

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 Valentinis

Members Absent:

Councillor Postma [Attending the Canadian Urban Transit Association Annual Conference (CUTA)]

Call to Order

Following the playing of the Canadian National Anthem, Reverend Lanny Meier from Church of God, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Jones discloses an interest and abstains from voting on Item 7, being the report of the Community Development and Health Commissioner respecting "Response to Council Questions 19-2010 and 25-2010" (Work and Learn Program), as he has a relative that is employed in the affected area.

Councillor Marra discloses an interest and abstains from voting on Item 7, being the report of the Community Development and Health Commissioner respecting "Response to Council Questions 19-2010 and 25-2010" (Work and Learn Program), as some of the agencies that have expressed interest in this initiative have a working relationship with his employer.

Minutes

Moved by Councillor Lewenza, seconded by Councillor Marra,
That the Minutes of the regular meeting of Council held May 10, 2010, **BE ADOPTED**
as presented.

Carried.

Notice of Proclamations

International Day Against Homophobia – May 17, 2010
Recreation & Parks Month – June 2010
Peace Tree Day – June 1, 2010

Committee of the Whole

Moved by Councillor Jones, seconded by Councillor Valentinis,

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 No. 28 of the International Relations Committee** of its meeting held March 31, 2010; and
 - (iii) **Report No. 281 of the Windsor Heritage Committee** of its meeting held April 14, 2010
- (g) consideration of by-laws 82-2010 through 84-2010 (inclusive).

Carried.

Communications

Moved by Councillor Brister, seconded by Councillor Dilkens,

M150-2010 That the following Communication Items 1 to 12 inclusive, as set forth in the Council Agenda

BE REFERRED as noted.

Carried.

Item	From	Description
1	Canadian Union of Public Employees (CUPE)	Child Care Info to Council Community Development & Health Commissioner Note & File SS2010
2	Brutto, Tony	A Great Big Thank You from the City of Windsor Housing Services Note & File SS2010
3	Ontario Veteran Community Archive	Veteran Appreciation Day Manager of Cultural Affairs Note & File APR2010
4	Manager of Development Applications	Application of Azar Builders & Renovations Inc. for Site Plan Approval to permit a contractors office with warehouse and severance of lots at rear of lot located at 4190 North Service Rd. Note & File ZS/10664
5	Manager of Corporate Administration and Assistant to the CAO	Response to CQ40-2010 Regarding CAO Approval Process for Special Events Note & File AS/7748

6	Chief Administrative Officer	Recognition of Our Sponsors – Ontario Municipal Administrators' Association (OMAA) Spring Conference Hosted by Windsor Essex, April 28 – 30, 2010 Note & File GM2010
7	City Planner	Removal of Planter Box on Chatham Street West for Handicap Access Note & File SPL2010
8	Manager of Purchasing & Risk Management	Agreement on Government Procurement – Advertising Requirements Note & File GM2010
9	Committee to Review Employee Benefits	Minutes of meeting held April 27, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
10	Seniors Advisory Committee	Minutes of meeting held May 3, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
11	Multi-Residential Taxpayers Committee	Minutes of meeting held March 5, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
12	International Relations Committee	Minutes of meeting held March 31, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010

Carried.

Consent Agenda

Moved by Councillor Gignac, seconded by Councillor Halberstadt

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

- Item 1 Road Rehab IV – Tender No. 70-09 – Cold Milling & Asphalt Paving, Noise By-law Exemption for Construction Activities
- Item 2 3427 and 3441 Sandwich Street
- Item 3 Ministry of Natural Resources – Endangered Species Act, 2007, Regulation 242/08 s.23 – Exemption Agreement for Municipal Drainage
- Item 4 Proposed Swimming Pool By-law
- Item 5 Revocation of Outstanding Building Permits
- Item 6 Data Centre (Computer Room) Move
- Item 8 Windsor River Cruises Limited (WRCL)
- Item 9 Oracle – PeopleSoft Maintenance Agreement Annual Renewal

Carried.

Deferrals and/or Referrals and Withdrawals

None requested.

Presentations & Delegations:**DELEGATIONS****Pezzol Incorporated, draft plan of condominium approval, 1070 Chatham Street East, conversion of an existing 10-storey rental apartment building (Riverside Heights) to condominium status****James Wickett, Solicitor, representing Applicant**

James Wickett, Solicitor, representing Applicant, appears before Council and is available for questions with regards to a draft plan of condominium approval for 1070 Chatham Street East for a conversion of an existing 10-storey rental apartment building (Riverside Heights) to condominium status.

