

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
Councillor Postma
Councillor Valentinis

Members Absent:

None.

Call to Order

Following the playing of the Canadian National Anthem, Reverend Luc LeBoeuf from Windsor Christian Fellowship, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillors Postma discloses an interest and abstains from voting on Item No. 3 being the report of the Community Development and Health Commissioner respecting "Closure of All Municipal Early Learning and Child Care Centres", as a friend is closely connected to the issue.

Councillor Marra discloses an interest and abstains from voting on Item No. 3 being the report of the Community Development and Health Commissioner respecting "Closure of All Municipal Early Learning and Child Care Centres", as his employer has a financial relationship with at least one of the local private day-care facilities.

Councillor Jones discloses an interest and abstains from voting on Item No. 3 being the report of the Community Development and Health Commissioner respecting "Closure of All Municipal Early Learning and Child Care Centres", as he has a relative that is employed in the affected area.

Councillor Marra discloses an interest and abstains from voting on Communication No. 10 being correspondence from the County of Essex respecting "Pathway to Potential Recommendations for Funding Awards", as many of the agencies that have expressed interest in this initiative have a working relationship with his employer.

Councillor Brister discloses an interest and abstains from voting on "Report No. 274 of the Windsor Heritage Committee" respecting John Campbell School, as a family member is employed with the involved contractor, PCR.

Councillor Hatfield discloses an interest and abstains from voting on "Report No. 274 of the Windsor Heritage Committee" respecting John Campbell School, 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 January 25, 2010, **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

Knights of Columbus Council 1453 Week - February 1 – 6, 2010
Black History Month – February 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); and
 - (ii) **Report of the Special In-Camera Meeting (Session 2)** held January 18, 2010; and
 - (iii) **Report No. 274 of the Windsor Heritage Committee** of its meeting held January 13, 2010
- (g) consideration of by-laws 24-2010 through 26-2010 (inclusive).

Carried.

Communications

Moved by Councillor Postma, seconded by Councillor Valentinis,
M42–2010 That the following Communication Items 1 to 21 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted, and further, that the minutes of the Transit Windsor Board of Directors (public and in camera) and Windsor Chartabus Inc., all held January 20, 2010 **BE ADOPTED**:

Item	From	Description
1	Office of the Premier	New Parliamentary Assistants to Help Drive Forward on Priorities Note & File GP2010
2	Ministry of the Environment	Draft Regulation to Support the Development and Implementation of Source Protection Plans Under the Clean Water Act, 2006 City Engineer Manager of Environmental Services Windsor Utilities Commission Note & File EI/10108

3	Ministry of the Environment	Certificate of Approval – Municipal and Private Sewage Works – Construct Sanitary Sewers on County Road 42 City Engineer Manager of Environmental Services Note & File SW2010
4	Ministry of the Environment	Certificate of Approval – Municipal and Private Sewage Works – Construct Storm Sewers on Monmouth Road, Walker Road, and Wyandotte Street East, as well as the replacement of Combined Sewers on Monmouth Road, Tuscarora Street, Walker Road, Wyandotte Place East and Wyandotte Street East Manager of Environmental Services Note & File SW2010
5	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the appeal of The Corporation of the Town of LaSalle, Anna Lynn Meloche, and Nancy Pancheshan, under the <i>Planning Act, R.S.O. 1990</i> for a big box commercial development on lands located at Sprucewood Avenue and Matchette Road City Planner Chief Building Official & Executive Director of Building City Solicitor Zoning Clerk Note & File ZO2010
6	Association of Municipalities of Ontario	AMO Pays Out Gas Tax Fund Interest Chief Financial Officer & City Treasurer General Manager, Transit Windsor MMA2010
7	Association of Municipalities of Ontario	One-stop Services for those Seeking Employment Ontario Services Community Development & Health Commissioner MMA2010
8	Association of Municipalities of Ontario	Government Releases Draft Regulations on Source Protection Plan Contents and Process City Engineer WUC MMA2010
9	Waste Diversion Ontario – Continuous Improvement Fund	\$19-million in special Blue Box program funding now available to municipalities for 2010 Priority Projects City Engineer Manager of Environmental Services GM2010
10	Corporation of the County of Essex	Pathway to Potential Recommendations for Funding Awards Community Development & Health Commissioner Note & File SS/10488
11	Workforce WindsorEssex; and Pathway to Potential	Second Career “Made in Windsor Essex” Solution Note & File SS/10488
12	Windsor-Sarnia Labour Market Monitor	An Overview of the Economic Region 570, Ranging from Windsor to Sarnia Note & File MC2010

13	Transit Windsor Board of Directors	Minutes of the Transit Windsor Board of Directors meetings held January 20, 2010 and the minutes of the Windsor Chartabus Inc. meeting held January 20, 2010 TO BE ADOPTED MB2010
14	Secretary/Treasurer Committee of Adjustment	Consent Authority Agenda Record Hearing to be held on Wednesday, February 10, 2010, Council Chambers, 3rd Floor, Windsor City Hall, 350 City Hall Square West, Windsor Note & File ZC2010
15	City Engineer	Ojibway Nature Centre RInC Project Note & File SR/10566
16	Service Delivery Review Steering Committee	Minutes of meeting held January 4, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
17	Windsor-Essex County Environment Committee	Minutes of meeting held January 7, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
18	Audit Committee	Minutes of meeting held January 13, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
19	Windsor Heritage Committee	Minutes of meeting held January 13, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
20	Multi-Residential Taxpayers Committee	Minutes of meeting held January 15, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
21	Windsor Tunnel Commission	Minutes of meeting held December 14, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010

Carried.

