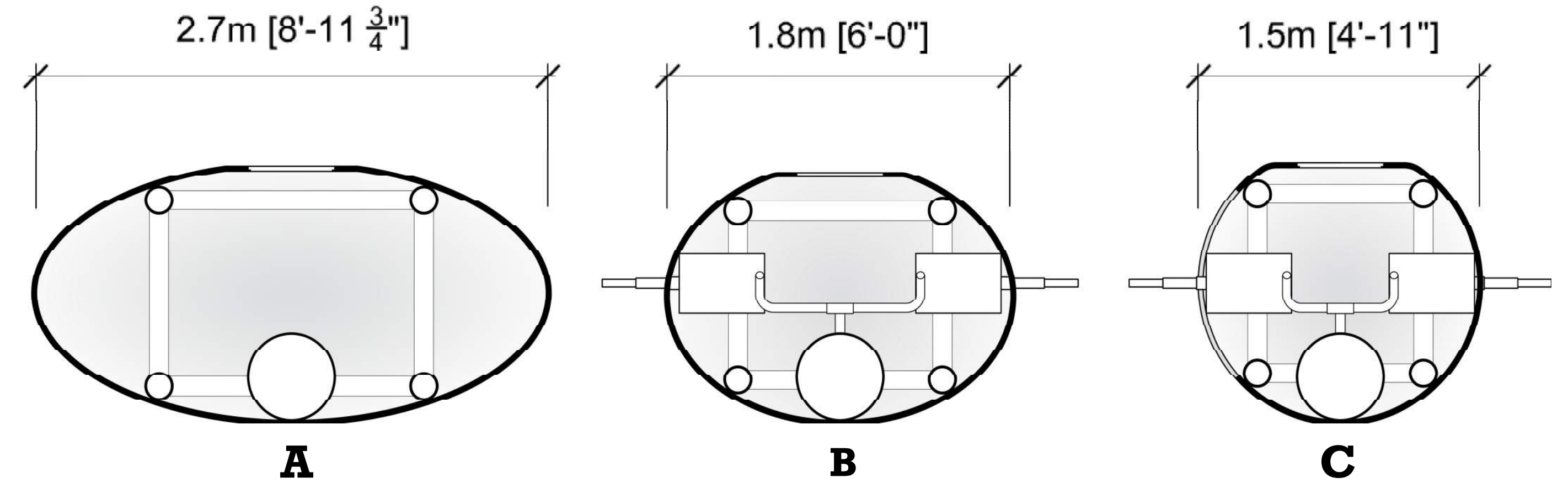
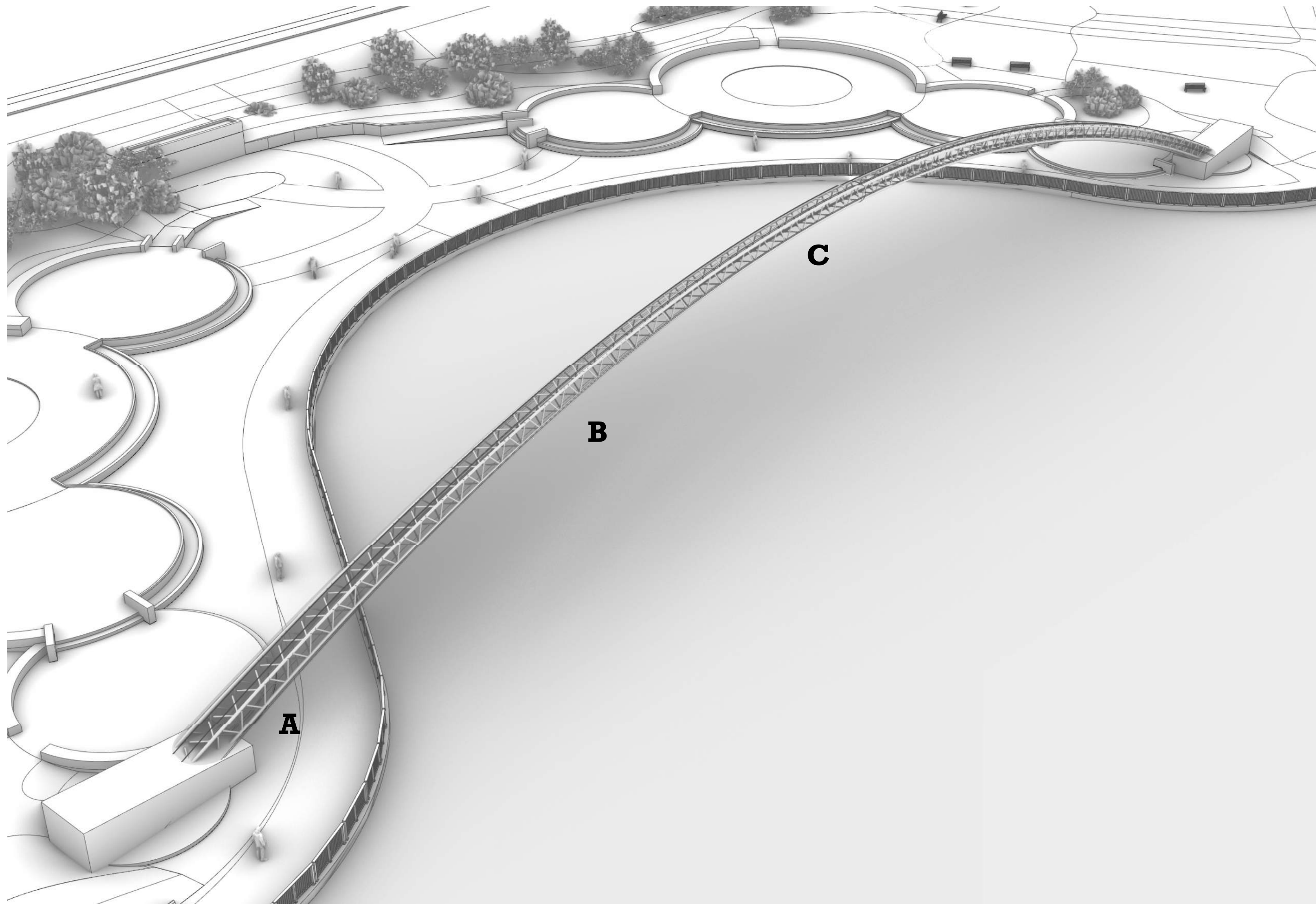
In addition to the integrated nozzle lights and land-based lighting, additional lighting would be incorporated on the to the arch itself, such as continuous LED strip lighting, as well as lighting mounted under the arch to help the structure have a strong presence at night.

