

Regular

Council meets in formal session this day at 6:02 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 Ernie Harris from New Beginnings Christian Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

None disclosed.

Minutes

Moved by Councillor Dilkens, seconded by Councillor Gignac,
That the Minutes of the regular meeting of Council held January 4, 2010 **BE**

ADOPTED
as presented.

Carried.

Notice of Proclamations

None.

Committee of the Whole

Moved by Councillor Brister, seconded by Councillor Hatfield,
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 Special In-Camera Meeting** held December 21, 2009;
 - (iii) **Report No. 269 of the Windsor Heritage Committee** of its meeting held December 9, 2009;
 - (iv) **Report No. 270 of the Windsor Heritage Committee** of its meeting held December 9, 2009;
 - (v) **Report No. 271 of the Windsor Heritage Committee** of its meeting held December 9, 2009;
 - (vi) **Report No. 272 of the Windsor Heritage Committee** of its meeting held December 9, 2009; and
 - (vii) **Report No. 273 of the Windsor Heritage Committee** of its meeting held December 9, 2009.
- (g) consideration of by-laws 5-2010 through 14-2010 (inclusive).
Carried.

Communications

Moved by Councillor Jones, seconded by Councillor Valentinis,

M8-2010 That the following Communication Items 1 to 11 and 14 to 28 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 12 which is dealt with at the request for referrals stage of the meeting, and Communication No. 13 which is dealt with as follows:

Communication No.13

Moved by Councillor Marra, seconded by Councillor Lewenza,

M9-2010 That the recently created “Policy Framework on Affordable Access to Recreation for Ontarians”, which on December 1, 2009 received support by the AMO (Association of Municipalities of Ontario) Board of Directors **BE ENDORSED**, as it provides a vision for affordable access to recreation and a desire to make it a reality in the city of Windsor.

Carried.

SR2010

Item	From	Description
1.	Ministry of Community and Social Services	Corporation of the City of Windsor – Updated Ontario Works Service Plan for 2008-2009

		<p align="right">Community Development & Health Commissioner Note & File SS2010</p>
2.	Citizenship & Immigration Canada	<p>Nominations for the 2010 Paul Yuzyk Award for Multiculturalism Accepted Until March 1, 2010 Manager of Cultural Affairs Note & File GF2010</p>
3.	Ministry of the Environment	<p>Certificate of Approval – Municipal and Private Sewage Works – Construct Sanitary Sewers on Tecumseh Road East Executive Director of Environmental Services City Engineer Note & File SW2010</p>
4.	Ministry of the Environment	<p>Certificate of Approval – Municipal and Private Sewage Works – Construct Sanitary Sewers west of Aspen Shore Avenue, from McHugh Street to Little River Boulevard Executive Director of Environmental Services City Engineer Note & File SW2010</p>
5.	Ontario Municipal Board (OMB)	<p>Decision/Order of the Board regarding the appeals of 1233806 Ontario Ltd., Canadian Transit Company, K Scrap Resources Ltd., Lake Ontario Cement Limited, Alberto Folino, Diego and Alice Di Caro, Michael V. Dorian, Hilary Payne, Steve Walter, under the <i>Planning Act, R.S.O. 1990</i> for lands known as Sandwich Heritage Conservation District City Planner Chief Building Official & Executive Director of Building City Solicitor Supervisor of Development Applications Zoning Clerk Note & File ZB/10323 ZB/10324 Z/10325 Z/10320 Z0/10322 Z0/10321 MBA/10319 Z/8581</p>
6.	Town of LaSalle	<p>Notice of the Passing of a Zoning By-Law Amendment City Planner Chief Building Official & Executive Director of Building City Solicitor Zoning Clerk Note & File Z2010</p>
7.	Corporation of the County of Essex	<p>211 Expansion Manager of Customer Service Note & File</p>