ZP/10517 PAC 1

(For final disposition of this matter, see Clause **CR195/2010** in Schedule "A" attached hereto.)

Inuk Incorporated, draft plan of condominium approval, 4665 Riverside Drive East, conversion of an existing 9-storey rental apartment building (Harbour Towers) to condominium status**James Wickett, Solicitor, representing Applicant**

James Wickett, Solicitor, representing Applicant, appears before Council and is available for questions with regards to a draft plan of condominium approval for 4665 Riverside Drive East for a conversion of an existing 9-storey rental apartment building (Harbour Towers) to condominium status.

ZB/10516 PAC 2

(For final disposition of this matter, see Clause **CR196/2010** in Schedule "A" attached hereto.)

Response to Council Questions CQ19-2010 and CQ25-2010**Randy Saccucci, representing the Olivia DiMaio Early Childhood Education Centre**

Randy Saccucci, representing the Olivia DiMaio Early Childhood Education Centre, appears before Council to provide a brief overview of the Olivia DiMaio Early Childhood Education Centres in terms of quality of care at the centers, stating that they offer extended hours at their Lakeshore location, and that they also provide services geared to children with special needs.

Shannon Porcellini, Ward 3 resident

Shannon Porcellini, Ward 3 resident, appears before Council to provide comments with regards to the administrative report on Child Care Centres and the recently reinstated Best Start Funding, stating that financial information and analysis in the report is lacking, as well as consultation on the issue, and suggests it be referred back to administration to allow for further information and more options for consideration in terms of alternative service delivery models as opposed to only full closure.

Jean Fox, President, CUPE Local 543

Jean Fox, President, CUPE Local 543, appears before Council to provide comments with regards to the administrative report on Child Care Centres and the recently reinstated Best Start Funding, stating that the report lacks reference to the College Avenue and Wyandotte locations, and suggests that the private sector provides some extended hours, but only outside the Windsor limits, thus making it a challenge for Windsorites to access, and concludes by suggesting that the city has various grants in accounts that could be used to help continue municipal child care services.

Teresa Fracas, Chief Steward, CUPE Local 543 and Patti Strople representing Early Childhood Educators

Teresa Fracas, Chief Steward, CUPE Local 543 and Patti Strople representing Early Childhood Educators, appear before Council to suggest that Council reverse the decision to close all municipal directly-operated child care centers, indicating that many of the private operators do not provide key programs or services that Windsorites require, such as extended hours, and that consultation needs to take place in a collaborative manner to seek out solutions as opposed to merely shutting down all the municipal facilities.

Scott Cipkar, representing the Public Child Care Task Force

Scott Cipkar, representing the Public Child Care Task Force, appears before Council to suggest that if Council does not reverse the decision to close all municipal directly-operated child care centers, Council should at the very least guarantee that the current staff remain until the final day of operations, so that the children continue to have stability and consistency in terms of care, and concludes by suggesting that the needs of the west end were not taken into account in the administrative report on Child Care Centres and the recently reinstated Best Start Funding, and that the matter be deferred to allow for a full study of space needs for each age group, by ward, as well as a review of unspent grants that could be allocated towards keeping the centers operational.

Kyla Norwood, Ward 1 resident

Kyla Norwood, Ward 1 resident, appears before Council to state that with regards to the decision to close the municipal directly-operated child care centers, that the decision was made without thoughtful consultation, and concludes by suggesting that some of the private operators that provide excellent service, are not located in Windsor, and that Council, at minimum, should have closed only a few centers as opposed to the decision to close all centers in September, 2010.

Cheryl Sprague, Delta Chi Child Care, and Kaye Holmes, ABC Childcare

Cheryl Sprague, Delta Chi Child Care, and Kaye Holmes, ABC Childcare, appear before Council to defend the caliber and quality of services and programs offered at their respective facilities, suggesting that Council had no choice but to close its municipal directly-operated child care centers, as they were incurring deficits.

Jennifer Grant, representing Canadian Union of Postal Workers (CUPW) Local 500

Jennifer Grant, representing Canadian Union of Postal Workers (CUPW) Local 500, appears before Council to state that the city centers offered excellent, affordable and flexible services with extended hours and thus a benefit to the community, and concludes that closure would remove this benefit as the private sector might be more costly, and thus, standards would be lowered, therefore a reconsideration of the council decision to close the centers is the only option.