INTERACTIVITY

This option is family oriented. It become a vast playground both for the kids during the day and for the older kid of all ages during the evening. All around the walkway, the presence and movement of visitor trigger different fountain & multimedia effects.

- Interactive Mode 1 - "Walk by"**
 As visitors walk closer to the sensors located around the edge of the bay, their presence is detected and the fountain would 'acknowledge' their presence by sending a water stream to that location. This liquid twin will also induce a sound effect that will also follow the visitor.
- Interactive Mode 2 - "Artful Play"**
 Gives the visitors control over the shape and color of the effect the water jet produces. 12 interactive position will be spread around the perimeter of the bay.





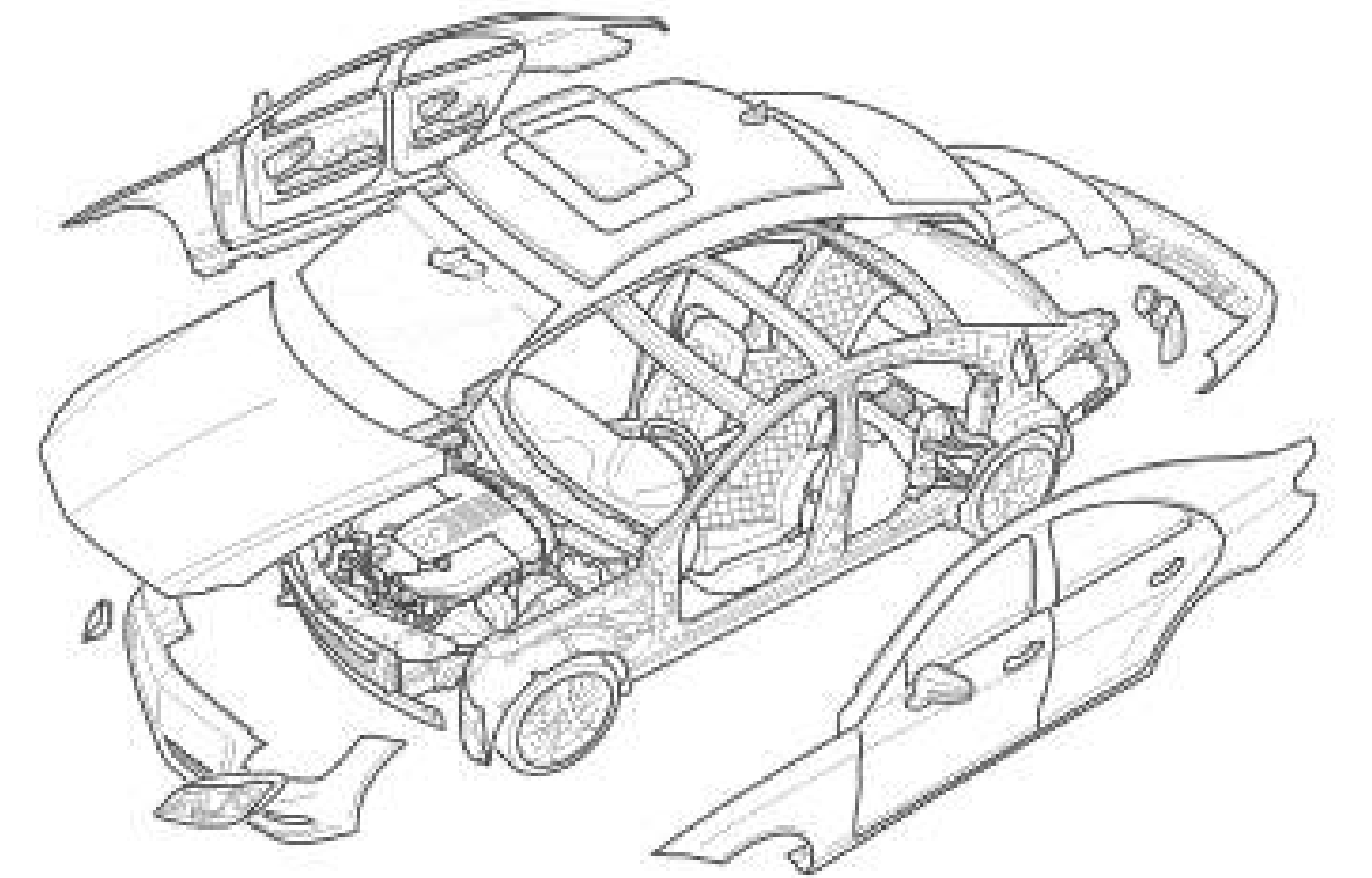
STRUCTURE

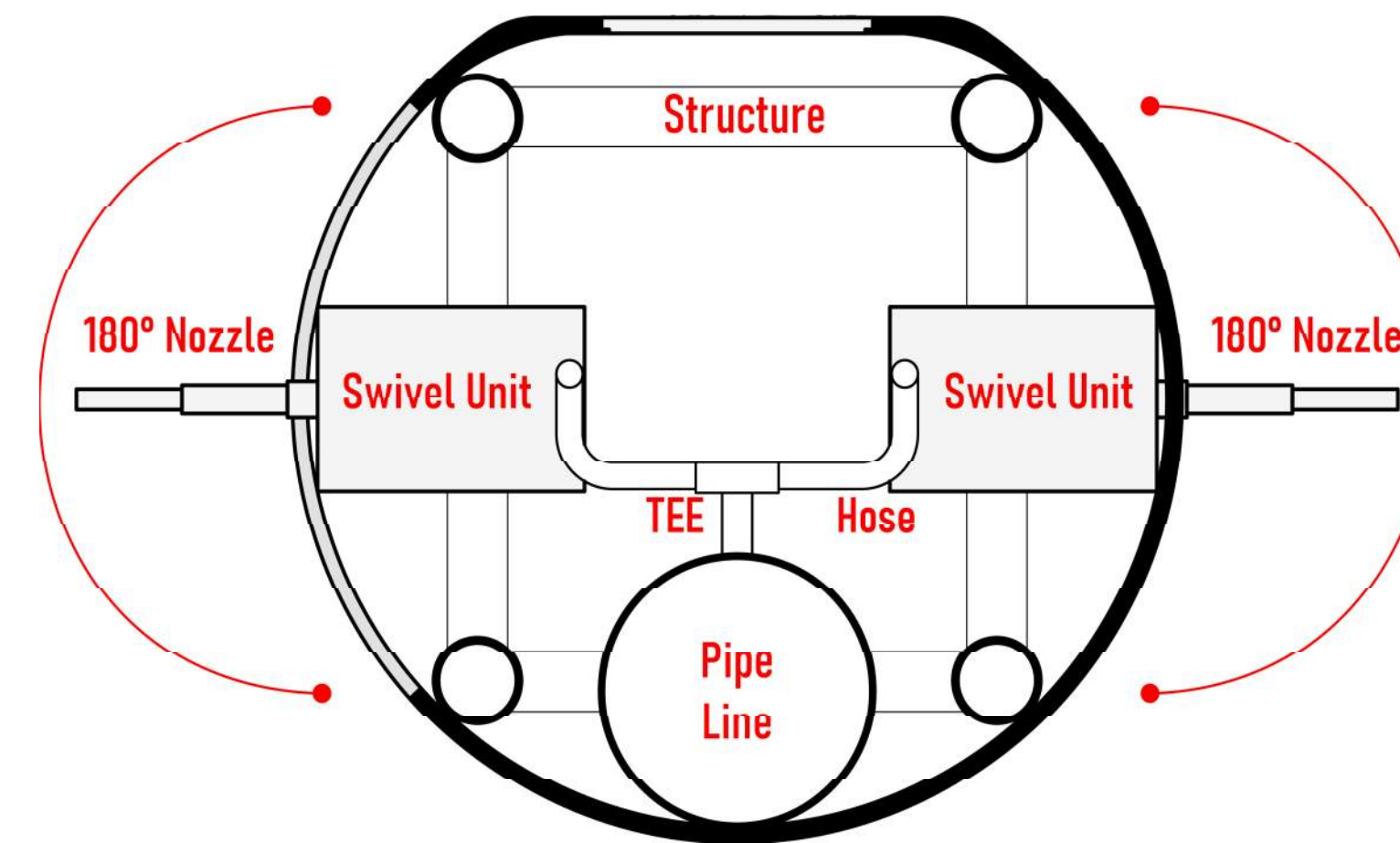
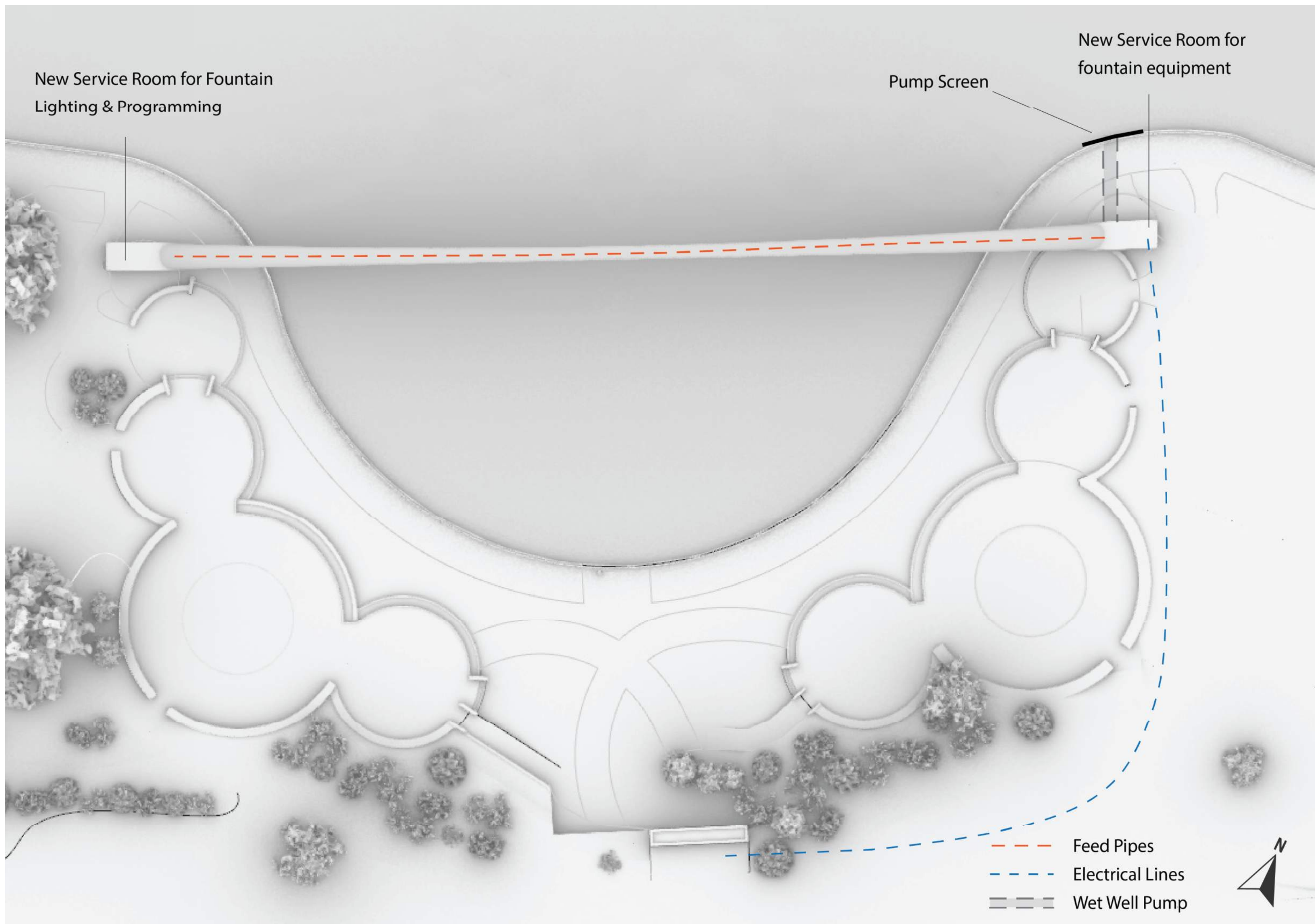
The shape of the fountain has been informed by the structural loads imposed upon it. The classical form of an arch is utilized to minimize bending forces throughout the structure resulting in an efficient use of materials. To withstand the wind loads coming off the Detroit River, the arch is widened at its base giving the structure additional stability while maintaining a slim and elegant structure at the crown of the arch.