Councillor Marra discloses an interest and abstains from voting on Communication No. 10.

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 A New By-law to Provide for Protection of Highways in Windsor

Item 2 Site Plan Application – SPC-019/09; R-003/09 – Wissam Kamouni – 3295-3315 Dougall Avenue

Item 4 Elected Officials Tax-Free Allowance

Item 5 Vacant Land Lawn Maintenance Expenses

Item 6 Chemical Requirements 2010 – LRWRP & LRPCP

Carried.

Deferrals and/or Referrals and Withdrawals

Item 7 - Integrity Commissioner – Annual Report – as Earl Basse, Integrity Commissioner was in attendance at the February 1, 2010 meeting but had to leave in order to tend to a personal matter, City Council agrees to defer consideration of this matter to a future meeting date.

Windsor Heritage Committee Report No. 274 – at the request of Penny Allen, Superintendent of Business and Treasurer, Greater Essex County District School Board, this matter is being deferred to the Council meeting of Monday, February 8, 2010, as one of their delegations is unable to appear at the February 1, 2010 meeting.

Moved by Councillor Lewenza, seconded by Councillor Marra,

M43-2010 That Report No. 274 of the Windsor Heritage Committee of its meeting held January 13, 2010 **BE DEFERRED** to the February 8, 2010 meeting of Council to allow for all interested parties to be in attendance.

Carried.

Councillors Brister and Hatfield disclose an interest and abstain from voting on this matter.

MB2010

Item 3 Closure of All Municipal Early Learning and Child Care Centres**Marion Overholt, Solicitor, Legal Assistance of Windsor**

Marion Overholt, Solicitor, Legal Assistance of Windsor, appears before Council to express support for the request of the County of Essex to defer the report of the Community Development and Health Commissioner respecting the “Closure of All Municipal Early Learning and Child Care Centres”, as it is imperative that a comprehensive consultation process be undertaken with the community, County Council, parents and staff of the affected child care centres.

Moved by Councillor Lewenza, seconded by Councillor Hatfield,

That the report of the Community Development and Health Commissioner dated January 18, 2010 respecting “Closure of All Municipal Early Learning and Child Care Centres” **BE DEFERRED** to allow for a stakeholders meeting to be scheduled as soon as possible with the community, County Council, the school boards, parents and staff of the affected child care centres, as well as representatives of the provincial government and leaders of the opposition parties.

The motion is put and is lost.

Aye votes: Councillors Lewenza and Hatfield.

Nay votes: Councillors Brister, Halberstadt, Gignac, Valentinis and Dilkens.

Councillors Postma, Jones and Marra disclose an interest and abstain from voting on this matter.

Presentations & Delegations:**PRESENTATIONS:****DELEGATIONS**

Closure of All Municipal Early Learning and Child Care Centres**Ronna Warsh, Community Development & Health Commissioner**

Ronna Warsh, Community Development & Health Commissioner, appears before Council to provide an overview of the child care system and the city's role, what the current pressures are and why they are making the recommendation to close their directly operated child care centres, standards, how parents access child care, challenges in the non-profit and private centres, the cost of child care, the impact of full day learning, non-profit and private child care centre vacancy statistics, funding reinvestment, and concludes by making the commitment that if council approves the recommendation to close the city operated child care centres, they will work with the excellent community partners to help each family find quality child care.

Katheryne Schulz, Ontario Coalition for Better Child Care

Katheryne Schulz, Ontario Coalition for Better Child Care, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options.

Martha Friendly, Childcare Resource and Research Unit

Martha Friendly, Childcare Resource and Research Unit, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that the matter should at least be deferred to allow for consultation on this crisis as a starting point, with an examination of all possible options.

Wendy Hopkins, Private Non-Profit Childcare Centres

Wendy Hopkins, Private Non-Profit Childcare Centres, appears before Council to state that if Council approves the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, there would be options for those affected parents, as there are licensed operators that can provide this service, at a greater benefit to the taxpayers.

Jean Fox, President, CUPE Local 543

Jean Fox, President, CUPE Local 543, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required, especially with the union, with an examination of all possible options, as the report as presented has too many unanswered questions.