Mike Longmoore, Ward 4 resident

Mike Longmoore, Ward 4 resident, appears before Council to state that Council must reverse its decision to close all municipal directly-operated child care centers, as there is funding options available to keep the centers operating.

SSC/6751 7

(For final disposition of this matter, see Clause **CR192/2010** in Schedule "A" attached hereto.)

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

Nil.

Consideration of Committee Reports

M151-2010 Moved by Councillor Lewenza, seconded by Councillor Valentinis,
That the **Report of the special In-camera** meeting held May 17, 2010, **BE ADOPTED**
as presented.

Carried.

ACO2010

M152-2010 Moved by Councillor Lewenza, seconded by Councillor Valentinis,
That **Report No. 28 of the International Relations Committee** of its meeting held
March 31, 2010, **BE ADOPTED** as presented.

Carried.

MB2010

M153-2010 Moved by Councillor Lewenza, seconded by Councillor Valentinis,
That **Report No. 281 of the Windsor Heritage Committee** of its meeting held April 14, 2010,
BE ADOPTED as presented.

Carried.

MB2010

By-laws

Moved by Councillor Dilkens, seconded by Councillor Valentinis,
That the following By-laws No. 82-2010 through 84-2010 (inclusive), be introduced and read a
first and second time:

82-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9023 BEING A BY-LAW TO
REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR
ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES"

83-2010 "A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS"

84-2010 “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SEVENTEENTH DAY OF MAY, 2010”

Carried.

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

Moved by Councillor Brister seconded by Councillor Dilkens,
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 presented)
- 6) By-laws given first and second readings (as presented)

Carried.

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

Notices of Motions

Moved by Councillor Jones, seconded by Councillor Hatfield,
M154-2010 **WHEREAS** in as much as the residents and businesses in the area of the College/Wellington bridge have been inconvenienced for a considerable length of time due to the closure of the bridge; and
WHEREAS in as much as the City of Windsor has put a placeholder on \$1.5 million dollars for restoration of the bridge as part of the 2009 budget;
THEREFORE LET IT BE RESOLVED that the City of Windsor proceed with the restoration of the College Avenue Bridge.

Carried.

Councillor Brister voting nay.

SW2010

Moved by Councillor Jones, seconded by Councillor Marra,
M155-2010 That Rule 13.9(a) of the Procedure By-law regarding business not already before Council **BE WAIVED to** permit the introduction of a motion for consideration without prior notice respecting the need for new legislation for stronger penalties in regards to animal cruelty offences.

Carried.

Moved by Councillor Jones, seconded by Councillor Marra,
M156-2010 **WHEREAS**, our current federal animal cruelty laws are abhorrently inadequate and do not offer effective protection for animals in Canada. The passage of Bill S-203 on April 9, 2008 does not adequately address outdated legislation that continues the deplorable statistic of animal cruelty cases leading to unsuccessful conviction. Less than one percent of animal abuse complaints lead to convictions;

THEREFORE, we urge the government to support legislation to ensure that all animals are protected from all kinds of cruelty. New legislation would increase penalties for animal cruelty offences and effectively close the loopholes in the Criminal Code that make it difficult for enforcement agencies and the courts to convict animal abusers;

THEREFORE, we request that Parliament adopt new legislation for stronger penalties to bring Canada into the 21st century on animal welfare legislation. Animal welfare legislation in Canada maintains a ranking along that of third world countries which is unacceptable;

THEREFORE, let it be resolved that the City of Windsor petition the Federation of Canadian Municipalities and all their members to support the adoption of new legislation for stronger penalties in regards to domestic animal cruelty offences.

Carried.

GF2010

Moved by Councillor Valentinis, seconded by Councillor Halberstadt,
M157-2010 That Rule 13.9(a) of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice respecting garbage alley pick-up and proposed changes.

Carried.

Moved by Councillor Valentinis, seconded by Councillor Halberstadt,
M158-2010 THAT there be no change in service with respect to garbage alley pickup from that which existed in the week ending May 14th until such time as a report comes back to Council setting out the location, timelines and rationale for any proposed changes.

Carried.

SW2010

Third Reading of By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt
That the following By-laws No. 82-2010 through 84-2010 (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.

Petitions

None presented.

Council Questions

Moved by Councillor Lewenza, seconded by Councillor Marra,
M159 -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.

ACQ2010

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.

