

**Regular**

Council meets in formal session this day at 6:00 o'clock p.m., in the Council Chambers.

**Members Present:**

Mayor Francis  
Councillor Brister  
Councillor Dilkens  
Councillor Gignac  
Councillor Halberstadt  
Councillor Hatfield  
Councillor Jones  
Councillor Lewenza  
Councillor Marra [leaves at 7:30 o'clock p.m.]  
Councillor Valentinis

**Members Absent:**

Councillor Postma

**Call to Order**

Following the playing of the Canadian National Anthem, Reverend Murray Steacy from New Beginnings Christian Church, offers the Opening Prayer.

**Disclosures of Pecuniary Interest and the General Nature Thereof**

Councillor Hatfield discloses an interest and abstains from voting on Item No. 9, being the report of the Executive Director of Housing and Children's Services, regarding Child Care Purchase of Service Per Diem Rates, as his spouse is an elected trustee and Chair of the Greater Essex County District School Board.

**Minutes**

Moved by Councillor Hatfield, seconded by Councillor Jones,

That the Minutes of the regular meeting of Council held August 9, 2010, the Special Budget meeting of Council held March 10, 2010, the Special meeting of Council held June 9, 2010 and the Special meeting of Council held June 24, 2010, **BE ADOPTED** as presented.

Carried.

**Notice of Proclamations**

"Look for Local – It's Worth It" Week – August 30 – September 4, 2010

**Committee of the Whole**

Moved by Councillor Lewenza, seconded by Councillor Marra,

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

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals or referrals of any items of business;

- (d) hearing presentations and delegations;
  - (e) consideration of business items;
  - (f) consideration of Committee reports:
    - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled);
    - (ii) **Report of the Striking Committee** of its meeting held August 9, 2010;
    - (iii) **Report No. 137 of the Windsor Licensing Commission** of its meeting held August 16, 2010;
  - (g) consideration of by-laws 103-2010 and 129-2010 through 140-2010 (inclusive).
- Carried.

**Communications**

Moved by Councillor Jones, seconded by Councillor Valentinis,  
**M242–2010** That the following Communication Items 1 to 5, 7 to 8, and 14 to 24 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted; that Communication Items 10 to 13 **BE NOTED AND FILED**; that the Minutes of the Transit Windsor Board of Directors and Windsor Chartabus Inc., all held July 28, 2010 **BE ADOPTED**; and further, that Communication No. 6 and No. 9 be dealt with as follows:

**Communication No. 6:**

Moved by Councillor Marra, seconded by Councillor Valentinis,  
**M243–2010** That the City endorse the letter from Mayor G. McNamara to the Ministry of Health and Long Term Care respecting the closure of Public Health Lab and that the City Clerk **BE DIRECTED** to issue a letter in support to the Ministry, MPP’s and the Municipalities copied in Mayor McNamara’s letter and to Mr. Vivek Goel and Dr. David Walker at the Ontario Agency for Health Protection and Promotion.  
 Carried.

GP2010

**Communication No. 9:**

Moved by Councillor Jones, seconded by Councillor Hatfield,  
**M244–2010** That administration meet with the Pastor of International Christian Fellowship for the purpose of discussing a possible short term arrangement on the use of the vacant Mill Street fire station and other property.  
 Carried.

APM2010

<b>Item</b>	<b>From</b>	<b>Description</b>
1	Ministry of Natural Resources	2010 Annual Wildlife Rabies Control Operations  <b>Note &amp; File GP2010</b>
2	Ministry of the Environment	Integration of Planning and Environmental Requirements for Infrastructure Projects  <b>City Planner City Engineer Note &amp; File EI2010</b>

3	Ministry of the Environment	Request for Grant Proposals for the Ontario Drinking Water Stewardship Program (ODWSP)  <b>City Engineer Executive Director of Operations Manager of Environmental Services Chief Financial Officer &amp; City Treasurer Note &amp; File EI/10108</b>
4	Association of Municipalities of Ontario (AMO)	AMO Board of Directors 2010 – 2012 <b>Community Development &amp; Health Commissioner City Engineer City Solicitor Chief Financial Officer &amp; City Treasurer City Clerk Chief Administrative Officer Note &amp; File MMA2010</b>
5	Association of Municipalities of Ontario (AMO)	AMO Report to Members on June 2010 Board Meeting  <b>Note &amp; File MMA2010</b>
6	The Corporation of the Town of Tecumseh	Closure of Public Health Lab – Huron Church Road, Windsor, Ontario <b>Community Development &amp; Health Commissioner Note &amp; File GP2010</b>
7	Atlantic Institute for Market Studies (AIMS)	National Municipal Performance Report <b>Chief Financial Officer &amp; City Treasurer Note &amp; File GM2010</b>
8	Tree Canada	Maple Leaf Day <b>Executive Director of Parks &amp; Facility Operations Note &amp; File APR2010</b>
9	International Christian Fellowship	Request for Use of the Vacant Mill Street Fire Station and Other Property <b>COUNCIL DIRECTION REQUESTED City Solicitor Chief Administrative Officer APM2010</b>
10	Tru Land Developments Inc.	Southwind Subdivision, Draft Plan Approval CR416/2005 <b>COUNCIL DIRECTION REQUESTED City Engineer City Planner ZP/8520</b>
11	Antun Peakovic	Requesting the Establishment of Neighbourhood Advisory Committees for the Neighbourhoods Surrounding the Airport <b>COUNCIL DIRECTION REQUESTED Federica Nazzani MT/10466</b>
12	Water for People – Canada	Request for Funding - Municipal Sponsorship Program to Provide a Safe, Reliable Water Supply in Developing Countries <b>COUNCIL DIRECTION REQUESTED Windsor Utilities Commission</b>

		<b>APR2010</b>
13	IRIS Residential Inns & Services (IRIS)	Corporate Sponsorship or Donation of an Item or a Cheque to Provide Supportive Housing and Services for People Suffering from Mental Illnesses <b>COUNCIL DIRECTION REQUESTED</b> <b>Chief Financial Officer &amp; City Treasurer</b> <b>APR2010</b>
14	Transit Windsor Board of Directors	Minutes of the Transit Windsor Board of Directors meetings held July 28, 2010 and the minutes of the Windsor Chartabus Inc. meeting held July 28, 2010 <b>TO BE ADOPTED</b> <b>MB2010</b>
15	Manager of Urban Design & Deputy City Planner	Application of Tuscany Oaks Ltd. for Site Plan Approval to permit the construction of an addition to the building and new parking area located at 4185 Walker Rd. <b>Note &amp; File</b> <b>ZS/10761</b>
16	Manager of Urban Design & Deputy City Planner	Application of Vincio Papatello, as Trustee for Site Plan Approval to permit conversion from a gravel surface parking lot to an asphalt surface parking lot located at 558 Chatham St. East <b>Note &amp; File</b> <b>ZS/10762</b>
17	Manager of Urban Design & Deputy City Planner	Application of Parks & Facilities City of Windsor for Site Plan Approval to permit construction of the Festival Plaza performance stage located at 340 Riverside Dr. East <b>Note &amp; File</b> <b>ZS/10760</b>
18	City Engineer	Award of Tender 06-08 – Elsmere Avenue – Sewer, Watermain, and Pavement Rehabilitation <b>Note &amp; File</b> <b>SW2010</b>
19	City Solicitor	CQ9-2010 – Public Hall Licences <b>Note &amp; File</b> <b>SPL2010</b>
20	City Solicitor	Interactive Science and Technology Centre Inc. (Canada South Science City) <b>Note &amp; File</b> <b>APM/1894</b>
21	Chief Financial Officer & City Treasurer	2010 Tax Policy – An Update <b>Note &amp; File</b> <b>AFB/10444</b>
22	Windsor Accessibility Advisory Committee	Minutes of meeting held July 27, 2010 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> ) <b>Note &amp; File</b> <b>MB2010</b>
23	Seniors Advisory Committee	Minutes of meeting held July 22, 2010 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> ) <b>Note &amp; File</b> <b>MB2010</b>
24	International Relations Committee	Minutes of meeting held July 26, 2010 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> ) <b>Note &amp; File</b> <b>MB2010</b>

Carried.