Teresa Fracas, Chief Steward, CUPE Local 543, and Sheryl Lynn Woods, Jefferson Day Care Centre Customer

Teresa Fracas, Chief Steward, CUPE Local 543, appears before Council, along with Sheryl Lynn Woods whose son is cared for at the Jefferson Day Care Centre, to state opposition to the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, and conclude by stating that children with special needs would be negatively impacted, as it is a challenge to find a facility that provides care for those with special needs, and provide examples of Jefferson Day Care which provides such beneficial services such as sign language, and ideal hours of operation.

Sue Markham, President, CUPW Local 500 and Dave Hodgins, CUPW member

Sue Markham, President, CUPW Local 500 and Dave Hodgins, CUPW member, appear before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, stating that the city centres provide excellent and flexible services with extended hours and thus a benefit to the community.

Mayor Francis leaves the meeting at 7:05 o'clock p.m., and Councillor Dilkens assumes the Chair.

Dino Chiodo, President, Windsor & District Labour Council; and Sandra Dominato, Chair – Women's Committee

Dino Chiodo, President, Windsor & District Labour Council; and Sandra Dominato, Chair – Women's Committee, appear before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, and that this consultation include the County and the Province of Ontario, and conclude by stating that a lack of adequate child care is often a barrier for employment.

Mayor Francis returns to the meeting at 7:12 o'clock p.m., and Councillor Dilkens returns to his seat at the Council table.

Jaime Mifflin, Ward 2 resident

Jaime Mifflin, Ward 2 resident, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, and concludes by stating that his son attends the College Avenue Centre, and the service provided is excellent, and gives examples of how staff assisted his son, and suggests that it would be a detriment to remove children from familiar surroundings.

Mark Donlon, Executive Director, Children First

Mark Donlon, Executive Director, Children First, appears before Council to provide an overview of the services provided by Children First, especially in the area of special needs, and that this service has been available to the community since 2001, regardless of which day-care a child belongs to.

Marion Overholt, Solicitor, Legal Assistance of Windsor

Marion Overholt, Solicitor, Legal Assistance of Windsor, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is vital, along with an examination of all possible options, and that this matter should not be rushed as collaboration is needed.

Dave Taylor, Scott Cipkar and Susan Holloway, parents

Dave Taylor, Scott Cipkar and Susan Holloway, parents, appear before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation (especially with the County of Essex) on this crisis is required as a starting point, with an examination of all possible options, and that this matter should not be handled in a rushed manner.

Anna Angelidis, Executive Director, CAW Child Care

Anna Angelidis, Executive Director, CAW Child Care, appears before Council to provide an overview of “CAW Child Care” program, and that given the implementation of full day kindergarten, it is important that the Province be lobbied for more funding in this area.

Linda Edwards, Executive Director, St. Mary’s Family Learning Centre

Linda Edwards, Executive Director, St. Mary’s Family Learning Centre, appears before Council to provide a brief overview of “St. Mary’s Family Learning Centre”, and concludes by suggesting that all early learning services need to forge new partnerships, as all facilities will be impacted if the city centres are closed.

Patti Strople, representing ECEs

Patti Strople, representing ECEs, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, especially in conjunction with the Province.

Brajendra Singh, parent of child who attends College Avenue Childcare Centre

Brajendra Singh, parent of an autistic child who attends College Avenue Childcare Centre, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, and concludes by providing an account of his personal difficulties in finding a centre that could care for his child, and expresses gratitude to the staff at College Avenue Centre who have provided his son with excellent child care service.

Cathy Meloche, ECE – College Avenue Childcare Centre

Cathy Meloche, ECE – College Avenue Childcare Centre, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, and concludes by suggesting that it is important to maintain the city childcare centres, which are situated along transit lines and therefore are of benefit to the many families that are on assistance.

Crystal Valley, parent of child who attends Jefferson Avenue Childcare Centre

Crystal Valley, parent of child who attends Jefferson Avenue Childcare Centre, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options, and concludes by suggesting that closure would have a detrimental effect on the children who would be impacted by such a traumatic change to their routine.

Leah Hills & Bethann Meloche, Best Starts Committee

Leah Hills & Bethann Meloche, Best Starts Committee, appear before Council to support the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as there are many service providers in the community that can provide this service and are licensed under the *Day Nurseries Act*, and suggest that all displaced children can be accommodated accordingly.

Elaine Whitmore, representing John McGivney Centre

Elaine Whitmore, representing John McGivney Centre, appears before Council and is available for questions in relation to the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs.

Cheryl Sprague, Executive Director, Delta Chi

Cheryl Sprague, Executive Director, Delta Chi, appears before Council to support the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, in the sense that there are facilities such as Delta Chi, that can accommodate all displaced children, and that the quality of care would not be jeopardized in any way.

Kyla Norwood, Ward 1 resident, and Liz Cipkar

Kyla Norwood, Ward 1 resident, and Liz Cipkar, appear before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, stating that there is value to having municipally operated day-care centres, as those centres have built-in accountability mechanisms.

Mayor Francis leaves the meeting at 8:05 o'clock p.m., and Councillor Dilkens assumes the Chair.

Linda Hill, ECE Professional

Linda Hill, ECE Professional, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis is required as a starting point, with an examination of all possible options.