		GM/9620
8.	Municipal Property Assessment Corporation (MPAC)	Office Relocation Chief Financial Officer & City Treasurer Note & File GP/10470
9.	Local Authority Services Ltd. (LAS)	2008 Annual Report City Clerk Note & File GM2010
10	Windsor Community & Rehabilitation Centre	Addiction Services for Homeless Men Community Development & Health Commissioner Chief Financial Officer & City Treasurer Note & File SS2010
11	Dean P. La Bute, VON Canada	12th Annual VON Chocolate Lovers Brunch COUNCIL DIRECTION REQUESTED Chief Financial Officer & City Treasurer APR2010
12	Marion Eco-Park Committee	Conversion of an Old Enwin Sub-Station Into an Eco-Park Located at 905 Marion Avenue COUNCIL DIRECTION REQUESTED Executive Director of Parks & Facility Operations Executive Director of Recreation Community Development & Health Commissioner SW2010
13	Chair, Ontario Task Group on Affordable Access to Recreation	Request to endorse Policy Framework on Affordable Access to Recreation for Ontarians COUNCIL DIRECTION REQUESTED Community Development & Health Commissioner Executive Director of Recreation Note & File SR2010
14	Supervisor of Development Application Teams	Application of Cannon Automotive Solutions for Site Plan approval to permit Industrial uses located at 600 Sprucewood Ave. Note & File ZS/10562
15	Supervisor of Development Application Teams	Application of City of Windsor - Parks for Site Plan approval to permit a park and nature reserve / centre, new building and outdoor seating area located at 5200 Matchette Rd. Note & File ZS/10563
16	Supervisor of Development Application Teams	Application of STC Construction Group (Scott Woodall) for Site Plan amendment to permit a new addition, renovation to existing building to a larger format prototype store including expanded retail store, sidewalks and landscaping, parking area work, etc., located at 7650 Tecumseh Rd. E.

		Note & File ZS/10560
17	Supervisor of Development Application Teams	Application of City of Windsor – Public Works Dept. for Site Plan approval to permit underground retention treatment basin with above grade mechanical building and parking lot located at Riverside Dr. E. Note & File ZS/10557
18	Manager of Development	Application of Yong Tian for zoning amendment to permit a lodging house as a permitted use for lands located at 227 Bridge Ave. Note & File ZB/10559
19	Manager of Development	Application of Nefibo Incorporated for Draft Plan of Subdivision / Condominium to permit a 200-unit dwelling and 2-unit commercial space for lands located at 737 Ouellette Ave. Note & File ZP/10568
20	General Manager of Transit Windsor	Council Question CQ110-2009 – Hiring of Drivers Note & File MT2010
21	Executive Director of Parks & Facility Operations	Public Meetings – Performance Stage, Festival Plaza Note & File SR/10441
22	City Engineer	City Centre Streetscape Phase 4 & 5 – DWBIA Enhancements Note & File MD/8639
23	City Solicitor	2009 United Way Campaign Summary Note & File APR2010
24	Audit Committee	Minutes of meeting held December 16, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
25	Windsor-Essex County Environment Committee	Minutes of meeting held December 3, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
26	Windsor Accessibility Advisory Committee	Minutes of meeting held December 15, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
27	Housing Advisory Committee	Minutes of meeting held November 26, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request)

		upon request)	Note & File MB2010
28	Windsor Heritage Committee	Minutes of meeting held December 9, 2009 (<i>previously distributed</i> for members of Council only) (copy available upon request)	Note & File MB2010

Carried.

Consent Agenda

Moved by Councillor Marra, seconded by Councillor Postma,
That the following Consent Agenda and the recommendations contained in the administrative reports **BE APPROVED** as amended:

- Item 3 Ministry of Community and Social Services 2009 Service Contracts
- Item 4 Sale of Fire Truck Unit 4017 – 1998 Sutphen Platform
- Item 6 Bridge Rehabilitation – Malden Road Over Basin Drain – Tender #108-09
- Item 7 Recreational Infrastructure Canada (RInC) Program Agreement and Accompanying By-law

Carried.

Deferrals and/or Referrals and Withdrawals

Communication No. 12

Moved by Councillor Hatfield, seconded by Councillor Halberstadt,
M10- 2010 That the correspondence by Maxine Jones on behalf of the Marion Eco-Park Committee dated December 21, 2009 seeking to convert an old Enwin sub-station property at 905 Marion Avenue to an eco park, **BE RECEIVED**, and further, that it **BE REFERRED** to the Executive Director of Parks for review, and further, that it also **BE REFERRED** to the Windsor Essex County Environment Committee (WECEC) for their review and to determine if they can provide any assistance with this endeavour.

Carried.

Presentations & Delegations:

PRESENTATIONS:

2009 City of Windsor United Way Campaign

Michael Duben, 2009 City of Windsor United Way Campaign Co-Chair; Jim Wood, CUPE Local 82 President; Jean Fox, CUPE Local 543 President; and Neil Gold, United Way Board of Directors Chair, and Rick Laporte, United Way Chair-Elect for Campaign Cabinet

Michael Duben, 2009 City of Windsor United Way Campaign Co-Chair; Jim Wood, CUPE Local 82 President; Jean Fox, CUPE Local 543 President; and Neil Gold, United Way Board of Directors Chair, and Rick Laporte, United Way Chair-Elect for Campaign Cabinet, appear before Council for a cheque presentation representing the contributions made by the City of Windsor employees to the 2009 City of Windsor United Way Campaign, stating that \$148,624.00 was raised despite economic hardships within the community, thanks to the employees that came together and raised funds in excess of the targeted goal.