**Consent Agenda**

Moved by Councillor Brister, seconded by Councillor Dilkens,

That the following Consent Agenda and the recommendations contained in the administrative reports **BE APPROVED** as amended:

Item 1 Proposal to name Baseball Diamond at Remington Booster Park, “Noah ‘Bud’ Hurst Diamond”

Item 4 International Children’s Games (ICG)

Item 5 Memorandum of Agreement with the Ministry of Transportation – Ontario (MTO) – Proposed Upgrade of the Fibre Optic Link from Ouellette and Tecumseh to the City of Windsor Traffic Operations Centre at 1269 Mercer Street

Item 6 Hansen Sustainability project – Purchase of Infor’s Services

Item 7 A By-law to Adopt the Drainage Report for the Grand Marais Drain Improvements – Phase 2

Item 9 Child Care Purchase of Service Per Diem Rates

Item 10 Construction of Concrete Sidewalks – Tender No. 120-10

Item 12 Bulk Oil & Lubricants – Tender No. 110-10

Item 13 Odette Sculpture Park – Donation Agreement

Item 15 Council Communication, August 9, 2010: Item 17 – Boardwalk REIT Properties Holdings Ltd. – Condominium Conversions; M225-2010

Item 19 126 Ouellette Avenue – The Loose Goose Resto Pub & Lounge, Sidewalk Cafe Application

Carried.

Councillor Hatfield discloses an interest and abstains from voting on Item 9.

**Deferrals and/or Referrals and Withdrawals****Item 8 SDR Water Management Governance Project Phase 1: KPMG Report on City of Windsor Water-Based Services**

Councillor Lewenza ask that this matter **BE DEFERRED** until after the 2010 Municipal Election as the Windsor Utilities Commission is working on items that would compliment this report.

(For final disposition of this matter, see Clause **CR313/2010** in Schedule “A” attached hereto.)

**Presentations & Delegations:****DELEGATION****Integrity Commissioner – Annual Report****Bruce McLeod, Ward 1 resident**

Bruce McLeod, Ward 1 resident, appears before Council expressing concern with the overall process relating to the office of Integrity Commissioner.

Moved by Councillor Halberstadt, seconded by Councillor Dilkens,

That Rule 13.9 (a) of the Procedure By-law regarding business not already before Council **BE WAIVED**, to permit the introduction of a motion for reconsideration without prior notice respecting the Office of the Integrity Commissioner.

GM/10017 16

The motion is put and is lost as a result of achieving less than the 2/3 majority required.

Aye Votes: Councillors Halberstadt, Dilkens, Gignac, Jones and Hatfield

Nay Votes: Councillors Marra, Brister, Valentinis and Lewenza

(For final disposition of this matter, see Clause **CR321/2010** in Schedule “A” attached hereto.)

### **PRESENTATIONS:**

#### **Gilbert Barichello, Dan Castellan, Caterina Lopez and Vanna Evola, Italian Heritage Committee**

Gilbert Barichello, Dan Castellan, Caterina Lopez and Vanna Evola, Italian Heritage Committee, appear before Council to present Mayor Francis and Members of Windsor City Council with a copy of the book “Impronte: Italian Imprints in Windsor”, which is a celebration of the local Italian community and history. The book features stories and photos on immigration, early Italian business, moments during the war, connecting with the homeland, religion, clubs and associations, sports, music and arts, media and families history. Also notes that the book has been catalogued in the archives of Ontario in Toronto and in the library and archives of Canada in Ottawa.

Moved by Councillor Marra, seconded by Councillor Hatfield,

**M245-2010** That the presentation and copy of the book Impronte: Italian Imprints in Windsor”

**BE RECEIVED.**

Carried.

APR2010

### **DELEGATIONS**

#### **M313-2009 Clover Street Closure Petition**

##### **Michael Parent, Ward 5 property owner**

Michael Parent, Ward 5 property owner, appears before Council to speak in support of the administrative recommendation to open Clover Street noting that it will help to share the traffic volume with other streets in the area.

Mayor Francis leaves the meeting at 7:08 o'clock p.m. and Councillor Lewenza assumes the Chair.

##### **Theo Wardhaugh, Ward 5 resident**

Theo Wardhaugh, Ward 5 resident, appears before Council expressing concern that most issues in the petition were not addressed. Also notes that the matter was not explained in the Vista Improvement Project and requests that Clover Street not be connected to Wyandotte.

Mayor Francis returns to the meeting at 7:16 o'clock p.m., and Councillor Lewenza returns to his seat at the Council table.

Councillor Marra leaves the meeting at 7:30 o'clock p.m.

ACO/10302 2

(For final disposition of this matter, see Clause **CR307/2010** in Schedule “A” attached hereto.)

**Sidewalk Cafe Temporary Reprieve from Encroachment By-laws****Robert Cosma, Ward 3 resident**

Robert Cosma, Ward 3 resident, appears before Council to speak in opposition for a temporary reprieve for small sidewalk cafes from encroachment by-laws as it would result in a loss of revenue to the City and also notes the need for greater enforcement of the by-laws.

**Ron Balla, owner of The Coffee Exchange**

Ron Balla, owner of The Coffee Exchange, appears before Council noting that fees are expensive for small patios and is in favour of a temporary reprieve for the remainder of the year.

**Bob Williams, Coordinator, Hospitality Resource Panel, Downtown Windsor BIA and Chris Edwards, Executive Director, Downtown Windsor BIA**

Bob Williams, Coordinator, Hospitality Resource Panel, Downtown Windsor BIA, and Chris Edwards, Executive Director, Downtown Windsor BIA appear before Council expressing that fees are expensive for small cafes and that these businesses do not have the same opportunities as the larger licensed patios to generate revenues and conclude by supporting a temporary reprieve for the remainder of the year.

**Michael Burton, Ward 3 resident**

Michael Burton, Ward 3 resident, appears before Council at the request of establishments in the Erie and Ottawa Street BIA's and expresses that the fee structure does not reflect current economic conditions. He suggests that Council reduce the encroachment fees for cafe and restaurants beginning September, 2010 and provides other suggestions such as a rate of \$10/month for next year, reducing the indemnity fee to \$500. and to plan for a 50% reduction in the overall patio fees to stimulate growth in the sector.

**MI2010 14**

(For final disposition of this matter, see Clause **CR319/2010** in Schedule "A" attached hereto.)

**Agreements with the Province of Ontario re Additional Projects Resulting from Windsor-Essex Parkway Announcement****David Hanna, Ward 1 resident**

David Hanna, Ward 1 resident, appears before Council to speak in favour of the report and note the potential for additional opportunities with respect to BUMP, City Circuit, CIP, environmental incentives etc. with both the Provincial and Federal governments.

**SW/7961 11**

(For final disposition of this matter, see Clause **CR316/2010** in Schedule "A" attached hereto.)

**Proposed Terms of Reference for the Local Economic Diversification Community Improvement Plan****David Hanna, Ward 1 resident**

David Hanna, Ward 1 resident, appears before Council to speak in favour of the report and that this is an opportunity to bring forward community engagement and improvements in the community.