Kay Holmes, Executive Director, ABC Nurseries

Mayor Francis returns to the meeting at 8:17 o'clock p.m., and Councillor Dilkens returns to his seat at the Council table.

Kay Holmes, Executive Director, ABC Nurseries, appears before Council to express support for the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, stating that there are plenty of qualified alternatives, such as ABC Nurseries, and concludes by suggesting that municipal centres are overpriced and should not be subsidized by taxpayer dollars.

Vivian Stajdohar, Executive Assistant, Latchkey Daycare and Learning Centre

Vivian Stajdohar, Executive Assistant, Latchkey Daycare and Learning Centre, appears before Council to express support for the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, stating that there are plenty of qualified alternatives, such as the Latchkey Daycare and Learning Centre, which has dedicated and competent staff.

Frank Favot, Ward 2 resident

Frank Favot, Ward 2 resident, appears before Council to express caution in terms of the debate regarding the proposed closure of all seven municipal Early Learning and Child Care Centres and two satellite programs, reminding everyone that there are differences between profit based versus not for profit centres.

Kimberly Parent, parent

Kimberly Parent, parent, appears before Council to express opposition for the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, stating that the centres have played an important and reliable role for parents in the community.

Ernie Lamont, Ward 4 resident

Ernie Lamont, Ward 4 resident, appears before Council to state that when considering whether or not to close all seven municipal Early Learning and Child Care Centres and two satellite programs, a study of options should be considered first in terms of marketing and advertising initiatives that could help pay for services in place of taxpayer dollars.

Mike Longmore, Ward 4 resident

Mike Longmore, Ward 4 resident, appears before Council to oppose the administrative recommendation to close all seven municipal Early Learning and Child Care Centres and two satellite programs, as the closures would only be a temporary quick fix solution, and that consultation on this crisis, as recommended through the deferral request by the County of Essex, would be an ideal starting point, with an examination of all possible options, as private care might leave children that are disabled at a disadvantage in terms of access to proper care.

Mayor Francis leaves the meeting at 10:07 o'clock p.m., and Councillor Dilkens assumes the Chair.

Mayor Francis returns to the meeting at 10:13 o'clock p.m., and Councillor Dilkens returns to his seat at the Council table.

Moved by Councillor Hatfield, seconded by Councillor Lewenza,
M44-2010 That in accordance with Section 3.5(b) of the Procedure By-law, the time of the meeting
BE EXTENDED beyond 11:00 o'clock p.m., to permit the continuation of the Agenda.

Carried unanimously.

Councillors Postma, Jones and Marra were absent from the meeting when the vote was taken on this matter, as this resolution was presented during discussion of an item in which they disclosed a pecuniary interest.

Moved by Councillor Lewenza, seconded by Councillor Hatfield,
That the report of the Community Development and Health Commissioner dated January 18, 2010 entitled "Closure of All Municipal Early Learning and Child Care Centres" BE DEFERRED for one month to allow for community consultations on the matter.

The motion is put and is lost.

Aye votes: Councillors Lewenza, Hatfield and Dilkens.

Nay votes: Councillors Brister, Halberstadt, Gignac and Valentinis.

Councillors Postma, Jones and Marra disclose an interest and abstain from voting on this matter.

SSC/6751 3

(For final disposition of this matter, see Clause **CR41/2010** in Schedule "A" attached hereto.)

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

Item 8 Property Tax Settlements with Federal Interests

Consideration of Committee Reports

M45-2010 Moved by Councillor Hatfield, seconded by Councillor Valentinis,
That the **Report of the special In-camera** meeting held February 1, 2010, **BE ADOPTED**
as presented.

Carried.

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

ACO2010

M46-2010 Moved by Councillor Hatfield, seconded by Councillor Valentinis,
That the **Report of the Special In-Camera Meeting (Session 2)** held January 18, 2010
BE ADOPTED as presented.

Carried.

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

ACO2010

By-laws

Moved by Councillor Lewenza, seconded by Councillor Marra,
That the following By-laws No. 24-2010 through 26-2010 (inclusive), be introduced and read a
first and second time:

24-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"

25-2010 "A BY-LAW TO PROVIDE FOR THE PROTECTION OF HIGHWAYS IN WINDSOR"

26-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE FIRST
DAY OF FEBRUARY, 2010"

Carried.

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

Moved by Councillor Halberstadt, 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 presented)
- 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 Postma was absent from the meeting when the vote was taken on this matter.

Notices of Motion

None presented.

Third Reading of By-laws

Moved by Councillor Brister, seconded by Councillor Dilkens,
That the following By-laws No. 24-2010 through 26-2010 (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 Postma was absent from the meeting when the vote was taken on this matter.

Petitions

Moved by Councillor Hatfield, seconded by Councillor Lewenza,
M47-2010 That the petitions presented to Council by members of the community opposing the closure of all City of Windsor Child Care Centres **BE RECEIVED** by the Clerk, and the Clerk **BE DIRECTED** to forward the petition to the Community Development and Health Commissioner for information.