A box truss will form the underlying structure of the arch. Four main circular sections will form the main chords of the box truss. These chords will be attached together with an interweaving network of smaller diagonal elements. These diagonal elements will be positioned with care to avoid conflicting with the articulating fountain nozzles. The use of a truss typology allows for the tailoring in size of the individual elements to their exact structural needs thus minimizing the use of material.

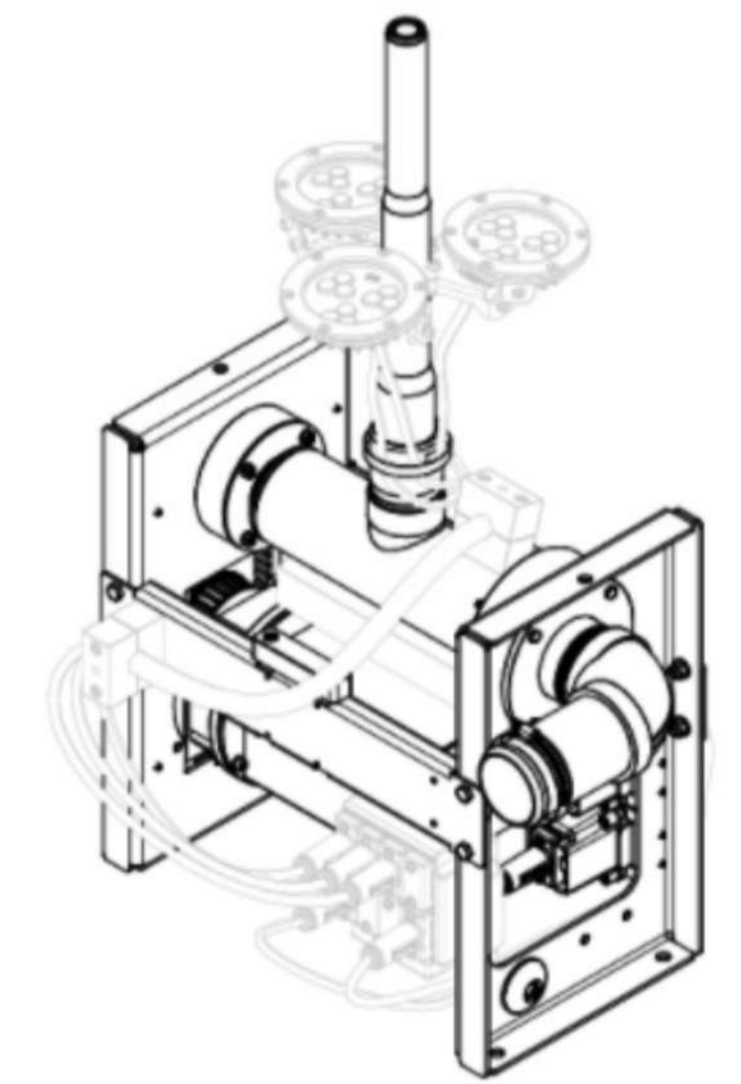
To achieve the unique structural form of the arch, the chords will be faceted into linear segments to closely align with the exterior cladded surface of the arch. A series of cleats that support removal cladding elements will be integrated along the faceted chord segments to make up the difference between the rationalized structural geometry and the final cladded surface. In this way the construction logic is similar to that of a car, with a rigid chassis that supports enclosing panels.

The steel arch will be supported by a concrete structure that will also facilitate the technical services rooms at each end of the arch. A piled foundation will likely be required and exact requirements and foundation depth will need to be assessed in the next stage of the project.