Moved by Councillor Dilkens, seconded by Councillor Lewenza,
M11-2010 That the presentation by Michael Duben, 2009 City of Windsor United Way Campaign Co-Chair; Jim Wood, CUPE Local 82 President; Jean Fox, CUPE Local 543 President; and Neil Gold, United Way Board of Directors Chair, and Rick Laporte, United Way Chair-Elect for Campaign Cabinet, for a cheque presentation representing the contributions made by the City of Windsor employees to the 2009 City of Windsor United Way Campaign, **BE RECEIVED**.
Carried.

DELEGATIONS

WFCU Centre Mural Project

Jan Wilson, Executive Director of Recreation; and Donna Mayne from Windsor Art Studio

Jan Wilson, Executive Director, Recreation, along with Donna Mayne from Windsor Art Studio, appear before Council to provide a brief overview of the mural project for the WFCU Centre, along with various concepts for the murals for completion and installation, including various themes under consideration, such as Silhouettes (Activities and Spirit), Celtic Knots (Connections and Links), Art Nouveau (Modern), Tremploi (3-D), and Native Canadian (Cultural Gathering), as well as suggested locations such as the southern wall near the entrance to the Collavino Hall, the entranceways into the buildings, and the main bowl.

SR/8880 5

(For final disposition of this matter, see Clause **CR11/2010** in Schedule "A" attached hereto.)

Performance Stage – Festival Plaza

Ernie Lamont, Ward 4 resident

Ernie Lamont, Ward 4 resident, appears before Council to speak in support of the proposed performance stage to be constructed on the north side of Riverside Drive, stating that it is an investment in the future, and could be a money generator by perhaps incorporating naming rights or an advertising mechanism.

Tony Walker, Ward 3 resident

Tony Walker, Ward 3 resident, appears before Council with regards to the proposed performance stage to be constructed on the north side of Riverside Drive, stating that the

open houses on this concept held in December 2009 were beneficial, but that there is still concern with regards to the issue of noise, as it has been suggested that “it is not going to get any worse”, and concludes that this is not a comforting statement and requests that a baffle wall be incorporated on the south side of the proposed structure.

David Hanna, Ward 1 resident

David Hanna, Ward 1 resident, appears before Council to speak in support of the proposed performance stage to be constructed on the north side of Riverside Drive, stating that the aspect of the project, as well as the designs, are good, but there could be some possible improvements to make it a top notch structure.

Stephen Berrill and Matt Woods, ADA Architects

Steve Barrell and Matt Woods, ADA Architects, appear before Council and are available for questions with regards to the proposed performance stage to be constructed on the north side of Riverside Drive.

SR/10441 2

(For final disposition of this matter, see Clause **CR8/2010** in Schedule “A” attached hereto.)

CQ99-2009 – Reverse Stop Signs: Rose / Jos. St. Louis

Bob Whitney, Ward 4 resident

Mayor Francis leaves the meeting at 7:52 o'clock p.m., and Councillor Marra assumes the Chair.

Bob Whitney, Ward 4 resident, appears before Council to speak in opposition to the administrative recommendation to reverse the stop signs at the intersection of Rose/Jos. St. Louis, stating that if Rose Street becomes a through street, more people will speed from Rivard to Jefferson and vice versa, and that this is already a busy corner with two city bus stops and enough pedestrian traffic to warrant a four way stop.

Jerry Grossi, Ward 4 resident

Jerry Grossi, Ward 4 resident, appears before Council to speak in opposition to the administrative recommendation to reverse the stop signs at the intersection of Rose/Jos. St. Louis, stating that the road is already a high traffic route for motorists that want to avoid traffic on Tecumseh Road, and that a four way stop will reduce pedestrian and vehicular accidents in that vicinity.

Beth Bailey, Ward 4 resident

Beth Bailey, Ward 4 resident, appears before Council to speak in opposition to the administrative recommendation to reverse the stop signs at the intersection of Rose/Jos. St. Louis, stating that she is very familiar with traffic patterns in that area, as she is a Canada Post carrier in that vicinity, and a four way stop will reduce pedestrian and vehicular accidents.

Mayor Francis returns to the meeting at 8:00 o'clock p.m., and Councillor Marra returns to his seat at the Council table.

ST2010 1

(For final disposition of this matter, see Clause **CR7/2010** in Schedule "A" attached hereto.)

Windsor Heritage Committee Report No. 269**John Laframboise, President, Assumption Heritage Trust**

John Laframboise, President, Assumption Heritage Trust, appears before Council to speak in support of the recommendation of the Windsor Heritage Committee to approve a \$250,000 grant from the Community Heritage Fund to Assumption Heritage Trust, to allow for repairs to the southern-most east wall of Assumption Church, located at 350 Huron Church Road.