Carried.

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

ACO/10546

Council Questions

Moved by Councillor Hatfield, seconded by Councillor Jones,
M48-2010 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 Postma was absent from the meeting when the vote was taken on this matter.

ACOQ2010

PROPOSED IN-CAMERA AGENDA FOR FEBRUARY 8, 2010

M49-2010 Moved by Councillor Lewenza, seconded by Councillor Marra,
That the following proposed In Camera Agenda for February 8, 2010 **BE APPROVED**:

<u>Item No.</u>	<u>Subject</u>	– Pursuant to Municipal Act, 2001, as amended
1.	Personal matter – about an identifiable individual(s) (See also item on open agenda)	239(2)(b)
2.	Personal matter – contract	239(2)(b)
3.	Property matter –sale of property	239(2)(c)
4.	Property matter – disposition of property	239(2)(e)(f)
5.	Labour negotiations – recycling contract	239(2)(d)
6.	Border Update – update on Legal matters (verbal report as necessary)	239(2)(a), (c), (e) and (f)

and further, that in accordance with By-law 46-2003, the Chief Administrative Officer, in consultation with the Mayor **BE AUTHORIZED** to add matters deemed to be of an urgent or time sensitive nature.

Carried.

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

Adjournment

Moved by Councillor Jones, 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 Postma was absent from the meeting when the vote was taken on this matter.

Accordingly, the meeting is adjourned at 11:28 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

MANAGER OF COUNCIL/COMMITTEE SERVICES/DEPUTY CLERK

Brister
Dilkens

CR47/2010

- I. That Council **ADOPT** By-law 25-2010 to provide for the protection of highways and other purposes, and
- II. **REPEAL** By-law 25, and
- III. **REPEAL** By-law 4923.

Carried.

Report Number **13872 AB2010 C1**

Internal Distribution

Public Works [Tony Ruffolo]
City Engineer
City Solicitor

Brister
Dilkens

CR40/2010

- I That the Site Plan Application by **Dr. WISSAM KAMOUNI** (File No.: SPC-019/09; R-003/09) **BE APPROVED** permitting development in accordance with Map No. SPC-019/09; R-003/09-1A & B (Site Plan & Site data); and Map No. SPC-019/09; R-003/09-3A&B (Elevations);
- II That the owner **ENTER INTO** a site plan control agreement with the Corporation, providing for the following at the expense of the owner, prior to the issuance of a construction permit:
 - (a) Basic Provisions
 - (b) General Provisions
 - (c) Special Provisions

1. Bonding:		
Landscaping	\$	10,000.00
Curbing	\$	4,900.00
Screening	\$	3,560.00
Lighting	\$	3,000.00
Total	\$	21,460.00

- 2. **Amend G-3(4)** - In addition to the provisions of Section G-3(4) Landscaping, the owner agrees to provide soft landscaping along the municipal right of way along Dougall Avenue in a manner satisfactory to the Corporation’s Landscape Architect;
- 3. **Abandon Redundant Private Drain Connections** – The applicant agrees to cut and cap all redundant storm and sanitary connections resulting from the development to the satisfaction of the Corporation’s City Engineer;
- 4. That the owner agrees to maintain all refuse and recycling facilities inside the building, at all times;
- 5. **Municipal Address** - That prior to the issuance of a construction permit, the owner agrees to have the municipal address assigned by the Planning Department;

- III That in accordance with By-law 11275, Administration **BE AUTHORIZED** to approve any minor modifications to the approved site plan and elevations;
- IV That the owner agrees to have the lands consolidated by applying to Municipal Property Assessment Corporation (MPAC).

Carried.

Report Number 14486 ZS/10458 C2

Internal Distribution

Planning [Rinkey Singh]

City Planner

City Solicitor

Brister

Gignac

CR41/2010

THAT Council **APPROVE** the recommendation to close all seven Municipal Early Learning and Child Care Centres and two satellite programs based on the information provided in this report at an annualized cost saving to the Housing and Children's Services budget of \$743,572 for the City and \$317,971 for the County, (and a fiscal 2010 saving of \$266,458 and \$120,656 respectively), and that these closures take place effective September 1, 2010; AND,

THAT the Provincial/Municipal share of \$4,754,142 of child care funding **BE RE-DIRECTED** to the Purchase of Service Centres for additional spaces to offset the elimination of Best Start Funding and the introduction of Full Day Learning for four (4) and five (5) year olds, AND;

THAT temporary funding at an upset limit of \$300,000 related to the placement of 2 temporary full time Employee Relations Assistants (1 for 12 months and 1 for 3 years) **BE APPROVED** and funded from the Budget Stabilization Reserve, to assist with the placement, counselling and job-search assistance of employees served with a lay off notice AND;

THAT six (6) additional counselling and trauma debriefing sessions through our Employee Family Assistance Program **BE PROVIDED** to our employees in 2010 at an additional cost at an upset limit of \$5,500 to **BE FUNDED** from the Budget Stabilization Reserve AND;

THAT the Staff Development budget **BE INCREASED** by an upset limit of \$70,000 to allow all of the Early Learning and Child Care Centre employees an opportunity to complete their internal Computer Proficiency Certificate in addition to a variety of Employee Development workshops and to **BE FUNDED** from the Budget Stabilization Reserve.