**John Liedtke, Ward 3 resident**

John Liedtke, Ward 3 resident, appears before Council to express that CIP's need to follow guidelines set out by Ministry of Municipal Affairs and Housing and that municipalities must consult with the Ministry on the preparation of a CIP. He concludes by asking if the municipality has followed procedures, if current by-laws need to be repealed if the CIP is adopted and why the matter is time sensitive.

**SPL/10759 17**

(For final disposition of this matter, see Clause **CR322/2010** in Schedule "A" attached hereto.)

**Windsor Licensing Commission Report No. 137****Walter Bezzina, representing Vets Cab**

Walter Bezzina, representing Vets Cab, appears before Council to speak in favour of the report and thank the Licensing Commissioner and Staff and the License Commission for dealing swiftly with the matter respecting the taxi driver/licenses.

(For final disposition of this matter, see Report Section.)

**Installation of Photovoltaic (PV) Rooftop System****Sean Moore, CEO Unconquered Sun Solar Tech**

Mayor Francis leaves the meeting at 9:00 o'clock p.m. and Councillor Lewenza assumes the Chair.

Sean Moore, CEO Unconquered Sun Solar Tech, appears before Council to express concern that the report seems to endorse monocrystalline cell technology over other cell technology and asks that any RFPs that are issued in regard to the feasibility study include polycrystalline technology for consideration in any future city projects.

**MU/8327 3**

(For final disposition of this matter, see Clause **CR308/2010** in Schedule "A" attached hereto.)

Mayor Francis returns to the meeting at 9:04 o'clock p.m. and Councillor Lewenza returns to his seat at the Council table.



**2010 Capital Budget Approvals – Deferred Items****Philip Haddad, Downtown Residents Association Windsor**

Philip Haddad, Downtown Residents Association Windsor, appears before Council noting the success of the farmers market and further, to request capital funding improvements of approximately \$90,000. for the expansion of the existing canopy and opening the existing building to provide expanded retail space and washroom facilities. As an alternative he asks Council to consider a 5 year lease which would qualify them for grants and not require City funding.

**Tristan Fehrenbach, Downtown Residents Association Windsor**

Tristan Fehrenbach, Downtown Residents Association Windsor, appears before Council expressing that the building is an important historical component of the City and could potentially enhance the Armouries as a historical district. Also, notes that people visit the market from all parts of the City including tourists and concludes by thanking Council and the Downtown Business Association for their support.

**John Sheridan, Downtown Residents Association Windsor**

John Sheridan, Downtown Residents Association Windsor, appears before Council to read a letter received from the Farmers Market of Ontario stating how impressed they were with the farmers market but that the facility needs some basic refurbishments and guarantees that it can be there for many years to come. Also notes that they urge Council to approve a long term lease and offer their assistance with writing a grant proposal.

Moved by Councillor Valentinis, seconded by Councillor Halberstadt,

That Rule 13.9(a) of the Procedure By-law regarding business not already before Council **BE WAIVED**, to permit the introduction of a motion for reconsideration without prior notice respecting the Windsor Armouries and former bus terminal.

The motion is put and is lost.

Aye Votes: Councillors Valentinis, Lewenza and Halberstadt

Nay Votes: Councillors Brister, Gignac, Hatfield, Jones and Dilkens

Councillor Marra was absent from the meeting when the vote was taken on this matter.

**Mark Lindquist, Chair, Windsor Bicycling Committee**

Mark Lindquist, Chair, Windsor Bicycling Committee, appears before Council to thank the City for the continued improvements to cycling infrastructure and to continue to complete as many proposed projects as possible. Also requests that a placeholder and funding be allocated for cycling infrastructure in years 2012 and beyond to meet community needs and to make cycling safer and more user friendly.

Mayor Francis leaves the meeting at 10:04 o'clock p.m. and Councillor Lewenza assumes the Chair.

Mayor Francis returns to the meeting at 10:05 o'clock p.m. and Councillor Lewenza returns to his seat at the Council table.

**Steve Konkle, Chair, Bike Friendly Windsor**

Steve Konkle, Chair, Bike Friendly Windsor, appears before Council noting that the Bicycle Use Master Plan calls for \$200,000. on cycling improvements annually but that the capital budget has no funding allocated for bicycle projects after 2011 and there are no projects planned despite the City being years behind where it should be according to the B.U.M.P. Also notes that recent research conducted by the University of Windsor states that safety is a large concern to local riders and that more bike trails are supported. He concludes by requesting that at least \$200,000. be allocated annually as stipulated in the B.U.M.P.

**Andrew George, Bike Friendly Windsor**

Andrew George, Bike Friendly Windsor, appears before Council to express concern that no capital funds have been allocated to bicycle infrastructure beyond 2011 and suggests five potential solutions to make bike lanes safer and more cost effective including not repainting lines that are still visible, using green paint for bike lanes, scale back width of sidewalks, enforce *Ontario Highway Safety Act* and outsourcing lane painting.

GM/10567 18

(For final disposition of this matter, see Clause **CR323/2010 through CR330/2010** in Schedule "A" attached hereto.)

**Regular Business Items (for final disposition of these matters see Schedule "A" attached)**

Nil.

**Consideration of Committee Reports**

**M246-2010** Moved by Councillor Hatfield, seconded by Councillor Jones,  
That the **Report of the special In-camera** meeting held August 23, 2010, **BE ADOPTED**  
as presented.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

ACO2010

**M247-2010** Moved by Councillor Hatfield, seconded by Councillor Jones,  
That the **Report of the Striking Committee** of its meeting held August 9, 2010, **BE ADOPTED**  
as amended to reflect the resignation of Mr. Peter Bondy from the International Relations Committee.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

MB2010

**M248-2010** Moved by Councillor Gignac, seconded by Councillor Dilkens,  
That the **Report No. 137 of the Windsor Licensing Commission** of its meeting held  
August 16, 2010, **BE ADOPTED** as presented.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

MB2010

**By-laws**

Moved by Councillor Lewenza, seconded by Councillor Jones,

That the following By-laws No. 103-2010 and 129-2010 through 140-2010 (inclusive),  
be introduced and read a first and second time:

- 103-2010 "A BY-LAW TO PROVIDE FOR DRAINAGE WORKS IN THE CITY OF WINDSOR, IN THE COUNTY OF ESSEX, KNOWN AS THE GRAND MARAIS DRAIN IMPROVEMENTS – PHASE 2"
- 129-2010 "A BY-LAW TO DESIGNATE THE WHOLE GEOGRAPHIC AREA OF THE CITY OF WINDSOR AS THE LOCAL ECONOMIC DIVERSIFICATION COMMUNITY IMPROVEMENT PROJECT AREA"
- 130-2010 "A BY-LAW TO UPDATE THE NAME OF THE CITY CENTRE BUSINESS ASSOCIATION AND TO ESTABLISH THE DOWNTOWN WINDSOR BUSINESS IMPROVEMENT ASSOCIATION AS THE BOARD OF MANAGEMENT FOR THE IMPROVEMENT AREA DESIGNATED IN BY-LAW 5651 AS AMENDED BY BY-LAWS 7126, 7456 AND 470-2001"
- 131-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9148 BEING A BY-LAW TO REGULATE TRAFFIC WITHIN THE LIMITS OF THE CITY OF WINDSOR"
- 132-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "WINDSOR CORE AREA ZONING BY-LAW"
- 133-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "WINDSOR CORE AREA ZONING BY-LAW"
- 134-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "WINDSOR CORE AREA ZONING BY-LAW"
- 135-2010 "A BY-LAW TO AMEND BY-LAW 137-2007 BEING A BY-LAW RESPECTING THE LICENSING AND REGULATING OF PUBLIC VEHICLES"
- 136-2010 "A BY-LAW TO AMEND BY-LAW 137-2007 BEING A BY-LAW RESPECTING THE LICENSING AND REGULATING OF PUBLIC VEHICLES"
- 137-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "WINDSOR CORE AREA ZONING BY-LAW"
- 138-2010 "A BY-LAW TO ADOPT AMENDMENT NO. 70 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR"
- 139-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"
- 140-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE TWENTY-THIRD DAY OF AUGUST, 2010"