**EQUIPMENT
CROSS SECTION**



**NOZZLE DETAIL
x85 UNITS**

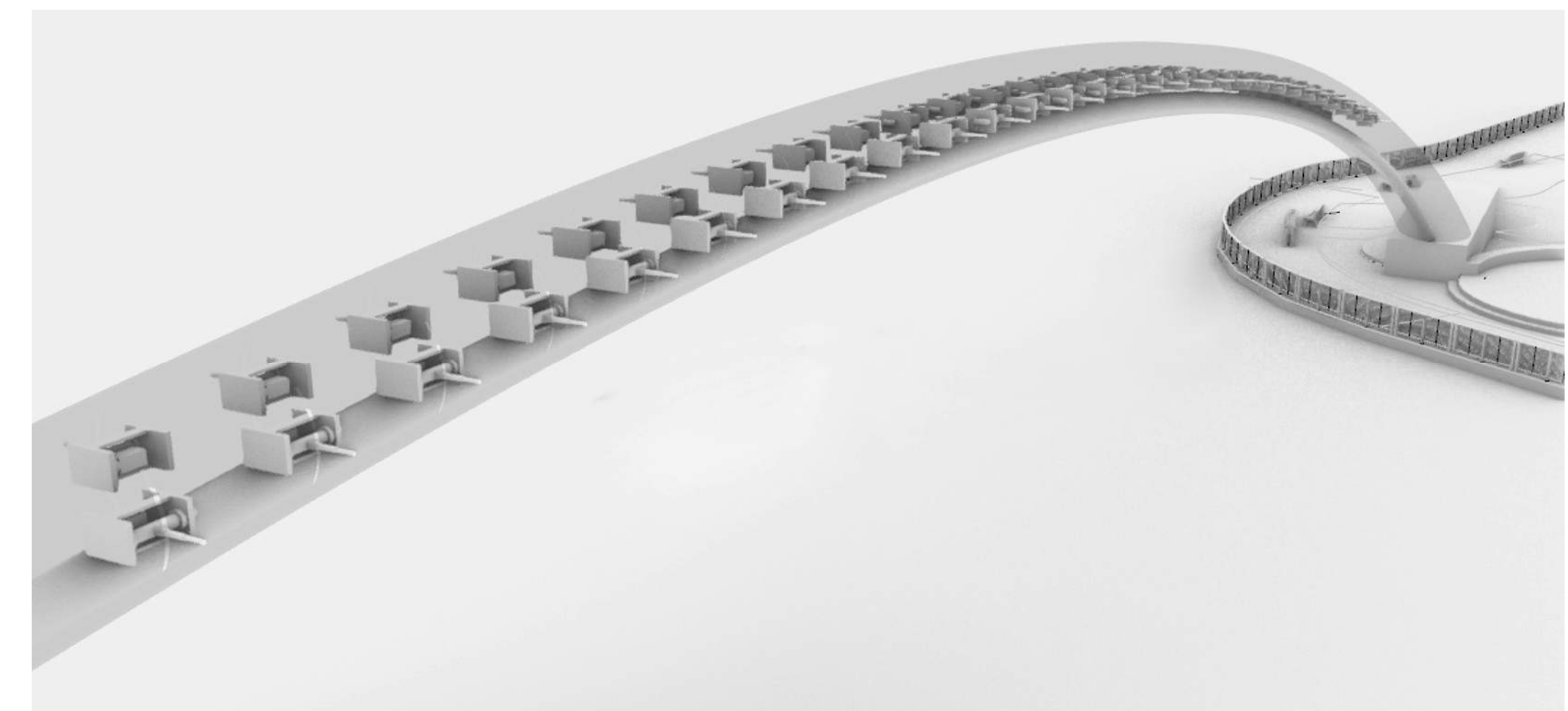
FOUNTAIN INFRASTRUCTURE

The Arch would require two new service buildings, one on either end of the arch, integrated with the foundations for the arch. One would be a room for computers, electrical, and programming equipment for the fountain and lighting effects. The other would house pumps and, filters, and other ‘wet’ infrastructure. A new 48” diameter intake pipe from the river would be connected to this service building.

The existing service room would likely remain to house electrical equipment. New electrical lines could be run to the new service buildings through the landscape to reduce disruption to the plaza.

The Arch itself houses 85 nozzles, supply lines, and electrical for the integrated lighting. The voltage required for lighting is such that transformers would be required to be located in the arch (currently estimated at 3 transformers).

Access to the equipment would be from the top of the arch. The specific details of how to access the top of the arch will be developed in later design phases.





WINTER PROGRAMMING

In winter, the Arch helps transform Reaume Park into a destination.

SCULPTURE

The Arch creates a highly visible presence in Reaume Park, framing views to Detroit throughout the year and creating a landmark presence that can attract visitors in its own right.

LIGHTING

The Arch can act as a surface onto which different lighting effects can be projected, animating the riverfront throughout the year. Lights on the fountain itself can project onto the water or to the belvedere to create exciting light shows at night, partake in a larger Reaume Park-wide winter lights festival, or to support complimentary outdoor winter programming on the belvedere.

F&B OPPORTUNITIES

The existing café at Reaume Park could be opened for winter operations, with a seasonal menu with tea, coffee, hot chocolate to help support the visitor experience. Alternatively, or in addition to, the belvedere could host food trucks for winter events.



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**City Council
Decision
Monday, April 19, 2021**

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR137/2021

That City Council **APPROVE** and make an award of RFP 155-20 to Partisans to prepare multiple design and cost options for a future Peace Fountain concept, at a total cost of \$455,062 (inclusive of non-refundable HST and temporary financing costs), to be funded from the \$182,500 available in the Peace Fountains Capital Repairs project (7162002) and a pre-commitment of \$272,562 from funding available in 2022 in the Fountain Restoration and Repairs project PFO-002-19, for the balance of funding required; and further,

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign any related documentation for the Peace Fountain project, satisfactory in legal form to the City Solicitor, in technical content to the Commissioner of Parks, Recreation, Culture & Corporate Facilities and in financial content to the City Treasurer.

Carried.