THAT the temporary costs incurred prior to the disposition of the city owned facilities (utilities, risk management, etc.) **BE FUNDED** from the Capital Expenditure Reserve fund.

Carried.

Councillors Postma, Jones and Marra disclose an interest and abstain from voting on this matter.

At the request of Councillor Gignac a recorded vote is taken.

RESULTS OF RECORDED VOTE:

In Favour	Councillors Brister, Gignac, Valentinis , Dilkens and Mayor Francis
Opposed	Councillors Hatfield, Lewenza and Halberstadt
Abstain	Councillors Postma, Jones and Marra
Absent	None

Report Number **14487 SSC/6751 3**

Internal Distribution

Community Development and Health Commissioner [Ronna Warsh]
 Executive Director of Housing and Children’s Services
 Executive Director, Human Resources
 Executive Director of Parks & Facility Operations
 Executive-Director of Corporate Facilities and Planning
 Chief Financial Officer/City Treasurer

Brister
 Dilkens

CR42/2010

That City Council **REAFFIRM** continuation of the one third tax free allowance for elected officials at the City of Windsor.

Carried.

Report Number **14493 AF2010 C4**

Internal Distribution

Finance [Joe Mancina]
 Chief Financial Officer/City Treasurer
 City Clerk
 City Solicitor

Brister
 Dilkens

CR43/2010

THAT consistent with normal practice Council APPROVE a transfer to account 0122623, of \$89,927.17 from the Capital Expenditure Reserve (Fund 160) to fund the lawn maintenance and grounds upkeep of vacant land owned by the City of Windsor.

Carried.

Report Number **14474 SR2010 C5**

Internal Distribution

Parks [John Miceli]
 Parks – Nicholas Worr
 Executive Director of Parks and Facility Operations
 City Engineer
 Chief Financial Officer/City Treasurer

Brister
Dilkens

CR44/2010

THAT, in accordance with the requirements of Purchasing By-Law 400-2004, the Purchasing Supervisor **SET UP** contract purchase orders for the supply of the following chemicals:

(1) CHEMICALS FOR PHOSPHORUS REMOVAL - LRWRP - APPENDIX "A"

That the tender dated November 23, 2009 of General Chemical Performance Products Ltd., 1686 Beaverdams Road, Oakville, Ont., L2V 3Y7 **BE ACCEPTED** to supply 3,000 tonnes (more or less) of aluminium sulphate at the tendered price of \$304.00/tonne to the Lou Romano Water Reclamation Plant as and when required, the estimated expenditure of \$912,000.00 to be charged to Chart Field 001-2130-1790-02942-0174201.

(2) ANIONIC POLYMER - LRWRP - APPENDIX "B"

That the tender dated November 23, 2009 of Polydyne Inc., P.O. Box 279, 1 Chemical Plant Road, Riceboro, Georgia, USA, 31323 **BE ACCEPTED** to supply 18,000 kg. (more or less) of Clarifloc A-3330 or Clarifloc A-3350, at the tendered price of \$2.796 (CDN)/kg to the Lou Romano Water Reclamation Plant as and when required, the estimated expenditure of \$50,328.00 to be charged to Chart Field 001-2130-1790-02942-0174201.

(3) CATIONIC POLYMER - LRWRP - APPENDIX "C"

That the tender dated November 23, 2009 of Polydyne Inc., P.O. Box 279, 1 Chemical Plant Road, Riceboro, Georgia, USA, 31323 **BE ACCEPTED** to supply 30,000 kg. (more or less) of clarifloc C-3223, at the tendered price of \$3.309 (CDN)/kg to the Lou Romano Water Reclamation Plant as and when required, the estimated expenditure of \$99,270.00 to be charged to Chart Field 001-2135-1790-02942-0174201.

(4) DEFOAMER - LRWRP - APPENDIX "D"

That the tender dated November 23, 2009 of Siovation, 1270 Progress Center Ave., Building 200, Lawrenceville, Georgia USA, 30043 **BE ACCEPTED** to supply 100,000 kg (more or less) of TA-5X FG, at the tendered price of \$1.12(CDN)/kg to the Lou Romano Water Reclamation Plant as and when required, the estimated expenditure of \$112,000.00 to be charged to Chart Field 001-2140-1790-02942-0174201.

(5) PHOSPHORIC ACID - LRWRP - APPENDIX "E"

That the tender dated November 23, 2009 of Flochem Ltd., R.R. #7, Stn. Main, Guelph, ON NIH 6J4 **BE ACCEPTED** to supply 60,000 kg (more or less) of phosphoric acid at the tendered price of \$1.22/kg to the Lou Romano Water Reclamation Plant as and when required, the estimated expenditure of \$73,200.00 to be charged to Chart Field 001-2140-1790-02942-0174201.