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

Moved by Councillor Jones, seconded by Councillor Valentinis,

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

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

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

### Notices of Motion

Moved by Councillor Jones, seconded by Councillor Dilkens,

**M249-2010** That Rule 13.9(a) of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for reconsideration without prior notice with respect to receiving a delegation from Changchun, China from October 31 to November 3, 2010.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

MB2010

Moved by Councillor Dilkens, seconded by Councillor Jones,

**M250-2010** That Council **APPROVE** to receive a delegation of business and government officials from our twin City of Changchun, China from October 31 to November 3, 2010.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

MB2010

Councillor Halberstadt gives notice that he will introduce a motion at the September 13, 2010 meeting of Council that the City of Windsor apply to the Share the Road Cycling Coalition of Ontario for the designation as a Bicycling Friendly Community.

MB/5331

### Third Reading of By-laws

Moved by Councillor Brister, seconded by Councillor Dilkens,

That the following By-laws No. 103-2010 and 129-2010 through 140-2010 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

**Petitions**

Moved by Councillor Gignac, seconded by Councillor Halberstadt,  
**M251-2010** That the petition presented by Councillor Dilkens from residents of Howard Avenue requesting administration to investigate traffic calming alternatives including but not limited to lowering the speed limit as well as restricting the weight of trucks that use this street **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the City Engineer for the purpose of an examination of the requested works or undertakings; and further that a report **BE PROVIDED** consistent with the direction provided.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

ACO/10546

**Council Questions**

Moved by Councillor Hatfield, seconded by Councillor Jones,  
**M252-2010** That the Council Questions arising from the previous meeting of Council and listed by the Clerk **BE NOW CONSIDERED** for purposes of discussion , and further, that the Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Questions consistent with Council’s instructions.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

ACOQ2010

**Adjournment**

Moved by Councillor Lewenza, seconded by Councillor Valentinis,  
That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Carried.

Councillor Marra was absent from the meeting when the votes was taken on this matter.

Accordingly, the meeting is adjourned at 10:41 o'clock p.m.

**MAYOR**

**CITY CLERK**

**THIS IS A DRAFT COPY**

**DEPUTY CITY CLERK**

Brister  
Dilkens

CR306/2010

That the request from the Windsor Stars Baseball Club (WSBC) to name the baseball diamond at Remington Booster Park, the "Noah "Bud" Hurst Diamond" **BE APPROVED**.

Carried.

Report Number **14831 SR2010 C1**

Internal Distribution

Recreation [Walt Metulynsky]  
Executive Director of Recreation & Culture  
Community Development & Health Commissioner

External Distribution

Hatfield  
Gignac

CR307/2010

That the request for the cul-de-sac on Clover Street **BE DENIED**, and further, that Clover Street **BE OPENED UP** after a one month delay following the completion of the east/west extension of Wyandotte.

Carried.

Councillor Marra is absent from the meeting when the vote was taken on this matter.

Report Number **14843 ACO/10302 2**

Internal Distribution

Public Works [J.M. Eugeni]  
City Engineer  
Senior Manager, Infrastructure and  
Transportation Planning/Deputy City Engineer  
City Planner

External Distribution

Gignac  
Valentinis

CR308/2010

That City Council **RECEIVE** for information the Photovoltaic Feasibility Study prepared by MCW Energy Solutions Ltd.; and

That City Council **APPROVE** South Windsor Arena, Forest Glade Arena, and Parks and Recreation Administration Building as the preferred sites for solar photovoltaic roof top installation; and

That City Council **DIRECT** Administration to issue a Request for Proposal to qualified firms to supply the following ownership structures:

- a) Sole proprietorship, Vendor to provide turnkey service for one or more identified facilities to include complete design, supply, installation and commissioning of a year round roof mounted solar photovoltaic electrical power generating system at selected corporate sites.
- b) Joint equity ownership arrangement between the Vendor and the City of Windsor for one or more identified facilities, whereby the Vendor would be responsible for the scope of work and related turnkey services.
- c) Rooftop lease agreement between the Vendor and the City of Windsor that leases rooftop space at one or more of the identified facilities, whereby the Vendor installs and operates the photovoltaic system(s) and; specifically identifying that the Feed-in Tariff contract would be between the Vendor and the Ontario Power Authority. And;

That administration investigate some options towards local content; and

That City Council **APPROVE** retaining MCW Custom Energy Solutions Ltd. to provide consulting services and assist with preparing the technical documentation for the Request for Proposal and related support services; and

That any costs associated with the Request for Proposal be incorporated as part of the current ongoing corporate energy retrofit program in accordance with Council Resolutions 211/2008 and 391/2008 (as amended); and

That City Council **DIRECT** administration to report back the outcome of the Request for Proposal identifying the preferred ownership structure, the successful proponent, and funding sources (if required by the ownership structure chosen).

Carried.

Report Number 14774 MU/8327 3

Internal Distribution

Finance [Sergio Grando]

Chief Finance Officer/City Treasurer

Executive Director of Parks and Facilities

City Solicitor

External Distribution

Brister

Dilkens

CR309/2010

That Council **APPROVE** the participation fee of Team Windsor Essex, at both ICG Games held in 2011, at a total cost of 500 Euros (approximately \$800.00 CDN) and **FURTHER** that the cost of the participation fees be absorbed through the 2010 Operating Budget of the Mayor's Office.

Carried.

Report Number 14852 APR/10694 C4

Internal Distribution

Mayor Francis  
Chief Finance Officer/City Treasurer

External Distribution

Brister  
Dilkens

CR310/2010

THAT the Chief Administrative Officer **BE AUTHORIZED** to sign the Memorandum of Agreement (attached) with the Ministry of Transportation – Ontario (MTO), in form satisfactory to the City Solicitor, to upgrade the Fibre Optic Link from Ouellette and Tecumseh to the City of Windsor Traffic Operations Centre at 1269 Mercer Street.

Carried.

Report Number 14845 ST/10744 C5

Appendices

Memorandum of Agreement

Internal Distribution

Public Works [John S. Wolf]  
City Engineer  
Executive Director of Operations  
City Solicitor

External Distribution

Brister  
Dilkens

CR311/2010

THAT Council **APPROVE** the spending of \$218,682.64 CDN excluding taxes for consulting services of Hansen 8 software implementation, AND approves the upset spending limit for Hansen Information Technologies - Canada Inc. to \$442,613.44 CDN excluding taxes, for additional work as approved by the project's Steering Committee.

THAT the City Solicitor **BE AUTHORIZED** to review and prepare all appropriate contracts for those services and licensing requirements, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the contracts, satisfactory in form to the City Solicitor, in technical content by the Executive Director of IT, in functional content to the Executive Director of Public Works Operations, and financial content to the City Treasurer and CFO.

Carried.

Report Number 14850 SW2010 C6



Internal Distribution

Public Works [Trevor Bennet]  
City Engineer  
Executive Director of Operations  
Executive Director of Information Technology  
Chief Finance Officer/City Treasurer  
City Solicitor

External Distribution

Brister  
Dilkens

CR312/2010

That Council **ADOPT** the Drainage Report for the Grand Marais Drain Improvements – Phase 2 by By-law 103-2010 in accordance with Section 58 of the Drainage Act.

Carried.