Pat Malicki, Architectural Conservancy of Ontario

Pat Malicki, Architectural Conservancy of Ontario, appears before Council to speak in support of the recommendation of the Windsor Heritage Committee to approve a \$250,000 grant from the Community Heritage Fund to Assumption Heritage Trust, to allow for repairs to the southern-most east wall of Assumption Church, located at 350 Huron Church Road.

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

That a one-time grant in the amount of \$50,000 from the Community Heritage Fund BE ALLOCATED to the Assumption Heritage Trust, to allow for repairs to the southern-most east wall of Assumption Church, 350 Huron Church Road.

The motion is **put** and is **lost**.

Aye Votes: Councillors Halberstadt, Hatfield and Gignac.

Nay Votes: Councillors Lewenza, Valentinis, Jones, Dilkens, Marra and Brister.

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

Moved by Councillor Jones, seconded by Councillor Valentinis,

That a grant in the amount of \$50,000 per year for 3 years from the Community Heritage Fund BE ALLOCATED to the Assumption Heritage Trust, to allow for repairs to the southern-most east wall of Assumption Church, 350 Huron Church Road.

The motion is **put** and is **lost**.

Aye Votes: Councillors Valentinis and Jones.

Nay Votes: Councillors Halberstadt, Gignac, Hatfield, Lewenza, Dilkens, Marra and Brister.

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

Moved by Councillor Lewenza, seconded by Councillor Dilkens,

M12-2010 That Report No. 269 of the Windsor Heritage Committee of its meeting held December 9, 200, BE **ADOPTED** as presented.

Carried.

Aye Votes: Councillors Marra, Valentinis, Jones, Dilkens, and Lewenza.

Nay Votes: Councillors Halberstadt, Gignac, Hatfield and Brister.

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

MB2010

Councillor Halberstadt's Notice of Motion

Clerk's Note: Councillor Halberstadt receives a seconder to his proposed motion, and therefore delegations are permitted with regards to his motion.

Habib Zaidi, Ward 3 resident

Mayor Francis leaves the meeting at 9:50 o'clock p.m., and Councillor Marra assumes the Chair.

Habib Zaidi, Ward 3 resident, appears before Council to speak in support of an administrative report being prepared to report back on steps required to grant relief from tax interest and penalties by way of a means test, and concludes by suggesting that this is needed especially now, given the economic challenges facing the local community.

Marion Overholt, Legal Assistance of Windsor, and Dino Chiodi, Windsor and District Labour Council

Marion Overholt, Legal Assistance of Windsor, and Dino Chiodi, Windsor and District Labour Council, appear before Council to speak in support of an administrative report being prepared to report back on steps required to grant relief from tax interest and penalties by way of a means test, and conclude by suggesting that this is needed especially now, given the economic challenges facing the local community, and provide a brief synopsis of what other municipalities are doing, such as Hamilton, Sudbury and Ottawa.

Mayor Francis returns to the meeting at 9:57 o'clock p.m., and Councillor Marra returns to his seat at the Council table.

Moved by Councillor Halberstadt, seconded by Councillor Lewenza,
M13-2010 That Administration **REPORT BACK** on the steps required to enact provisions in the *Municipal Act* to grant relief from tax interest and penalties by way of a means test and indicate the resources required to implement a means test process. The pertinent Sections under the Act are Section 319 covering low-income seniors or low-income persons with disabilities, Section 357/358 related to extreme poverty or sickness and Section 365 related to persons whose taxes are considered by Council to be unduly burdensome.

Carried.

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

AFT2010

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

Nil.

Consideration of Committee Reports

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M14-2010 That the **Report of the special In-camera** meeting held January 11, 2010, **BE ADOPTED** as presented.

Carried.

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

ACO2010

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M15-2010 That the **Report of the special In-camera** meeting held December 21, 2009, **BE ADOPTED** as presented.

Carried.

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

ACO2010

Moved by Councillor Jones, seconded by Councillor Lewenza,
M16-2010 That **Report No. 270 of the Windsor Heritage Committee** of its meeting held December 9, 2009, **BE ADOPTED** as presented.

Carried.

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

MB2010

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M17-2010 That **Report No. 271 of the Windsor Heritage Committee** of its meeting held December 9, 2009, **BE ADOPTED** as presented.

Carried.

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

MB2010

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M18-2010 That **Report No. 272 of the Windsor Heritage Committee** of its meeting held December 9, 2009, **BE ADOPTED** as presented.

Carried.

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

MB2010

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M19-2010 That **Report No. 273 of the Windsor Heritage Committee** of its meeting held December 9, 2009, **BE ADOPTED** as presented.

Carried.