Report Number: C 38/2021

Clerk's File: SR/14084 8.3

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
May 6, 2021

Department Distribution

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Jason Reynar	Chief Administrative Officer
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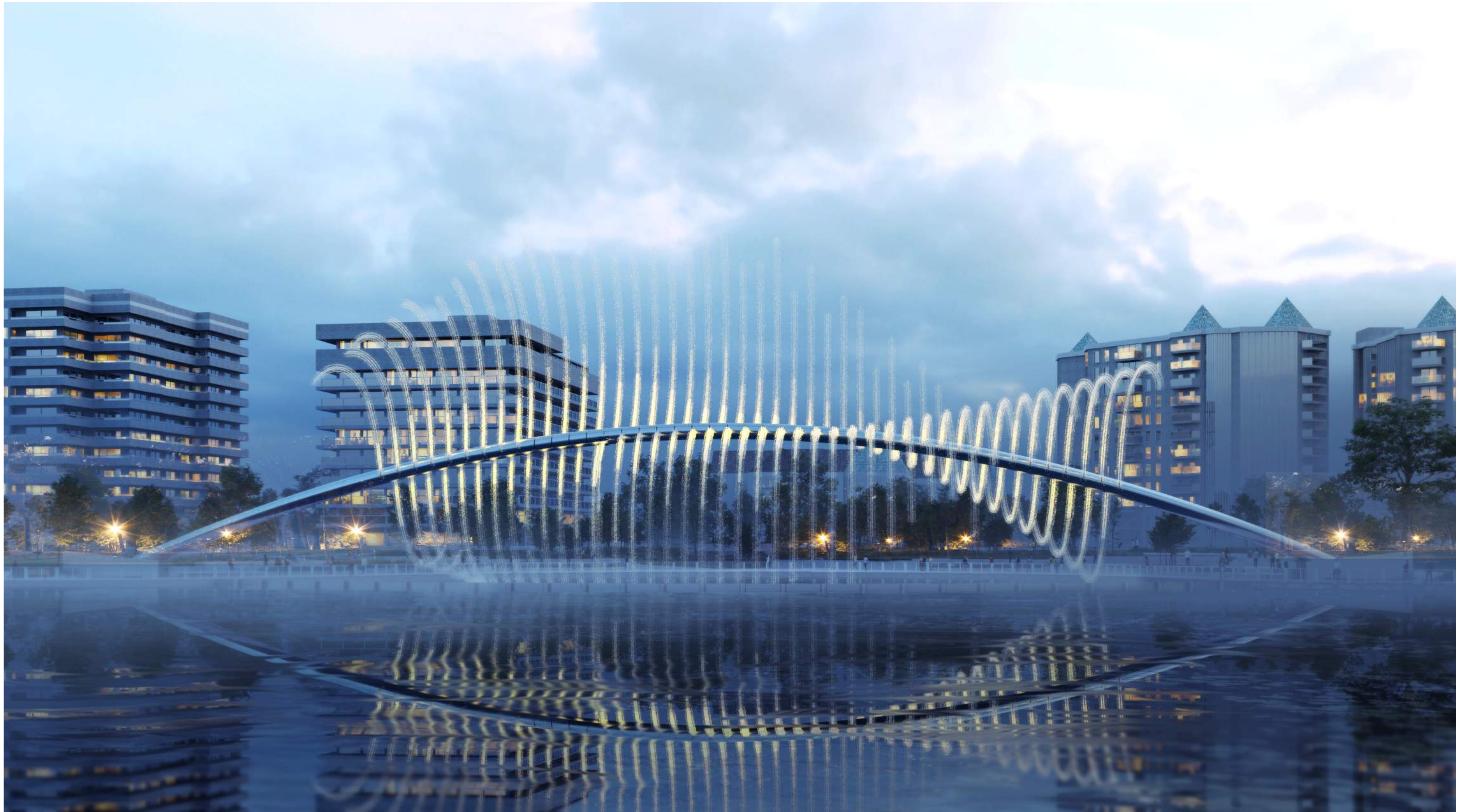
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Item No. 12.2



Committee Matters: SCM 141/2022

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

Windsor Licensing Commission

Meeting held April 27, 2022

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

Councillor Edl Sleiman, Chair
Councillor Fabio Costante
Councillor Gary Kaschak

Regrets received from:

Jayne Lesperance
Harpreet Virk

Also present are the following resource personnel:

Steve Vlachodimos, City Clerk
Craig Robertson, Licence Commissioner (A)
Janna Tetler, Senior Licence Issuer
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:43 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Disclosure of Interest

None disclosed.

3. Adoption of the Minutes

Moved by Councillor Kaschak, seconded by Councillor Costante,
That the minutes of the Windsor Licensing Commission of its meeting held September 22, 2021 **BE ADOPTED** as presented.
Carried.

4. Request for Deferral, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

6(a) Transfer of Taxicab Plate #16

Mr. Eid Eid, Transferee appears before the Windsor Licensing Commission.

C. Robertson provides background information relating to the transfer of taxicab plate #16 as follows:

- On March 15, 2022, the transfer application and fee for taxicab plate #16 was submitted to the Licensing Division by Mrs. Zeina Zaatari on behalf of the Estate of the Late Toni Zaatari.
- It is being requested that Taxicab Plate #16 be transferred to Mr. Eid Eid, who is currently not a licensed plate holder and has been employed as a full-time taxicab driver since January 15, 2019.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC 1/2022 That the transfer of Taxicab Plate #16 from the Estate of the Late Toni Zaatari to Mr. Eid Eid **BE APPROVED** with the following conditions:

- i. Mr. Eid be given thirty (30) days from the date of the approval to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007 (amended by By-law 150-2018), including a valid safety standards certificate.
- ii. Mr. Eid be given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.
- iii. Mr. Eid be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to the Estate of the Late Toni Zaatari in consideration of the transfer of Taxicab plate #16.
- iv. Mr. Eid shall not lease Taxicab plate #16 for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007 (amended by By-law 150-2018).

Carried.

7. Applications/Hearings

None.

8. Reports & Administrative Matters

(a) Expired Application(s) for Business Licence

Moved by Councillor Kaschak, seconded by Councillor Costante,
That the report of the Licence Commissioner (A) dated April 27, 2022 entitled
“Expired Application(s) for Business Licence” **BE RECEIVED.**

Carried.

9. In Camera

Verbal Motion is presented by Councillor Costante, seconded by Councillor Kaschak, to
move In Camera at 9:55 o'clock a.m. for discussion of the following:

Section Pursuant to *Municipal Act 2001* as amended s. 239(2)(b):

“Personal matters about an identifiable individual, including municipal or local board
employees”.

The applicants for Items 9(a) and 9(b) appear before the Windsor Licensing
Commission and are available for questions.

**Verbal Motion is presented by Councillor Kaschak, seconded by Councillor
Costante to move back into public session at 10:18 o'clock a.m.**

**Moved by Councillor Kaschak, seconded by Councillor Costante,
That the Clerk BE DIRECTED to transmit the recommendation(s) contained in the
report(s) discussed at the In Camera Windsor Licensing Commission meeting held
April 27, 2022 directly to the Windsor Licensing Commission for consideration at
the next Regular Meeting.**

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC 2/2022 That the In Camera report **9(a)** relating to a personal matter about an
identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED**
to proceed in accordance with the verbal direction of the Windsor Licensing Commission.
Carried.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC 3/2022 That the In Camera report **9(b)** relating to a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.
Carried.