Report Number **14854 AB2010 C7**

Internal Distribution

Public Works [Paul Mourad]  
City Engineer  
Chief Finance Officer/City Treasurer  
City Solicitor

External Distribution

Lewenza  
Jones

CR313/2010

That the report on SDR WATER MANAGEMENT GOVERNANCE PROJECT PHASE I: KPMG Report on City of Windsor Water-Based Services **BE DEFERRED** until after the 2010 Municipal Election as the Windsor Utilities Commission is working on items that would compliment this report.

Carried.

Report Number **14851 GM/10567 8**

Internal Distribution

Manager, Service Delivery Review [Melinda Munro]  
City Engineer  
City Treasurer and Chief Financial Officer  
City Solicitor

External Distribution

Abstract – SV – Deferred List

Brister  
Dilkens

CR314/2010

THAT Council **RESCIND** Resolution CR203/2002 which established the current Child Care Per Diem Rate Ceilings and;

THAT Council **APPROVE** that Administration establish per diem rates for each operator based on actual operating costs.

Carried.

Councillor Hatfield discloses an interest and abstains from voting on this matter.

Report Number 14794 SSD/888 C9

Internal Distribution

Housing & Children's Services [Debbie Cercone/Shannon Hyatt]  
Community Development and Health Commissioner  
Chief Financial Officer & City Treasurer

External Distribution

Abstract – Amend Minutes

Brister  
Dilkens

CR315/2010

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

<b>Tenderer:</b>	<b>GIORGI BROS (1994) INC.</b> 2751 Temple Drive Windsor, Ontario N8W 5E5
<b>Work:</b>	Construction of Concrete Sidewalks Tender No. 120-10
<b>Total Tendered Price:</b>	\$745,840.00 (excluding H.S.T.)
<b>Accounts Charged:</b>	007 2980 1790 02942 7101003

AND THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract satisfactory in form to the City Solicitor, technical content to the City Engineer, and financial content to the Chief Financial Officer & City Treasurer, with Giorgi Bros (1994) Inc. for Tender No. 120-10.

- II THAT **APPROVAL BE GIVEN** to undertake an expenditure of \$745,840.00 for the construction of concrete sidewalks to be funded from the Approved 2010 Capital Budget of \$2,000,000.00 for Sidewalk/Curb and Gutter Rehabilitation (Project I.D. No. 7101003).

Carried.

Report Number **14848 SW/10758 C10**

Internal Distribution

Public Works [Peter Matheson]  
City Engineer  
Executive Director of Operations  
Chief Finance Officer/City Treasurer  
City Solicitor

External Distribution

Jones  
Lewenza

CR316/2010

- I. That the Let's Get Windsor-Essex Moving (LGWEM) Phase 1 Border Projects Agreement dated January 2, 2006 and amended June 28, 2007, between the City of Windsor and the Province of Ontario, **BE AMENDED** to include the following:

- a) The Province (MTO) will lead and agree to co-proponency with the City of Windsor in conducting the following works:
- a. an Environmental Assessment and preliminary design for the improvements to Lauzon Parkway from E.C Row Expressway to County Road 42 and its extension to Highway 401 (including interchange) and its further extension to Highway #3;
  - b. an Environmental Assessment for County Road 42 in the City of Windsor from Walker Road to the eastern City limits;
  - c. an Environmental Assessment for the future East/West arterial from Walker Road to County Road 17;
  - d. A Secondary Plan Study for the remainder of the Sandwich South lands that are currently without a Secondary Plan

The City agrees to contribute \$200,000 from the 2009 EA Budget (Acct #7086010), for the completion of the County Rd. 42 and East/West Arterial Environmental Assessments, and a further \$50,000 (Acct #7071166) for the Secondary Plan Study for the remainder of the Sandwich South lands that are currently without a Secondary Plan from the Planning Department capital budget.

- b) The Province (MTO) will contribute \$15 million to the City of Windsor to be applied towards reconstruction of Walker Road from Cabana Road to E.C. Row.
- c) The Tunnel Plaza, as outlined in the existing (LGWEM) agreement, be amended to reflect the understanding that the City of Windsor will not contribute funds for the project to its completion, and that the issue of City-owned lands be further agreed with respect to value and compensation and reported back to Council as required, and the project will be managed in its entirety by the MTO as an MTO project.

- II. That a separate agreement between the Province (MTO) and the City of Windsor, **BE PREPARED** for privately-owned land in the area described in Drawing 3M-165-A, agreeing that the Province obtain these lands at their entire cost, which will be conveyed to the City of Windsor.

The City of Windsor will then incorporate these lands into the Malden A.N.S.I. The City would use expropriation only as requested by the Province (MTO) for those properties that cannot be obtained through a willing buyer/seller process.

- III. That the City Solicitor **BE DIRECTED** to prepare a Plan of Expropriation and begin the expropriation process in the Reddock area identified in attached Drawing 3M-165-A, when informed by the MTO.
- IV. That City Council **AUTHORIZE** the City Clerk and Chief Administrative Officer to sign the agreements and amending agreements as described in Recommendations I and II above, subject to approval as to technical content by the City Engineer, in form to the City Solicitor and in financial content to the Chief Financial Officer and Treasurer.
- V. That Administration **BE DIRECTED** to formally communicate in a letter to the Province (MTO), its understanding that the Province will purchase lands within 100 metres of the uncovered Windsor-Essex Parkway areas by obtaining these lands through a willing buyer/seller process, and that the MTO will keep the City apprised of progress and communications on a continued basis (no agreement is required as procurement is the sole responsibility of the Province).

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number 14847 SW/7961 11

Appendices

Drawing 3M-165-A

Internal Distribution

Public Works [Mario Sonogo, City Engineer]  
Chief Finance Officer/City Treasurer  
City Solicitor

External Distribution

Brister  
Dilkens

***CR317/2010 AMENDED BY CR382/2010 ADOPTED OCTOBER 18, 2010***

CR317/2010

THAT **APPROVAL BE GIVEN** to retain Jack Smith Fuels Ltd. to supply bulk oil and lubricants for the City of Windsor in accordance with their Bid in response to City of Windsor RFT Number 110-10 for a one year term; and THAT the City Solicitor **BE AUTHORIZED** to prepare a contract for those services, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the contract, satisfactory in form to the City Solicitor, in technical content the Executive Director of Parks and Facilities, Executive Director of Public Works, General Manager of Transit Windsor, Fire Chief, and financial content to the City Treasurer.

Carried.

Report Number 14846 MT/10757 C12

Internal Distribution

Purchasing & Risk Management [Xernia Wignan]  
Manager of Purchasing & Risk Management  
Executive Director of Parks and Facilities  
Executive Director of Public Works  
General Manager of Transit Windsor  
Fire Chief  
Chief Finance Officer/City Treasurer  
City Solicitor

External Distribution

Brister  
Dilkens

CR318/2010

THAT Council **APPROVE** the execution of an agreement between the P & L Odette Charitable Foundation and Mr. Louis Odette and The Corporation of the City of Windsor to confirm:

- (1) the permanent and absolute donation and transfer of art works from the Foundation and Mr. Odette to the City of Windsor;
- (2) The release of funds, currently being held in trust, which was previously forwarded to the City by the Odette Foundation in the amount of \$200,000 to be used for the purposes of maintaining the artworks that comprise the Odette Sculpture Park collection;
- (3) The requirements and conditions under which the name of the Odette Sculpture Park may be amended; and

THAT the Chief Administrative Office and the City Clerk **BE AUTHORIZED** to enter into an agreement with the P & L Odette Charitable Foundation and Mr. Louis Odette subject to approval as to form by the City Solicitor and as to content by the City Treasurer and the Executive Director of Recreation and Culture.

Carried.