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

MB2010

By-laws

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
That the following By-laws No. 5-2010 through 14-2010 (inclusive), be introduced and read a first and second time:

- 5-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 52-1999, BEING A BY-LAW TO APPOINT MUNICIPAL ENFORCEMENT OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR"
- 6-2010 "A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 1125 OTTAWA STREET AND 1334 BENJAMIN AVENUE, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED"
- 7-2010 "A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 2895 SEMINOLE STREET, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED"
- 8-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"

- 9-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"
- 10-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"
- 11-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"
- 12-2010 "A BY-LAW TO AUTHORIZE THE TEMPORARY BORROWING OF MONEY FOR CURRENT EXPENDITURES FOR 2010"
- 13-2010 "A BY-LAW TO AUTHORIZE THE EXECUTION OF A CONTRIBUTION AGREEMENT WITH HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF ENERGY AND INFRASTRUCTURE AND TO DESIGNATE THE SIGNING OFFICERS OF SUCH AGREEMENT"
- 14-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE ELEVENTH DAY OF JANUARY, 2010"

Carried.

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

Moved by Councillor Jones, seconded by Councillor Lewenza,
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 presented)**
- 3) **Items Deferred**
Items Referred
- 4) **Consideration of the Balance of Business Items (see Schedule "A")**
- 5) **Committee Reports (as presented)**
- 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.

New Notices of Motion

None presented.

Third Reading of By-laws

Moved by Councillor Marra, seconded by Councillor Jones,

That the following By-laws No. 5-2010 through 14-2010 (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

None presented.

Council Questions

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M20-2010 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 JANUARY 18, 2010

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
M21-2010 That the following proposed In Camera Agenda for January 18, 2010 **BE APPROVED**:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Personal matter – about an identifiable individual – contract	239(2)(b)
2.	Personal matter – Integrity Commissioner report	239(2)(b)
3.	Personal matter – Human Rights complaint	239(2)(b)
4.	Personal matter – Human Rights complaint	239(2)(b)
5.	Personal matter – about an identifiable individual – contract renewal	239(2)(b)
6.	Personal/Legal matter – agreement	239(2)(d)
7.	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 Lewenza,

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 10:23 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

MANAGER OF COUNCIL/COMMITTEE SERVICES/DEPUTY CLERK

Marra
Lewenza

CR7/2010

That the report of the Executive Director of Operations dated December 15, 2009 entitled "CQ99-2009 - Reverse Stop Signs: Rose/Jos. St. Louis" **BE RECEIVED**; and further,

That Council **WAIVE** the provisions in the "All Way Stop Policy" adopted via CR536/2005, and that approval **BE GIVEN** for the installation of an "All Way Stop" at the intersection of Rose Avenue and Jos. St. Louis Avenue; and,

That the Traffic By-law 9148 (Schedule 'A' Through Highways" **BE AMENDED** to delete Jos. St. Louis Avenue from the north side of Rose Avenue to the south side of Rose Avenue.

Carried.

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

Report Number **14394 ST2010 1**

Internal Distribution

Public Works [Josette M. Eugeni]
City Engineer
Executive Director of Operations
City Solicitor

Brister
Postma

CR8/2010

THAT Council **WAIVE** the height restriction for structures on the north side of Riverside Drive to allow construction of a permanent performance stage, AND that Council direct Parks & Facility Operations to proceed to tender for the proposed stage, and further, that baffle walls on the south side of the structure **BE INCORPORATED**.

Carried.

Report Number **14403 SR/10441 2**

Internal Distribution

Parks [Don Sadler, Executive Director]
City Engineer
Manager of Purchasing and Risk Management
Chief Financial Officer/City Treasurer

Marra
Postma

✓✓SV

CR9/2010

THAT City Council **AUTHORIZE** the signing of the 2009 Services Contract and subsequent Service Agreements for the three year period covered by the Service Contract, to be signed as follows:

- ✓ 2009 MCSS/MCYS Service Contracts ✓ ✓ ~~2009 MCSS Service Contract~~ ✓ - CAO and City Clerk subject to review of technical content by the Community Development & Health Commissioner, review of legal content by the City Solicitor, and financial review by the Chief Financial Officer or designate; and
- 2009, 2010, 2011 Ontario Works Service Agreements and/or amendments – Executive Director of Social Support and Chief Financial Officer or designate; and
- 2009, 2010, 2011 Transfer Payment Service Agreement and/or amendments – Executive Director of Housing Services & Children’s Services, Executive Director of Social Support and Chief Financial Officer or designate subject to a report to City Council summarizing significant program changes, additions and deletions; and further

THAT City Council **AUTHORIZE** the Community Development & Health Commissioner to sign contracts with agencies/employers in Windsor and Essex County, as provided by the criteria established under the terms of the ✓ 2009 MCSS/MCYS Service Contracts ✓ ✓ ~~MCSS Service Contract~~ ✓ and related agreements such that the net city contribution does not exceed \$150,000 or a maximum of \$1,000,000 gross expenditures.