Accordingly, the meeting is adjourned at 9:05 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Gignac
Halberstadt

CR186/2010

THAT the request for an exemption to the provisions of Noise By-Law 6716 (as amended), **BE GRANTED**, to permit the operation of construction equipment required for the milling and paving of the existing asphalt pavements on Dougall Avenue from Ouellette Place to Jackson Street, and Eugenie Street from Ouellette Avenue to Dougall Avenue in conjunction with City of Windsor Contract No. 70-09 – Road Rehabilitation IV – Cold Milling & Asphalt Paving.

Carried.

Report Number **14679 SW/10370 C1**

Internal Distribution

Public Works [Mark Winterton]
City Engineer
Executive Director of Operations
Manager of Administration - Licensing
Manager of Compliance & Enforcement – Ann Kalinowski

Gignac
Halberstadt

CR187/2010

That an exemption from the Interim Control By-law 19-2007 as amended by By-law 35-2008, and an exemption from Demolition Control By-law 20-2007, **BE GRANTED** to 2060290 Ontario Corporation (Owner under Agreement of Purchase and Sale, principal Hua Jin), the proponent of a development which includes two properties located at 3427 & 3441 Sandwich Street, to allow the demolition of a vacant 9-unit building (3427 Sandwich Street) to construct a car port and rehabilitate and modify the existing 30 unit apartment building (3441 Sandwich Street) on condition that the Olde Sandwich Towne Community Improvement Plan, and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines **BE APPLIED** to this development, and that approval of the Site Plan **BE DELEGATED** to Administration.

Carried.

Report Number **14682 SPL2010 C2**

Internal Distribution

Planning [Kevin Alexander]
City Planner
Chief Building Official
City Solicitor

Gignac
Halberstadt

CR188/2010

I. That Report ES33-10, Ministry of Natural Resources Endangered Species Act, 2007 – Regulation 242/08 s.23 – DRAFT Exemption Agreement, **BE RECEIVED FOR INFORMATION**;

- II. And further that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the final agreement, satisfactory in form to the City Solicitor, and to the technical satisfaction of the City Engineer.
- III. For the purposes of Article 3.1 of this agreement, the designated representative of the City of Windsor **WILL BE** Anna M. Godo, P.Eng., Engineer III / Drainage Superintendent.

Carried.

Report Number **14690 SW/10655 C3**

Internal Distribution

Public Works [Anna M. Godo]
City Engineer
City Solicitor

Gignac
Halberstadt

CR189/2010

- I. That Council **ADOPT** a proposed Swimming Pool By-law and proposed fee schedule (Appendix "A") for swimming pools, and,
- II. That Subsections 2.6, 2.9, 2.14, 2.15, 2.16, 2.17, and Sections 5, 6, 7 and 8 of Fence By-law 266-2004 **BE REPEALED**; and that Section 9 be renamed to Fence Regulations and further,
- III. That Subsection 1.45 of Part 1 of Schedule "A" of the Maintenance and Occupancy By-law 156-2005 **BE REPEALED**.
- IV. That Schedule "A" of the Fees and Charges By-law 392-2002 **BE AMENDED** by removing the word "BUILDING" in the heading of Section 7 and in the Index and further, by adding "Building Department" in Section 11 of the proposed By-law.

Carried.

Report Number **14563 AB2010 C4**

Internal Distribution

Building [Jim Boscariol; Al Peach; Pier De Simone]
Chief Building Official
City Solicitor

Gignac
Halberstadt

CR190/2010

That Council **ENDORSE** the decision of the Chief Building Official to:

- i. Not revoke until December 31, 2012, building permits issued on or prior to May 17, 2010, for which construction or demolition of the building has not been seriously commenced within six months of the date of issuance of the permit, or the construction or demolition of the building has been substantially suspended or discontinued for more than twelve months;

- ii. Revoke any building permits issued after May 17, 2010 where in the opinion of the Chief Building Official, construction has not been seriously commenced within six months of the date of issuance of the permit, or if the construction or demolition of the building has been substantially suspended or discontinued for more than twelve months and refund the Development Charges and Parkland Dedication fees related to the permits; and,
- iii. Deem all current building permit applications abandoned where the permit has not been issued twelve months after the filing of the application where the fees have not been paid.

Carried.

Report Number 14429 SB2010 C5

Internal Distribution

Building [Wm. Jean]
Chief Building Official
Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

CR191/2010

THAT Tender No. 61-10 "Data Centre Project for City Hall" **BE APPROVED** to supply all labour and materials as stipulated in the tender to construct a new corporate Data Centre room on the second floor of the 400 City Hall Square East building, to be built by Rorison Industrial Electric Ltd. for \$848,400.00 excluding GST; and

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with the lowest compliant tenderer (Rorison Industrial Electric Ltd.) in the amount of \$848,400 excluding GST, satisfactory in form to the City Solicitor, in technical content to the Executive Director, Parks & Facilities and the Executive Director, Information Technology, and financial content to the City Treasurer and Chief Financial Officer; and

THAT City Council **APPROVE** a pre-commitment to the 2010 Capital budget in the amount of \$175,000 for the Disaster Recovery Capital Project (7074016).