Report Number 14837 SR/7573 C13

Internal Distribution

Recreation and Culture [Wendi Eizenga]  
Community Development & Health Commissioner  
Executive Director Recreation & Culture  
Chief Finance Officer/City Treasurer  
City Solicitor

External Distribution

Valentinis  
Lewenza

CR319/2010

That Council **ACCEPT** the request of the Hospitality Resource Panel for a temporary reprieve for small sidewalk cafes from encroachment by-laws, and further, to not charge any fees on the micro patios allowing for a maximum of 2 tables and up to 8 chairs for the remainder of this season, calculated on a pro-rated basis for those businesses that have already paid, and a new policy to come back to Council dealing with both the micro patios and the larger patios for cafes with non-alcoholic serving licences.

Carried.

Aye Votes: Councillors Valentinis, Lewenza, Halberstadt, Brister, Hatfield and Jones

Nay Votes: Councillors Dilkens and Gignac

Councillor Marra is absent from the meeting when the vote was taken on this matter.

Report Number **14853 MI2010** 14

Internal Distribution

Planning [Jim Yanchula]

City Planner

City Engineer

Chief Finance Officer/City Treasurer

City Solicitor

External Distribution

Brister  
Dilkens

CR320/2010

That the response of the City Planner to Communication Item 17 at the meeting held August 9, 2010, respecting Boardwalk REIT Properties Holdings Ltd. – Condominium Conversions **BE RECEIVED** for information, and further, that the policy in place prior to the OPA Amendment should apply to all of these applications and the amending documents **BE BROUGHT BACK** directly to council, by-passing the PAC process.

Carried.

Councillor Marra is absent from the meeting when the vote was taken on this matter.

Report Number **14861 ZP/9530** C15

Internal Distribution

Planning [Thomas Cadman]

City Planner

Manager of Development Applications

City Solicitor

External Distribution

Marra  
Brister

CR321/2010

THAT the report of the City Clerk dated August 12, 2010 regarding the Annual Report of the Integrity Commissioner for the period September 2008-December 31, 2009 **BE RECEIVED** by Council for information; and

THAT the six (6) outstanding complaints received by the Integrity Commissioner be returned to the complainants with the instruction that the complaints may either be submitted to the City of Windsor "Hotline", or may be re-submitted to the next Integrity Commissioner when recruited.

**CLERK'S NOTE:** Council has directed that the recommendations contained in the Integrity Commissioner – 2009 Annual Report dated February 2, 2010 be considered.

Carried.

Councillors Jones and Halberstadt voting nay.

Councillor Marra is absent from the meeting when the vote was taken on this matter.

Report Number **14862 GM/10017 16**

Internal Distribution

Council Services [Valerie Critchley, City Clerk]  
City Solicitor

External Distribution

Lewenza  
Valentinis

CR322/2010

- I. That the entire geographic area of the City of Windsor, defined in Bylaw 129-2010, **BE DESIGNATED** by Council as a Community Improvement Planning Project Area in accordance with Section 28(2) of the Planning Act.
- II. That the Terms of Reference, outlined by the attached Appendix A, for **BE ADOPTED**.
- III. That the process of having the completed Community Improvement Plan proceed directly to Council without consideration by the Planning Advisory Committee **BE APPROVED**.
- IV. That \$50,000.00 charged to the City's Budget Stabilization Reserve Fund for the purpose of hiring a consultant to offset the in-house staffing that will be reassigned to carry out the Local Economic Diversification Community Improvement Plan **BE APPROVED**.

Carried.

Councillor Marra is absent from the meeting when the vote was taken on this matter.

Report Number 14857 SPL/10759 17

Appendices

Terms of Reference

Internal Distribution

Planning [Neil Robertson]

City Planner

Manager of Planning Policy

Chief Finance Officer/City Treasurer

City Solicitor

External Distribution

Gignac

Lewenza

CR323/2010

That the matter of the farmers market **BE DEFERRED** for three weeks to allow administration to meet with the Downtown Residents Association, Windsor, to consider other sites such as on Pelissier Street or any other options and include the Downtown Windsor Business Improvement Association for their input, and that administration prepare a report on the asbestos and condition of the building and further, that the Heritage Planner prepare a report on the heritage value and significance of the building.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number 14863 AFB/10444 18

Internal Distribution

Finance [Victor Ferranti]

Chief Financial Officer &amp; City Treasurer

City Engineer

City Planner

External Distribution

Abstract - SV – Put Back on Agenda

Halberstadt

Lewenza

CR324/2010

That a placeholder for cycling in the amount of \$200,000. **BE INCLUDED** in the 2012 and 2013 budgets.

Carried.

Councillors Gignac and Brister voting nay.

Councillor Marra was absent from the meeting when the vote was taken on this matter.



Report Number 14863 AFB/10444 18

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer

External Distribution

Abstract - 2012 and 2013 Budget File

Dilkens  
Jones

CR325/2010

That the Auditor General's Office – Audit Management Software in the amount of \$30,000.

**BE APPROVED.**

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number 14863 AFB/10444 18

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer  
Auditor – Angela Berry  
Executive Director, Information Technology  
City Solicitor

External Distribution

Jones  
Dilkens

CR326/2010

That the Perimeter Boards for Charles Clark Square Skating Surface in the amount of \$150,000.

**BE APPROVED.**

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number 14863 AFB/10444 18

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer  
Executive Director of Parks and Facility Operations

Executive Director of Recreation  
External Distribution

Hatfield  
Brister

CR327/2010

That the leasing Software Acquisition in the amount of \$15,000. **BE APPROVED.**

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number **14863 AFB/10444 18**

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer  
Executive Director, Information Technology  
City Solicitor

External Distribution

Jones  
Hatfield

CR328/2010

That the funding sources with respect to the 2010 Capital Budget approvals - deferred items  
**BE APPROVED** as presented.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number **14863 AFB/10444 18**

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer

External Distribution

Valentinis  
Jones

CR329/2010

That the previous direction provided in CR360/2009 respecting the Capital Budget process  
**BE RESCINDED.**

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number **14863 AFB/10444 18**

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer

External Distribution

Abstract – Amend Minutes

Dilkens  
Lewenza

CR330/2010

That the City **REIMBURSE** the City of Woodstock the funds of approximately \$37,000. that they provided to the City regarding the Border matter, from the monies the City has received from the Provincial and Federal governments.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Report Number **14863 AFB/10444 18**

Internal Distribution

Finance [Victor Ferranti]  
Chief Financial Officer & City Treasurer

External Distribution

Brister  
Dilkens

CR331/2010

That the request by 1741117 Ontario Inc., owner of the property at 126 Ouellette Avenue, and business operator 2195704 Ontario Inc. o/a the Loose Goose Resto Pub & Lounge, for permission to erect a sidewalk cafe adjacent to the building wall on 126 Ouellette Avenue, as shown on attached Drawing C-3063, **BE APPROVED**, subject to the property owner & operator entering into a sidewalk cafe agreement being satisfactory in form to the City Solicitor and in technical content to the City Engineer to comply with the following

terms and conditions:

1. No advertising boards, A-frame signs, or plaques shall be placed within the pedestrian aisle in front of the sidewalk cafe, on the café enclosure, or on the fencing, save and except for a menu to be placed on and parallel to the enclosure, totally within the enclosure for the sidewalk cafe.
2.
  - a) Railings and enclosures shall have a minimum of 0.91m (36") in height and constructed of extra strength material. (For railing details see Appendix 'B' of City of Windsor Sidewalk Café Handbook.) Proposed enclosure design, materials, and colour used to be approved by the Manager of Urban Design and prior to issuance of Street Opening Permit. The applicant is proposing use of the pre-approved standard café enclosure.
  - b) Require a minimum 8-foot wide (2.4 metres) clear sidewalk aisle adjacent to the café railings for pedestrians on Ouellette Avenue, (clear vertically from sidewalk level to 8 feet above sidewalk level (2.4 metres).
  - c) All queuing of patrons, if required, shall be directed by staff and be located free and clear of the pedestrian aisle. An annual *Street Opening Permit* for stanchions to control the location of the *queuing line(s)* to be temporarily deployed on the sidewalk shall be obtained from the Engineering Department at a cost of \$156.00. The stanchions shall be removed from the public right-of-way between the hours of 2:30 a.m. and 12 o'clock noon.
3.
  - a) All plants and flowers are to be furnished and maintained entirely by and at the expense of the applicant(s) and be placed entirely within the area to be enclosed. The applicant(s) must also protect existing plantings in the public right-of-way and replace same if damaged. Nothing is to be *attached*, by any means, to trees, without exception.
  - b) Immediately after the season ends on November 15th of each year, all chairs, tables, and planters used for the sidewalk Café must be removed entirely from the sidewalk area.
  - c) Comply with all By-laws, Ordinances, Regulations, or Orders imposed by the Corporation and the Alcohol and Gaming Commission of Ontario, and permit one annual inspection of the premises by the City of Windsor.
  - d) Bear responsibility for the prevention of litter and must collect all litter resulting from the operation of the sidewalk cafe. Within the area of the sidewalk cafe, all serving glasses, bottles, pitchers and carafes shall be made of plastic or paper, except as permitted by the regulations under the designation as a "fine dining establishment".
  - e) Termination of this agreement may be made by either party upon thirty (30) days written notice to the other;
  - f) The City of Windsor reserves the right to suspend the operation of the sidewalk café immediately, if warranted by an emergency, or by resolution of City Council, or upon receipt from Windsor Police Service and/or City inspectors, of three (3) notices of violation of café regulations and/or liquor license regulations.
  - g) This agreement shall be terminated upon 30 days, after notification by Administration that the licensee/owner has defaulted on the terms of the agreement or with the lease payments. The Street Opening Permit will be cancelled and the café surround will be removed using the indemnity deposit. The fees, to that date, will be paid with any funds remaining from the indemnity deposit and any remainder will be returned to the applicant.
  - h) Agree to the acceptance and inclusion of all pertinent regulations and guidelines of the Sidewalk Café Policy, and agree that the use of a sidewalk patio café is an extension of the restaurant.

- i) The architectural design of the sidewalk café to be to the satisfaction of the Manager of Urban Design and Development. This will include a drawing submission (drawn to scale) showing the enclosure detail respecting the conditions set in point 2.a), and the specifications of the enclosure components. The drawings will include any proposed planters, landscape enhancements, lighting, signage, and furniture layout.
  - j) Furnish, at the applicant's own expense, four (4) copies of a plan of survey illustrating the location of the café on the public right-of-way and the as constructed café railing dimensions.
  - k) The applicant agrees to pay the cost of removing the abandoned tree, and planter grating directly in front of the property and repair the walkway to a seamless match with the existing brick pavers by removing the concrete curbing. The estimate upward cost for the City to perform the work is \$1,500.00.
  - l) This agreement shall remain in effect until November 15, 2012.
4. a) Pay a \$275.00 *application fee* to the Engineering Department.
- b) Pay a surcharge in the amount of \$100.00, as required by CR 699/85, to the Engineering Department.
- c) Pay a \$250.00 *fee* to the Engineering Department *for the preparation of the café agreement*, to be signed by the property owner and café operator.
- d) Pay an *annual seasonal license fee*, which may be adjusted to suit final surveyed patio measurements, of **\$1,195.30** as established by Council, together with any appropriate land taxes that may be applied. The amount may be pro-rated depending upon the date of issuance of the Street Opening Permit, or the day the Agreement is executed by the applicant, whichever yields the greater number of Café operating days.
- e) The Licensee shall indemnify and save harmless the City against all actions, suits, claims and demands which may be brought against the City and against all loss, costs, charges or expenses whatsoever for damage to property or injury (including death) to any person or persons which may be incurred or sustained or paid by the City by reason of, resulting from, or otherwise related to, either directly or indirectly, the presence or operation of the sidewalk café.
- f) The City requires a certificate of insurance from the Licensee that meets the following requirements:
- i. During the term of this license agreement a certificate of insurance shall be filed with the Risk Management Supervisor prior to the commencement of the Season and annually thereafter.
  - ii. Commercial General Liability Insurance including but not limited to bodily injury including death, personal injury, property damage, tenants legal liability and cross-liability/ severability of interest provisions in the amount of Two Million Dollars (\$2,000,000.00) per occurrence with a property damage deductible not to exceed \$1,000 or as agreed to by Licensor and name The Corporation of the City of Windsor as an additional insured.
  - iii. In the event that the Licensee uses outdoor heating devices paragraph 2 a) above shall apply in its entirety except the amount of insurance shall be higher than the standard Two Million Dollars (\$2,000,000) for unheated cafes. The additional coverage amount will be determined on a case-by case basis, which takes into account the nature of the café's proposed heating devices/systems and its locational attributes.
  - iv. The certificate holder portion must read exactly as follows:

**The Corporation of the City of Windsor  
Attention: Risk Management Department  
400 City Hall Square E, Suite 404A,  
Windsor, ON N9A 7K6**
  - v. It is understood and agreed that the Commercial General Liability Policy shall contain an

endorsement to provide the Licensor with (30) days prior written notice of cancellation.

- vi. Liquor liability insurance. Any Licensee involved in the sale or furnishing of alcoholic beverages shall also maintain liquor liability insurance with a minimum per occurrence limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence. The Corporation of the City of Windsor shall be named as additional insured on the liquor liability insurance policy.
- vii. The Insured name on the policy must be the same name as in the License Agreement for Sidewalk Café.
- viii. The insurance shall be satisfactory to the Licensor's Risk Management Supervisor.
- g) Following payment of the fees for the preparation of the agreement, payment in full or deposit of monthly post-dated cheques representing the annual fees for the use of the right-of-way and submission of a Certificate of Insurance, satisfactory to the Risk Management Supervisor and/or the execution of the encroachment agreement, a Street Opening Permit for the café shall be obtained from the Engineering Department, at a cost of \$132.00, prior to the installation of the sidewalk café railings on the public right-of-way, including a minimum one thousand dollars (\$1,000.00) indemnity deposit.
- h) The Street Opening Permit allows for the construction of the fencing on the public right-of-way, but the café shall not be occupied until the agreement is signed, insurance deposited and fees paid.

For each subsequent year to the completion of the Agreement, following deposit of eight (8) monthly post-dated cheques for the annual sidewalk café fee, a Street Opening Permit with the minimum indemnity deposit, shall be obtained prior to the placement of any equipment for the sidewalk café on the public right-of-way. Any threaded bolts, lags, or brackets must be approved and installed to the satisfaction of the City Engineer. The indemnity fee is to be retained until the Café is removed in the fall and the right-of-way restored, to the satisfaction of the City Engineer, and also, that the Office of the City Solicitor will not commence preparation of the above-mentioned Agreement until the fee 4(c) above, is submitted, and further, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute the necessary Agreement.

Carried.

Councillor Marra is absent from the meeting when the vote was taken on this matter.