[For contracts in excess of \$150,000 net city contribution, or in excess of \$1,000,000 gross contribution, that in addition to the Community Development & Health Commissioner signature, the Chief Administrative Officer **BE REQUIRED** to sign as a secondary authority. Authorization would be subject to approval as to technical content by the Executive Director of Social Support or the Executive Director of Housing & Children’s Services, approval as to of legal content by the City Solicitor, and approval as to financial content by the Chief Financial Officer or designate. As long as the agreements conform to the standard format reviewed and pre-approved by the City Solicitor, the City Solicitor is not required to approve each individual as to form].

Carried.

Report Number 14443 SS2010 C3

Internal Distribution

Community Development and Health Commission [Linda Higgins]
 Community Development and Health Commissioner
 Executive Director of Housing & Children’s Services
 Executive Director of Social Support
 Chief Financial Officer/City Treasurer
 City Solicitor

Marra
 Postma

✓✓SV

CR10/2010

That City Council **APPROVE** the offer received from the Corporation of the Town of Essex to purchase the 1998 Sutphen 95ft Platform Truck ✓VIN#4S7AT9DOXSC017091✓ ✓VIN#1S9A3JLE2W1003100✓ in the amount of \$350,000. As per CR487/2008 the residual will **BE RETURNED** to Project 7074066.

Carried.

Report Number **14435 SF2010 C4**Internal Distribution

Fire [David Fields, Fire Chief]

Fire – Sherri Arsenault

Manager of Purchasing and Risk Management

City Solicitor

Chief Financial Officer/City Treasurer

Marra

Brister

C11/2010

That the report of the Executive Director of Recreation dated December 17, 2009 entitled "WFCU Centre Mural Project" **BE RECEIVED**, and further, that this **BE REFERRED** back to the "guiding committee" for a decision on the concepts/themes for the murals for completion and installation, and that a mechanism **BE DEVELOPED** to allow for feedback from any or all members of Council.

Carried.

Councillor Postma voting nay.

Report Number **14444 SR/8880 5**Internal Distribution

Recreation [Jan Wilson, Executive Director]

Community Development and Health Commissioner

Marra

Postma

CR12/2010

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

Tenderer:	Coco Paving Inc. 6725 South Service Road, R. R. #2 Windsor, Ontario N8N 2M1
Work:	Replacement of Malden Road Bridge Over Basin Drain Tender 108-09
Total Tendered Price:	\$484,620.00 (excluding GST)
Accounts Charged:	007-5310-1790-02942-7091024

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 Coco Paving Inc. for Tender No. 108-09.

- II. THAT **APPROVAL BE GIVEN** to undertake an expenditure of \$484,620.00 for the bridge rehabilitation of Malden Road Over Basin Drain structure, to be funded from the approved 2009 Capital Budget of \$2,500,000.00 for Bridge Rehabilitation (Project ID No. 7091024).
- III. THAT **APPROVAL BE GIVEN** to undertake an expenditure of up to an amount of \$70,000.00, plus GST, for the retention of Dillon Consulting Ltd., as outlined in CAO-1130 for site observation and contract administration of Tender No. 108-09, in accordance with their Proposal for Engineering Services dated January 30, 2009, said fee to be in accordance with the most recent Schedule of Fees published by the Professional Engineers of Ontario; and further, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer.

Carried.

Report Number 14438 SW/10353 C6

Internal Distribution

Public Works [Mark Winterton]
City Engineer
Executive Director of Operations
Manager of Purchasing and Risk Management
Chief Financial Officer/City Treasurer
City Solicitor

Marra
Postma

CR13/2010

THAT the Contribution Agreement between The Corporation of the City of Windsor and Her Majesty the Queen in right of Ontario, as represented by the Minister of Energy and Infrastructure and the Minister of Health Promotion, in the form attached hereto as Appendix "A", **BE APPROVED**, and further that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute the agreement.

AND THAT Council **ADOPT** By-law 13-2010 for the purposes of authorizing the execution of the Contribution Agreement and designating the signing officers.

Carried.