Carried.

Report Number 14689 SI/10658 C6

Internal Distribution

Information Technology [Robert Berg]
Executive Director of Information Technology
Executive Director, Parks & Facilities
Manager of Purchasing and Risk Management
Chief Financial Officer/City Treasurer
City Solicitor

Brister
Dilkens

CR192/2010

THAT Council **APPROVE** the re-profiling of the Work and Learn Program to the Positive Parenting and Employment Skills Program that will build on the strengths and best practices of the Work and Learn program.

Carried.
Councillor Lewenza voting nay.
Councillors Jones and Marra disclose an interest and abstain from voting on this matter.

Report Number 14657 SSC/6751 7

Internal Distribution

Housing Childrens' Services [Debbie Cercone; Shannon Hyatt]
Community Development & Health Commissioner
Executive Director of Employment and Social Services
Manager of Employment Services
Executive Director of Human Resources
Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

CR193/2010

That the request from Windsor River Cruises Ltd. (WRCL) to enter into a lease agreement with the City of Windsor for docking privileges at The Riverfront Festival Plaza docking facility, to be permitted to take on and discharge passengers and to establish a ticket kiosk in partnership with Boardwalk Bikes and Ice Cream commencing on May 1, 2010 **BE APPROVED** and further,

That WRCL be permitted to dock the M/V Macassa Bay at a permanent docking location on the Riverfront located north of Riverfront Festival Plaza, commencing on May 1, 2010 **BE APPROVED** and further,

That WRCL be permitted to dock the M/V Macassa Bay at Lakeview Park Marina during the non-operating season of January 1 until March 30 each year and ending upon expiration of the lease agreement **BE APPROVED** subject to legal form by the City Solicitor, technical content by the Executive Director of Recreation, and financial content by the Chief Financial Officer & City Treasurer and subject to the following terms:

That the seasonal berthage charge for the vessel **BE AS FOLLOWS:**

Full monthly rate during 2010 operating season be \$964.18/month – the operating season shall be April 1 to December 31 each year (pro rated for actual 2010 start date);

That the non-operating season docking rate **BE AT** 66% of the operating season docking rate of \$964.18 per month. Therefore, the non-operating season docking rate for 2011 will be \$ 636.36 per month;

That the monthly rate during the operating and non-operating season **BE SUBJECT** to increases based on the annual Consumer Price Index (CPI) for the full term of the lease agreement;

That any utility and/or services costs (electricity, water, sewage, trash disposal, etc.), provided by the City of Windsor **BE ASSESSED** at actual cost, plus 25%;

That the term of the lease agreement be 5 years, commencing May 1, 2010 and ending on December 31, 2015, with an option to renew the lease agreement for two further 5-year periods, and that the Consumer Price Index (CPI) **BE FACTORED** into the berthage charge annually;

That the operator (WRCL) **PROVIDE** proof of insurance in the amount and form satisfactory to the Manager of Purchasing and Risk Management;

That the City of Windsor, through Risk Management, **RECEIVE** an annual certificate of insurance subject to the approval of the Manager of Purchasing and Risk Management or designate;

That the lease agreement **CANNOT** be sublet without the approval of the City of Windsor;

That no substitution of the vessel **BE ALLOWED** without prior approval by the City of Windsor;

That WRCL **MAINTAIN** the appearance of the vessel over the life of the agreement;

That WRCL **PROVIDE** proof of safety certificates from the Canadian Coast Guard approving operation of a commercial passenger vessel as well as documentation ascertaining the qualifications of the operator of the vessel (captain);

That all required terms and conditions of the agreement **BE SATISFIED** by the applicant prior to the vessel being allowed access to the site and prior to commencing operation;

That the City of Windsor **RETAIN** the right to have the vessel relocated during any special events requiring the temporary closure of the Detroit River to navigation (Red Bull Air Race, Target Fireworks, etc.);

That the agreement **CONTAIN** an escape clause;

That any marketing or promotional materials to be displayed at Riverfront Festival Plaza or any publicly owned riverfront lands **BE SUBMITTED** to the Executive Director of Recreation and Culture for approval; and further

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement, satisfactory in form to the City Solicitor and in technical content to the Executive Director of Recreation and Culture and in financial content to the City Treasurer.