Report Number 14864 SE2010 C19

Appendices

Drawing C-3063

Internal Distribution

Public Works [Ed Valdez]

City Engineer

Senior Manager Infrastructure Coordination and Development

City Solicitor

External Distribution

**SPECIAL MEETING OF COUNCIL – IN CAMERA**  
**August 23, 2010**

**Meeting called to order at: 4:05 p.m.**

**Members in Attendance:**

Mayor E. Francis  
Councillor D. Brister  
Councillor D. Dilkens  
Councillor R. Jones  
Councillor A. Halberstadt  
Councillor F. Valentinis  
Councillor K. Lewenza  
Councillor B. Marra (arrives at 4:09 p.m.)  
Councillor P. Hatfield  
Councillor J. Gignac

**Members Absent:**

Councillor C. Postma

**Also in attendance:**

H. Reidel, Chief Administrative Officer  
R. Warsh, Community Development and Health Commissioner  
M. Sonogo, City Engineer  
G. Wilkki, City Solicitor  
V. Critchley, City Clerk  
O. Colucci, Chief Financial Officer  
M. Stamp, Property Supervisor (Items 2 and 4)  
R. Pellerito, Financial Planning Administrator (Item 4)  
C. Glassford, Legal Counsel (Item 4)  
V. Mihalo, Executive Director of Human Resources (Item 7)  
T. Piruzza, Executive Director of Employment and Social Services (Item 7)  
N. Jammu-Taylor, Legal Counsel (Item 7)

Verbal Motion is presented by Councillor Brister, seconded by Councillor Dilkens, to move in Camera for discussion of the following item(s):

<b>Item No.</b>	<b>Subject</b>	<b>Section – Pursuant to Municipal Act, 2001, as amended</b>
1.	Legal matter – litigation settlement	239(2)(e)(f)
2.	Property/Legal matter – easement	239(2)(c)(f)

3.	Property matter – expropriation – Walker Road Grade Separation project	239(2)(c)
4.	Property matter – lease (See item 18 on regular agenda)	239(2)(a)
5.	Property/Personal matter – agreement (See item 13 on regular agenda)	239(2)(a)(b)
6.	Personal matter – about an identifiable individual	239(2)(b)(e)
7.	Personal matter – staffing	239(2)(b)

Motion Carried.

### Declarations of Pecuniary Interest:

None declared.

### Discussion on the items of business. (Items 1, 2, 3, 4, 5, 6 and 7)

Verbal Motion is presented by Councillor Brister, seconded by Councillor Dilkens, to move back into public session.

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Marra, THAT the Clerk **BE DIRECTED** to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held August 23, 2010 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from Senior Legal Counsel and City Solicitor respecting a legal matter – litigation settlement **BE APPROVED**.

2. That the recommendation contained in the in-camera report from the Property Supervisor, City Solicitor, Executive Director Parks and Facilities and City Engineer respecting a property/legal matter - easement **BE APPROVED**.

3. That the recommendation contained in the in-camera report from the City Solicitor, Senior Legal Counsel and Chief Financial Officer and City Treasurer respecting a property matter – expropriation for Walker Road Grade Separation Project **BE APPROVED**.

4. That the recommendation contained in the in-camera report from the Executive Director Parks and Facilities, City Engineer, Chief Financial Officer and City Treasurer, City Solicitor and Financial Planning Administrator respecting a property matter – lease **BE APPROVED**.

Councillor Marra voting nay



5. That the recommendation contained in the in-camera report from the Executive Initiatives Coordinator, Community Development and Health Commissioner, Executive Director of Recreation and Culture, City Solicitor, Chief Financial Officer and City Treasurer respecting a property/personal matter – agreement regarding Item 13 on the regular agenda **BE APPROVED**.

6. That the confidential report from the Chief Administrative Officer respecting a personal matter about an identifiable individual **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

7. That the recommendation contained in the in-camera report from the Project Manager, Executive Director Employment and Social Services, Community Development and Health Services Commissioner, Executive Director of Human Resources, City Solicitor and Chief Financial Officer and City Treasurer respecting a personal matter – staffing **BE APPROVED**.

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Lewenza,  
That the special meeting of council held August 23, 2010 **BE ADJOURNED**.

(Time: 5:10 p.m.)

Motion Carried.

**ADOPTED** as amended to reflect the resignation of  
Mr. Peter Bondy from the International Relations Committee  
by Council at its meeting held August 23, 2010 [M247-2010]  
VC/bm  
Windsor, Ontario, August 23, 2010

**REPORT OF THE STRIKING COMMITTEE**  
**of its meeting held**  
August 9, 2010

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**PRESENT:** Mayor E. Francis  
Councillor J. Gignac  
Councillor F. Valentinis  
Councillor A. Halberstadt  
Councillor R. Jones  
Councillor K. Lewenza  
Councillor P. Hatfield  
Councillor D. Dilkens  
Councillor C. Postma

**ABSENT:** Councillor B. Marra  
Councillor D. Brister

Your Committee submits the following recommendations:

(1) That the revised governance structure of the *Service Delivery Review Steering Committee* **BE APPROVED** as follows:

- Chief Administrative Officer
- Corporate Leadership Team
- 1 ABC representative

and further that all recommendations of this Steering Committee **BE FORWARDED** to City Council for decision in accordance with practises previously adopted in the SDR process.

(2) That Eileen-Si Chen **BE APPOINTED** to the *Mayor's Youth Advisory Committee* for the term expiring November 30, 2010.

(3) That Kimberly Hurst **BE APPOINTED** to the *Museum Advisory Committee* for the term expiring November 30, 2010.

(4) That the revised Committee membership structure for the *Windsor Essex County Environment Committee* dated February 4, 2010 and attached to Report No. 47 of the Windsor Essex County Environment Committee **BE APPROVED**.

(5) That the following persons **BE APPOINTED** to the *Municipal Election Compliance Audit Committee*, as approved by Council on June 7, 2010 (CR207/2010):

- Daniel Ableser
- David Cassivi
- Charles Pope

CHAIR

CLERK

**REPORT NO. 137** of the  
**WINDSOR LICENSING COMMISSION**  
(results of e-mail poll held August 16, 2010)

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**Present:** Councillor Ron Jones, Chairperson  
Councillor Alan Halberstadt  
Councillor Caroline Postma  
Joe Barile  
Jack Fathers

That the following recommendations of the Windsor Licensing Commission **BE APPROVED:**

1. That applicants wishing to renew their taxicab cab driver licenses for the 2010 Licensing Year , must submit on or before September 30, 2010 one of the following:
  - a) A police clearance satisfactory in form and content to the License Commissioner;
  - b) A partial police clearance together with evidence that the applicant has submitted his/her fingerprints to the RCMP for processing; or
  - c) Evidence that the applicant has been advised by Windsor Police Services that he/she must submit his/her fingerprints to the RCMP for processing together with proof of submission of the said fingerprints.
2. Upon submission of the above noted items and the other requirements of the Licensing By-law for renewal of this class of license, a license, conditional upon receiving the full police clearance, will be issued.
3. Licensing staff will follow-up to ensure that all final documentation is received.
4. That the Licensing By-law **BE AMENDED** accordingly.

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**CHAIRPERSON**

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**SECRETARY**

<u>Notification:</u>				
Contact Name	Taxicab Broker	Address	City	Postal

Stuart Caverhill	Gerry's Windsor Taxi	3165 Sandwich Street	Windsor, ON	N9C 1A7
Zahid Syed	1339517 Ontario Limited o/a Windsor Cab	3165 Sandwich Street, Unit 5	Windsor, ON	N9C 1A7
Javanshir Abdoulrahmanpour	1681207 Ontario Inc. o/a Canadian Checker Cab & Auto Clinic	506 Hannah Street East	Windsor, ON	N8X 2N6
Walter Bezzina	1287609 Ontario Limited o/a Windsor Airline Limousine Services Ltd.	350 Tuscarora Street	Windsor, ON	N9A 3L7
Windsor Licensing Commission (including resources)				