10. Date of Next Meeting

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

11. Adjournment

There being no further business, the meeting is adjourned at 10:20 o'clock a.m.

CHAIR

COMMTTEE COORDINATOR

Item No. 12.3



Committee Matters: SCM 124/2022

**Subject: Minutes of the Special Meeting of the Council Compensation Review
Committee of its meeting held April 12, 2022**

SPECIAL MEETING
Council Compensation Review Committee
held April 12, 2022
Zoom video conference

A Special Meeting of the Council Compensation Review Committee is held this day commencing at 5:00 o'clock p.m. via Zoom video conference, there being present the following members:

Dr. Vincent Georgie, Chair
Frazier Fathers
Mila Lucio

Also present are the following resource personnel:

Joe Mancina, Acting Chief Administrative Officer
Steve Vlachodimos, City Clerk
Dan Seguin, Deputy Treasurer-Financial Accounting
Anna Ciacelli, Deputy City Clerk
Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 5:02 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Disclosure of Interest

None disclosed.

3. Minutes

Moved by F. Fathers, seconded by M. Lucio,
That the minutes of the Council Compensation Review Committee of its meeting held October 14, 2022 **BE ADOPTED** as presented.
Carried.

4. Business Items

4.1 Citizen Council Compensation Review – Final Report & Recommendations

The Chair provides the following introductory remarks relating to the Final Report and Recommendations:

- The Committee is pleased to bring forth both their recommendations and findings as well as the Consultant's Report that this body commissioned for review of compensation for the positions of Mayor and Members of City Council at the City of Windsor.
- The Committee has worked diligently and fervently over the past six months to make sure they had the best understanding possible of compensation structure in Windsor and also comparable cities as well.
- Over this period of time, they engaged a third party consulting firm (Gallagher Benefit Services (Canada) Group Inc.) to look at comparable cities in Ontario.
- It was important to engage in consultation with the community. Two virtual consultations were held; there was an on-line questionnaire sent to the public.
- Interviews were conducted with the current Mayor and each of the current City Councillors to understand their roles, and their positions.
- The Committee looked closely at broadly understanding what reasonable compensation looks like – to understand salary, their roles, resourcing and all of the elements that go into recompensing a person who occupies one of these seats.
- The key major pieces overall that are being recommended as is standard with a non-union members of the public service at the City of Windsor is a one percent increase for the position of Mayor starting in 2023. They are also recommending an increase in the annual salary for city councillors to the amount of \$52,000 annually starting in 2023
- The focus of the Committee was to have a strong, thoughtful and measured look at what compensation looked at in terms of the seat of the Mayor and the seat of the City Councillors.

Moved by F. Fathers, seconded by M. Lucio,

That the "Citizen Council Compensation Review" document provided by the Council Compensation Review Committee that includes the following Recommendations **BE APPROVED:**

1) Mayor of Windsor receive annual salary increases reflecting the non-unionized managerial staff increase for the duration of the 2023-26 term (2023, 2024, 2025, 2026).

2) City Councillors salary be increased to \$52,000 per year effective 2023. Annual salary increases reflecting the non-unionized managerial staff increase to be applied for the duration of the 2023-26 council term (2024, 2025, 2026).

3) No change to other benefits.

4) No immediate recommendation for changes to the staffing resources model, given the varied feedback on this topic. The committee recognizes that at the time of the founding of the Council Services (approximately 2002) proposed five (5) positions but only two (2) were ever filled. It was recognized that additional staffing could reduce workload elements of council members but the lack of consensus from council members on the usage of this service it made it difficult to determine a course of action. Similar considerations were made around the Mayor's Office staffing levels. Given Council's power over this decision it is encouraged to consider and vote on future changes, if consensus evolves around future specific resources required.

5) That a future council compensation review committee be convened at the mid-point of the 2023-2026 council term. This committee receive a broader mandate and time to explore:

- a. Exploring need to establish Full time Council - including having administration prepare a fully costed estimate of the impacts of full-time council to frame this discussion for the committee and council consideration.
- b. Explore committee compensation model that balances the need for Councillors to stand for positions while ensuring inverse financial incentives do not drive committee membership. Also explore the impact of "mandatory" non-council committees like BIAs on councillor workloads.
- c. An assessment of staff time and support for Councillors and the Mayor in context of workload and the impacts on fair compensation. This includes preparing quantitative data on council service usage prior to the committee being convened.
- d. A ward boundary review to determine whether adjustments to ward boundaries or number of Councillors are needed to balance workloads (no update has been made to ward boundaries since they were established in 2010) and ensure fair compensation in the context of full or part-time council.

Carried.

The Chair responds to questions posed by the Media relating to the Gallagher Report, increase to the Councillors' salary and any impacts from COVID-19.

5. Adjournment

There being no further business, the meeting is adjourned at 5:18 o'clock p.m.

CHAIR

COMMITTEE COORDINATOR