Carried.

Report Number 14695 SR/10659 C8

Internal Distribution

Recreation [Walt Metulynsky]
Executive Director of Recreation and Culture
Community Development & Health Commissioner
Manager of Purchasing and Risk Management
Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

CR194/2010

That the CAO **BE AUTHORIZED** to renew, on an ongoing annual basis, the Oracle Peoplesoft agreements, subject to confirmation by the City Treasurer that any increases in service fee is in compliance with the limits established in the Maintenance Agreements, subject to approval as to content by the Executive Director of Information Technology, as to form by the City Solicitor and as to financial matters by the City Treasurer. Such renewals being charged annually to the operating chartfield 001 0131772;

That paragraph 6(3) of Purchasing By-law 400-2004 as amended, limiting the approval authority level of the CAO to \$150,000, **BE WAIVED** for purposes of this annual agreement.

Carried.

Report Number **14678 AF/10661 C9**

Internal Distribution

Information Technology [Peter Evans]
Executive Director of Information Technology
Chief Financial Officer/City Treasurer
City Solicitor

Brister
Marra

CR195/2010

I That the application of Pezzol Incorporated for approval of a draft plan of condominium for a property legally described as Part Lots 1 & 2, PLAN 147; Part Lot 1 and Part Alley, Plan 231; Parts 1, 2 & 3 Reference Plan 12R-6513, City of Windsor, at 1070 Chatham Street East to permit the conversion of a 10-storey apartment building containing 54 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-006/09-2,

BE APPROVED subject to:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on May 17, 2013 (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
- E. The owner shall agree to remedy all site and building defects as documented in the:
 1. Building Condition Assessment report prepared by AMEC Earth & Environmental, dated July 23, 2009 with all corrections and improvements to be cleared as completed by an engineer retained by the owner;
 2. Building Department's Order to Repair dated January 28, 2010, as attached as Appendix 'A';
 3. Works Department - Engineering and Corporate Projects comments listed in 'Section 6 Consultation' of this report;
 4. Fire Code deficiencies identified in 'Section 6 Consultation' of this report.
 5. Works Department – Transportation Planning comments listed in 'Section 6 Consultation' of this report;

All corrections and improvements shall be to the satisfaction of the Fire Chief, Chief Building Official and the General Manager of Public Works;

- F. The owner shall agree to remedy all safety and security deficiencies as identified in the report of the Windsor Police Service dated January 27, 2010 and attached as Appendix 'B'. All corrections and improvements shall be to the satisfaction of the Chief of Police;
- G. The owner agrees to address the requirements and deficiencies identified in the report from the Planning Department's Landscape Architect, dated November 25, 2009, as attached as Appendix 'C',

- and to submit a photometric plan. The photometric plan will be reviewed in consultation with Windsor Police Services and will be to the satisfaction of the Landscape Architect.
- H. All landscaping improvements will be to the satisfaction of the Planning Department's Landscape Architect and to the satisfaction of the Manager of Development Applications.
- I. The owner shall agree to provide adequate screened storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws to the satisfaction of the Manager of Environmental Services and Chief Building Official.
- J. The owner shall agree to ensure accessibility to the building, at grade, where feasible and provide a minimum of 1 signed handicap parking space and a bicycle rack facility accommodating a minimum of 5 bicycles. All improvements are to be to the satisfaction of the General Manager of Public Works and Chief Building Official;
- II Final approval of the plan of condominium shall not be considered until all of the required works under '1. **Recommendations I**' have been completed to the satisfaction of the respective departments and a condominium agreement has been registered against the subject lands.

Carried.

Report Number **14686 ZP/10517 PAC 1**

Appendices

Map No. CDM-006/09-2
Order to Repair
Windsor Police Services Report
Landscape Architect's Report

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
Manager of Environmental Services
City Solicitor
Zoning Clerk - Council Services
Manager of Business Administration - Licensing

Halberstadt
Dilkens

CR196/2010

- I That the application of Inuk Incorporated for approval of a draft plan of condominium for a property legally described as Lots 58, 64 & 65 and Part Lot 59, Plan 1526, being Parts 1 to 3, Reference Plan 12R-606 and Parts 1 & 2 Reference Plan 12R-621, City of Windsor, at 4665 Riverside Drive East to permit the conversion of a 9-storey apartment building containing 104 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-005/09-2, **BE APPROVED** subject to:
- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;