(6) PHOSPHORUS REMOVAL - LRPCP - APPENDIX "F"

That the tender dated November 23, 2009 of General Chemical Performance Products Ltd., 1686 Beaverdams Road, Oakville, Ont., L2V 3Y7 **BE ACCEPTED** to supply 575 tonnes (more or less) of aluminium sulphate at the tendered price of \$304.00/tonne to the Little River Pollution Control Plant as and when required, the estimated expenditure of \$174,800.00 to be charged to Chart Field 001-2130-1790-02942-0174301.

(7) SLUDGE CONDITIONING - LRPCP - APPENDIX "G"

That the tender dated November 23, 2009 of Polydyne Inc., P.O. Box 279, 1 Chemical Plant Road, Riceboro, Georgia, USA, 31323 **BE ACCEPTED** to supply 23,000 kg. (more or less) of Clarifloc C-3275 at the tendered price of of \$3.379 (CDN)/kg to the Little River Pollution Control Plant as and when required, the estimated expenditure of \$77,717.00 be charged to Chart Field 001-2135-1790-02942-0174301.

(8) DISINFECTION - LRPCP - APPENDIX "H"

That the tender dated November 23, 2009 of Dutch Products Inc., 44 Clayson Road, Weston, Ontario, M9M 2G7 **BE ACCEPTED** to supply 90,000 litres (more or less) of sodium hypochlorite at the tendered price of \$0.178/L to the Little River Pollution Control Plant as and when required, the estimated expenditure of \$16,020.00 be charged to Chart Field 001-2140-1790-02942-0174301.

(9) POTASSIUM PERMANGANATE - APPENDIX "I"

That the tender dated November 23, 2009 of Canada Colors and Chemicals Limited, 175 Bloor St. E., Suite 1300, North Tower, Toronto, Ontario, M4W 3R8 **BE ACCEPTED** to supply 13,000 kg. (more or less) of Potassium Permanganate at the tendered price of \$4.89/kg to the Little River Pollution Control Plant as and when required, the estimated expenditure of \$63,570.00 be charged to Chart Field 001-2140-1790-02942-0174301.

(10) POLYALUMINIUM CHLORIDE – LRPCP – APPENDIX "J"

That the only submitted tender dated November 23, 2009 of Kemira Water Solutions, 3405 Marie-Victorin Blvd, Varennes, Quebec, J3X 1T6 **BE ACCEPTED** to supply 80,000 litres (more or less) of polyaluminium chloride at the tendered price of \$0.481/L to the Little River Pollution Control Plant as and when required, the estimated expenditure of \$38,480 be charged to Chart Field 001-2140-1790-02942-0174301.

Carried.

Report Number 14490 SW2010 C6

Appendices

A-J

Internal Distribution

Public Works [William Lacasse]

City Engineer

Interim Director Pollution Control - John Guidolin

Manager of Purchasing and Risk Management

Chief Financial Officer/City Treasurer

City Solicitor

Gignac

Postma

CR45/2010

That the report transmitted by the City Clerk dated January 6, 2010 entitled "Integrity Commissioner – Annual Report" **BE DEFERRED** to a future meeting date, to allow for the Integrity Commissioner to be in attendance.

Carried.

Report Number 14468 GM/10017 7

Internal Distribution

Council Services [Valerie Critchley, City Clerk]

Brister
Marra

CR46/2010

That City Council **APPROVE** the tax write-off of \$212,204 for the property identified as roll #040-450-00200-0000.

That City Council **APPROVE** the tax write-off not to exceed \$90,000 for the property identified as roll #070-305-04400-0000.

Carried.

Report Number **14485 AF2010 8**

Internal Distribution

Finance [Phil Turner]

Chief Financial Officer/City Treasurer

External Distribution

DEFERRED by Council
to the February 8, 2010 meeting of Council [M43-2010]
MLM/
Windsor, Ontario February 8, 2010

REPORT NO. 274
of the
Windsor Heritage Committee
at its meeting held on January 13, 2010

Present: Robin Easterbrook, Chair
Andrew Foot, Vice-Chair
Tony Amato
Simon Chamely
Paul V. DeMarco
Janis Marchand
Jeffrey Mellow
Noreen Slack

Your Committee submits the following recommendation:

That the request by the Greater Essex County District School Board (GECDSB) for grants from the Community Heritage Fund and the Built Heritage Fund, for the rehabilitation of John Campbell School, at 1255 Tecumseh Road East, **BE APPROVED** as follows, with payment upon determination by the Chief Building Official that the work of specified items is completed, and subject to a Heritage Conservation Easement to be donated to the City:

Community Heritage Fund, \$350,000

- Lobby area: reinstate/refinish all woodwork, doors, marble, etc.
- Structural remediation: foundation repairs, window lintel repairs, repairs to concrete beams above windows
- Gymnasium: clean and reinstate stone elements, refinish stage
- Music room second floor: reinstate skylight, reinstate glass and wood frame ceiling to skylight, refinish all woodwork including floor
- Entrance to kindergarten: refinish all woodwork, repair and repoint brickwork on entrance

Built Heritage Fund, \$50,000

- First floor heritage classroom: refinish hardwood floor, plaster patching, refinish trim and millwork, rewire original fixtures, ceiling revisions to accommodate sprinkler system
- Patch and match terrazzo flooring in hallways and stairwells

**Report No. 274 of the
Windsor Heritage Committee**

February 8, 2010

Note: Councillor P. Hatfield disclosed a conflict of interest and abstained from voting.