Report Number **14447 SR/10566 C7**

Appendices
Agreement

Internal Distribution
Recreation [Andrew Daher]
Executive Director of Recreation
Community Development and Health Commissioner
Chief Financial Officer and City Treasurer
City Solicitor

ADOPTED by Council at its meeting held January 11, 2010 [M12-2010]
MLM/
Windsor, Ontario January 11, 2010

REPORT NO. 269
of the
Windsor Heritage Committee
at its meeting held on December 9, 2009

Present: Robin Easterbrook, Chair
Andrew Foot, Vice-Chair
Councillor Percy Hatfield
Councillor Fulvio Valentinis
Lynn Raeburn Baker
John Bewsher
Gudrin Bildfell
Simon Chamely
Dr. Paul DeMarco
Janis Marchand
Jeffrey Mellow
Noreen Slack

Your Committee submits the following recommendation:

That the request by Assumption Heritage Trust for a grant of \$250,000 from the Community Heritage Fund, in five (5) equal parts, for repairs to the southern-most east wall of Assumption Church, 350 Huron Church Road, **BE APPROVED**, subject to the following schedule for funding:

\$50,000 upon determination by the Chief Building Official that half the work is completed;
\$50,000 upon determination by the Chief Building Official that the work is completed, or one year after the first grant, whichever is later;
\$50,000 one year after the second grant;
\$50,000 two years after the second grant;
\$50,000 three years after the second grant.

Note: The report of the Heritage Planner regarding the Community Heritage Fund Request, Assumption Church, 350 Huron Church Road, dated November 30, 2009 is attached.

CHAIR

COUNCIL COMMITTEE COORDINATOR

ADOPTED by Council at its meeting held January 11, 2010 [M14-2010]
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
January 11, 2010

Meeting called to order at: 3:37 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister (arrives at 3:39
p.m.)
Councillor C. Postma
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor K. Lewenza
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor D. Dilkens
Councillor B. Marra

Also in attendance:

H. Reidel, Chief Administrative Officer
R. Warsh, Community Development and Health Commissioner
M. Sonego, City Engineer
G. Wilkki, City Solicitor
S. Vlachodimos, Deputy Clerk
O. Colucci, Chief Financial Officer
P. Brode, Senior Legal Counsel (Items 1 and 2)
V. Mihalo, Executive Director of Human Resources (Item 5)
J. Stuart, Chief Operating Officer, Windsor Utilities Commission (Item 3)

Verbal Motion is presented by Councillor Jones, seconded by Councillor Postma, that Rule 3.3 (a) of the *Procedure By-law, 420-2001 as amended*, be waived to add the following Agenda item:

7. Personal matter – labour relations

Motion Carried.

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

<u>Item No.</u>	<u>Subject</u>	Section – Pursuant to Municipal Act, 2001, as amended
1.	Legal Matter – Ontario Municipal Board decision	239(2)(e)
2.	(a) Personal/Legal Matter – about an identifiable individual (b) Additional information re 2(a)	239(2)(b)(c)(f)
3.	Property Matter – agreement	239(2)(a)
4.	Personal Matter – Pay for Performance (report enclosed for Mayor and Council only)	239(2)(b)(d)(e)
5.	Personal Matter – PETU update – verbal	239(2)(d)
6.	Border Update – update on Legal matters	239(2)(a), (c), (e) and (f)
7.	Personal Matter – labour negotiations – ADDED ITEM	239(2)(d)

Motion Carried.**Declarations of Pecuniary Interest:**

Councillor Valentinis discloses an interest and abstains from voting on Item 1 as he owns property in the affected area.

Councillor Lewenza declares a conflict and abstains from voting on Item 5 as his employer is funding PETU.

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

The Deputy Clerk leaves the meeting at 4:45 p.m. during discussion of Item 5 and returns at 5:07 p.m.

Discussion on the items of business (Item 5)

All Administration except the Chief Administrative Officer and Deputy Clerk leave the meeting at 5:08 p.m., during discussion of Item 4.

Discussion on the item of business (Item 4)

The Mayor leaves the meeting at 5:17 p.m. and Councillor Jones assumes the Chair. The Mayor returns at 5:19 p.m.

The Chief Administrative Officer leaves the meeting at 5:29 p.m., during discussions on Item 4.

The Chief Administrative Officer and all Administration return to the meeting at 5:38 p.m.

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

Moved by Councillor Jones, seconded by Councillor Gignac, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 11, 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, City Solicitor and Chief Financial Officer and City Treasurer respecting an Ontario Municipal Board decision **BE APPROVED**.

Councillor Valentinis discloses an interest and abstains from voting.

2(a). That the confidential report from the City Solicitor, Senior Legal Counsel, Executive Director of Human Resources and Chief Financial Officer and City Treasurer respecting a personal/legal matter about an identifiable individual **BE RECEIVED** and Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Councillors Lewenza, Hatfield and Jones opposed.

2(b). That the confidential report from the Executive Director of Human Resources and City Clerk respecting a personal matter about identifiable individuals **BE RECEIVED FOR INFORMATION**.

3. That the in-camera report from the City Engineer, City Solicitor, Chief Financial Officer and City Treasurer and representative of the Windsor Utilities Commission respecting a property matter - agreement **BE NOTED AND FILED**.