- B. That the draft plan approval shall lapse on May 17, 2013 (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;
- E. The owner shall agree to remedy all site and building defects as documented in the:
 - 1. Building Condition Assessment report prepared by AMEC Earth & Environmental, dated July 17, 2009 with all corrections and improvements to be cleared as completed by an engineer retained by the owner;
 - 2. Building Department's Order to Repair, To Be Tabled, as supplementary comments in the Blue Sheets;
 - 3. Works Department - Engineering and Corporate Projects comments listed in 'Section 6 Consultation' of this report;
 - 4. Works Department – Transportation Planning comments listed in 'Section 6 Consultation' of this report;

All corrections and improvements shall be to the satisfaction of the Chief Building Official and the General Manager of Public Works;

- F. The owner shall agree to remedy all safety and security deficiencies as identified in the report of the Windsor Police Service dated January 27, 2010 and attached as Appendix 'A'. All corrections and improvements shall be to the satisfaction of the Chief of Police;
 - G. The owner agrees to address the requirements and deficiencies identified in the report from the Planning Department's Landscape Architect, dated November 25, 2009, as attached as Appendix 'B', and to submit a photometric plan. The photometric plan will be reviewed in consultation with Windsor Police Services and will be to the satisfaction of the Landscape Architect.
 - H. All landscaping improvements will be to the satisfaction of the Planning Department's Landscape Architect and to the satisfaction of the Manager of Development Applications.
 - I. The owner shall agree to provide adequate screened storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws to the satisfaction of the Manager of Environmental Services and Chief Building Official.
 - J. The owner shall agree to ensure accessibility to the building, at grade, where feasible and provide a minimum of 2 signed handicap parking spaces and a bicycle rack facility accommodating a minimum of 7 bicycles. All improvements are to be to the satisfaction of the General Manager of Public Works and Chief Building Official.
- II Final approval of the plan of condominium shall not be considered until all of the required works under '**1. Recommendations I**' have been completed to the satisfaction of the respective departments and a condominium agreement has been registered against the subject lands.

Carried.

Report Number 14685 ZB/10516 PAC 2

Appendices

Map No. CDM-005/09-2

Order to Repair
Windsor Police Services Report
Landscape Architect's Report

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
Manager of Environmental Services
City Solicitor
Zoning Clerk - Council Services
Manager of Business Administration – Licensing

ADOPTED by Council at its meeting held May 17, 2010 [M151-2010]
VC/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA May 17, 2010

Meeting called to order at: 3:00 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister
Councillor D. Dilkens (arrives at 3:49 p.m.)
Councillor R. Jones
Councillor A. Halberstadt (arrives as 3:05 p.m.)
Councillor F. Valentinis
Councillor K. Lewenza (arrives at 3:10 p.m.)
Councillor B. Marra (arrives at 3:15 p.m.)
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor C. Postma (attending Canadian Urban Transit Conference)

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
M. Stamp, Property Supervisor (Items 1, 2, 5 and 7)
V. Mihalo, Executive Director of Human Resources (Items 5 and 6)
D. Cercone, Executive Director - Housing and Children's Services (Item 5)

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

<u>o.</u>	<u>Subject</u>	1 – Pursuant to Municipal Act, 2001, as amended
1.	ty matter – sale of land	239(2)(c)

2.	ty matter – sale of land	239(2)(c)
	matter – litigation – legal opinion	239(2)(e)(f)
	matter – litigation	239(2)(b)(e)
	al matter - about an identifiable individuals/labour relations	239(2)(b)(d)(f)
	al matter – about an identifiable individuals/labour relations	239(2)(b)(d)
	ty matter – sale of land	239(2)(c)

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Jones declares an interest and abstains from voting on Item 5 as he has a family member that works in the Social Services child care area.

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

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

**Moved by Councillor Hatfield, 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 May 17, 2010 directly to Council for consideration at the next Regular Meeting.**

1. That the recommendation contained in the in-camera report from the Property Supervisor, City Solicitor and Chief Financial Officer and City Treasurer respecting a property matter – sale of land **BE DEFERRED** to the next meeting of Council.
2. That the recommendation contained in the in-camera report from the Property Supervisor, City Solicitor and Chief Financial Officer and City Treasurer respecting a property matter – sale of land **BE APPROVED.**
3. That the recommendation contained in the in-camera report from the City Solicitor, City Clerk and Chief Financial Officer and City Treasurer respecting litigation – legal opinion **BE RECEIVED FOR INFORMATION.**

4. That the confidential report from the City Solicitor respecting litigation **BE RECEIVED** and that the City Solicitor **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

5. That the recommendation contained in the in-camera report from the Executive Director of Human Resources, City Clerk, Chief Financial Officer and City Treasurer, City Solicitor and Commissioner of Social and Health Services respecting a personal matter about identifiable individuals/labour relations **BE APPROVED**.