Note: The report of the Heritage Planner regarding John Campbell School at 1255 Tecumseh Road East, dated January 6, 2010 is attached.

CHAIR

COUNCIL COMMITTEE COORDINATOR

ADOPTED by Council at its meeting held February 1, 2010 [M45-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
February 1, 2010**

Meeting called to order at: 3:13 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister (arrives at 3:17
p.m.)
Councillor D. Dilkens
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor K. Lewenza
Councillor B. Marra
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. Sonego, City Engineer
G. Wilkki, City Solicitor
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer
E. Basse, Integrity Commissioner (Item 1)
C. Martini, Legal Counsel (Item 1)

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

<u>o.</u>	<u>Subject</u>	– Pursuant to Municipal Act, 2001, as amended
1.	al Matter – Integrity Commissioner : Outside Legal Counsel will be present	239(2)(b)
2.	al Matter – contract	239(2)(b)

	al Matter – matters about identifiable individual(s) – Verbal Update o Item 3 on the Regular Agenda.	239(2) (b)
	al Matter – Report will be distributed at meeting.	239(2)(b)
	r Update – update on Legal matters	239(2)(a), (c), (e) and (f)

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Jones declares an interest and abstains from voting on Item 1 as it involves him personally.

Councillor Jones declares an interest and abstains from voting on Item 3 as he has a relative employed indirectly in the child care area at the City of Windsor.

Councillor Marra declares an interest and abstains from voting on Item 3 as his employer has a contractual relationship with a private daycare provider.

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

All Administration, except the Chief Administrative Officer, City Clerk and City Solicitor leave the meeting at 5:09 p.m.

Discussion on the items of business (Item 4)

All Administration return to the meeting at 5:24 p.m.

Discussion on the items of business (Item 5)

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

Motion Carried.

Moved by Councillor Brister, seconded by Councillor Jones, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held February 1, 2010 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation of the Integrity Commissioner to withdraw his report respecting a potential conflict of interest due to lack of jurisdiction **BE ACCEPTED**.

Councillor Jones declares a conflict and abstains from voting.

2. That the confidential report from the Deputy Clerk and City Clerk respecting a contract **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Councillor Halberstadt voting nay.

3. That the confidential verbal update from the Executive Director of Human Resources and Community Development and Health Commissioner respecting Item 3 on the regular agenda, closing of child care centres, **BE RECEIVED FOR INFORMATION**.

Councillors Marra and Jones declare a conflict and abstain from voting.

4. That the recommendation contained in the confidential report from the Chief Administrative Officer respecting a personal issue **BE APPROVED**, and that Administration **BE DIRECTED** to proceed on the verbal instructions of Council.

5. That the verbal update respecting the border issue **BE RECEIVED FOR INFORMATION**.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Halberstadt,
That the special meeting of council held February 1, 2010 BE ADJOURNED.
(Time: 5:29 p.m.)**

Motion Carried.

ADOPTED by Council at its meeting held February 1, 2010 [M46-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
January 18, 2010 (Session 2)**

Meeting called to order at: 10:59 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
Councillor P. Hatfield
Councillor J. Gignac
Councillor C. Postma

Also in attendance:

H. Reidel, Chief Administrative Officer
M. Sonogo, City Engineer
G. Wilkki, City Solicitor
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer
A. Berry, Lead Auditor
P. Ross, KPMG
A. Roman, Legal Counsel

Verbal Motion is presented by Councillor Brister, seconded by Councillor Postma,

That Rule 3.3(a) of the *Procedure By-law, 420-2001 as amended*, BE WAIVED to allow for the Mayor to call a special meeting without 24 hours notice, to discuss legal issues surrounding the 400 City Hall Square Audit. (Solicitor-client privilege, *Section 239(2)(f) of the Municipal Act*)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the item of business.

Verbal Motion is presented by Councillor Jones, seconded by Councillor Postma, to move back into public session.

Motion Carried.

Moved by Councillor Brister, seconded by Councillor Valentinis, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 18, 2010 (Session 2) directly to Council for consideration at the next Regular Meeting.

1. That the verbal report respecting the 400 City Hall Square Audit **BE RECEIVED FOR INFORMATION.**

Motion Carried.

Moved by Councillor Dilkens, seconded by Councillor Jones, That the special meeting of council held January 18, 2010 (Session 2) BE ADJOURNED. (Time: 11:11 p.m.)

Motion Carried.