Councillors Hatfield, Postma, Jones and Lewenza opposed.

4. That the recommendation contained in the in-camera report from the Chief Administrative Officer respecting Pay for Performance **BE APPROVED**, and that the Mayor and Chief Administrative Officer **PROCEED** on the verbal direction of Council.

Councillor Brister opposed.

5. That the verbal report from the Chief Administrative Officer and Executive Director of Human Resources respecting the PETU update **BE RECEIVED FOR INFORMATION**, and that the Mayor and Chief Administrative Officer **BE AUTHORIZED** to proceed with the verbal direction of Council, and that all communication on this matter **BE LIMITED** to Mayor and Chief Administrative Officer.

Councillor Lewenza discloses an interest and abstains from voting.

6. That the verbal report respecting the border issue **BE RECEIVED FOR INFORMATION**.

7. That the recommendation contained in the in-camera report from the Deputy Treasurer Taxation and Revenue, Chief Financial Officer and City Treasurer and Executive Director of Human Resources respecting a personal matter – labour relations **BE APPROVED**.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Gignac,
That the special meeting of council held January 11, 2010 BE ADJOURNED.
(Time: 5:47 p.m.)**

Motion Carried.

ADOPTED by Council at its meeting held January 11, 2010 [M15-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
December 21, 2009**

Meeting called to order at: 4:35 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister
Councillor D. Dilkens (by conference call)
Councillor R. Jones
Councillor A. Halberstadt (arrives at 4:38
p.m.)
Councillor F. Valentinis
Councillor K. Lewenza
Councillor J. Gignac
Councillor P. Hatfield (by conference call)
Councillor B. Marra

Members Absent:

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
N. Coleman, Mayor's Chief of Staff
M. Zaley, B. Carter and G. Sandala, Audit Committee
A. Roman and B. Piggot, Miller Thomson
P. Ross, KPMG
A. Berry, H. McCoy and F. Lee-St. Amour, Auditors

**Verbal Motion is presented by Councillor Brister, seconded by
Councillor Jones,**

**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.**

Motion Carried.

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

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Legal matter – 400 City Hall Square Audit – solicitor-client privilege	239(2)(f)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Item 1)

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

Motion Carried.

Moved by Councillor Marra, seconded by Councillor Brister, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held December 21, 2009 directly to Council for consideration at the next Regular Meeting.

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

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Marra, That the special meeting of council held December 21, 2009 BE ADJOURNED.

**(Time: 5:00 p.m.)
Motion Carried.**

ADOPTED by Council at its meeting held January 11, 2010 [M16-2010]
MLM/
Windsor, Ontario January 11, 2010

REPORT NO. 270
of the
Windsor Heritage Committee
at its meeting held on December 9, 2009

Present: Robin Easterbrook, Chair
Andrew Foot, Vice-Chair
Councillor Percy Hatfield
Councillor Fulvio Valentinis
Lynn Raeburn Baker
John Bewsher
Gudrin Bildfell
Simon Chamely
Dr. Paul DeMarco
Janis Marchand
Jeffrey Mellow
Noreen Slack

Your Committee submits the following recommendation:

The Windsor Heritage Committee **SUPPORTS** the following resolution:
The Windsor Heritage Committee recognizes the importance of the restoration plan for Our Lady Assumption Church, 350 Huron Church Road, as a national treasure, an Ontario Heritage Site, and a cornerstone of Windsor's heritage, past, present, and future, that the Windsor Heritage Committee encourages citizens from greater Windsor, Ontario, and Canada to lend their support for this important cause.

CHAIR

COUNCIL COMMITTEE COORDINATOR

ADOPTED by Council at its meeting held January 11, 2010 [M17-2010]
MLM/
Windsor, Ontario January 11, 2010

REPORT NO. 271
of the
Windsor Heritage Committee
at its meeting held on December 9, 2009

Present: Robin Easterbrook, Chair
Andrew Foot, Vice-Chair
Councillor Fulvio Valentinis
Lynn Raeburn Baker
John Bewsher
Gudrin Bildfell
Simon Chamely
Dr. Paul DeMarco
Janis Marchand
Jeffrey Mellow
Noreen Slack

Your Committee submits the following recommendation:

That the proposal by Roseland Golf and Curling Club Ltd., 455 Kennedy Drive West, to relocate part of the 15th hole of the Roseland Golf Course **BE APPROVED** as a permitted modification to the property designated under provisions of Part IV of the Ontario Heritage Act.

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

Note: The report of the Heritage Planner regarding Roseland Golf Course, dated November 30, 2009 is attached.

CHAIR

COUNCIL COMMITTEE COORDINATOR