Councillor Lewenza voting nay.

Councillor Jones declares an interest and abstains from voting.

6. That the confidential report from the City Solicitor, Executive Director of Human Resources and City Clerk respecting a personal matter about identifiable individuals/labour relations **BE RECEIVED FOR INFORMATION**.

7. That the recommendation contained in the in-camera report from the City Engineer, City Solicitor and Chief Financial Officer and City Treasurer respecting a property matter – sale of land **BE APPROVED**.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Brister,
That the special meeting of council held May 17, 2010 BE ADJOURNED.**

(Time: 4:56 p.m.)

Motion Carried.

ADOPTED by Council at its meeting held May 17, 2010 [M152-2010]

RB/

Windsor, Ontario, May 17, 2010

REPORT NO. 28
of the
INTERNATIONAL RELATIONS COMMITTEE
of it's meeting held March 31, 2010

Present:

Councillor D. Dilkens, Chairperson
Councillor P. Hatfield
Councillor R. Jones
F. Simpson
J. Barycki
M. Lefebvre

Your Committee submits the following recommendations:

1. That a twin city monument dedicated to commemorate Windsor's current Twin Cities **BE APPROVED** for inclusion in the Jackson Park Sister Cities Gardens in accordance with the City of Windsor's Plaques, Monuments and Memorials Policy and Public Art Policy.

CHAIRPERSON

SECRETARY

ADOPTED by Council at its meeting held May 17, 2010 [M153-2010]

KK

Windsor, Ontario May 17, 2010

REPORT NO. 281
of the
Windsor Heritage Committee
at its meeting held
April 14, 2010
5:30 o'clock p.m.
Meeting Room 405, 400 City Hall Square East

Present: Robin Easterbrook, Chair
Councillor Fulvio Valentinis
Lynn Raeburn Baker
Simon Chamely
Dr. Paul DeMarco
Andrew Foot
Jeffrey Mellow
Noreen Slack

Your Committee submits the following recommendation:

That the following properties of cultural heritage value or interest **BE ADDED** to the *Windsor Municipal Heritage Register*:

- 191 Campbell Avenue – House – c1912 – Foursquare – Core
- 156 Chatham Street West – Universal Car / Baum & Brody Furniture – 1912 – Commercial – Core
- 2305 Chilver Road – House – 1929 – Picturesque Tudor Revival – South Walkerville
- 1811 Durham Place – House – c1940 – Tudor Revival with Round Tower – South Walkerville
- 937 Felix Avenue – House – c1867 – Farmhouse with wide porch – Sandwich
- 2585 Lincoln Road – Woodall House – 1931 – Tudor Revival (moved 1995) – South Walkerville
- 1504 Pelissier Street – W.U.C. Gordon H. Fuller Substation – 1959 – Contemporary – Core
- 911 Prado Place – House – 1930 – Tudor Revival, clinker brick – Riverside
- 1051 Prince Road at Barrymore Lane – Mic-Mac Park Gates – c1935 – Sandwich Park Board – Sandwich
- 878 Raymo Road – House – 1925 – Cobblestone, Arts & Crafts Bungalow – East Windsor
- 5343 Riverside Drive East – G.W. Bowman House – c1935 – Arch. D.J. Cameron – Riverside
- 825 Riverside Drive West – CBC Radio-Canada TV/Radio – 1954 – Contemporary, glazed brick – Core
- 3065 Seminole Street – SS. Cyril & Methodius Catholic Church – 1940 – Slovak (church only) – Ford City

- 751 University Avenue East – House – c1890 – Detailed wood trim – Core

That the following properties **BE REMOVED** from the Windsor Municipal Heritage Register:

- 978 Monmouth Road – c1906 – Semi-Detached Vernacular Row House – Walkerville
- 980 Monmouth Road – c1906 – Semi-Detached Vernacular Row House – Walkerville
- 5340 Riverside Drive East – G.W. Bowman H. Schade House – 1940 – Arch. D.J. Cameron –
Riverside

(The foregoing listings have been removed as they were based on incorrect information.)

CHAIR

COMMITTEE COORDINATOR