

**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 Bishop Lionel Riley from Harrison Memorial Church (Ontario) of God in Christ, offers the Opening Prayer.

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

Councillor Valentinis discloses an interest and abstains from voting on Item No.7, being the report of the City Engineer, regarding the "Windsor Essex County Environment Committee (WECEC) and City of Windsor Environmental Coordinator Office Staffing", as his employer, St. Clair College might have some co-op students involved in this initiative.

Councillor Brister discloses an interest and abstains from voting on Item No.7, being the report of the City Engineer, regarding the "Windsor Essex County Environment Committee (WECEC) and City of Windsor Environmental Coordinator Office Staffing", as St. Clair College, which might have some co-op students involved in this initiative, employs his spouse.

Councillor Brister discloses an interest and abstains from voting on Item No.10, being the report of the Executive Director of Recreation, regarding Naming Rights Agreements for Facilities within the WFCU Centre, as a family member is employed by PCR.

**Minutes**

Moved by Councillor Hatfield, seconded by Councillor Jones,  
That the Minutes of the regular meeting of Council held April 26, 2010, **BE ADOPTED** as presented.

Carried.

**Notice of Proclamations**

Architecture Week – May 3 – 9, 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).
- (g) consideration of by-laws 68-2010 through 69-2010, and 71-2010 through 72-2010 (inclusive).

Carried.

Communications

Moved by Councillor Postma, seconded by Councillor Valentinis,  
**M133-2010** That the following Communication Items 1 to 3 and 5 to 13 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 4 which is dealt with as follows:

Communication No. 4:

Moved by Councillor Halberstadt, seconded by Councillor Lewenza,  
**M134-2010** That the correspondence dated April 14, 2010 regarding “Federal legislation for transit and other green commuter choices” **BE RECEIVED**, and further, that the City Clerk **BE DIRECTED** to issue a letter of support respecting Bill C-466, which would facilitate green commuter choices for Canadians by making employer-provided benefits for transit, carpooling and bicycle commuting tax-free at the federal level.

Carried.

Item	From	Description
1	Ministry of the Environment	Certificate of Approval – Municipal and Private Sewage Works – Upgrading and Expansion of the Lou Romano Water Reclamation Plant <b>City Engineer</b> <b>Executive Director of Operations</b> <b>Manager of Environmental Services</b> <b>Note &amp; File</b> <b>SW2010</b>
2	Association of Municipalities of Ontario (AMO)	Government Makes Further Commitments to Implementation of Full Day Early Learning Program <b>Community Development &amp; Health Commissioner</b> <b>Executive Director of Housing &amp; Children’s Services</b> <b>Chief Financial Officer &amp; City Treasurer</b> <b>Note &amp; File</b> <b>SSC/6751</b>

3	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the consolidated appeals under the <i>Planning Act, R.S.O. 1990</i> for lands known as the Sandwich Heritage Conservation District  <b>City Planner Chief Building Official City Solicitor Zoning Clerk Note &amp; File ZO/10321 ZO/10322 Z/10320 Z/10325 ZB/10324 ZB/10323 Z/8581 MBA/10319</b>
4	Denise Savoie, MP, Victoria; and Jack Layton, MP, NDP; and Joe Comartin, MP Windsor-Tecumseh; and Brian Masse, MP Windsor West	Federal Legislation for Transit and Other Green Commuter Choices <b>General Manager of Transit Windsor COUNCIL DIRECTION REQUESTED MT2010</b>
5	Municipal Property Assessment Corporation (MPAC)	Tentative Settlement with Ontario Public Service Employees Union (OPSEU)  <b>Note &amp; File GM2010</b>
6	Town of LaSalle	Notice of Public Meeting – Proposed Zoning By-Law Amendment  <b>City Planner Note &amp; File ZB2010</b>
7	Manager of Development Applications	Application of Yuriy Stamov & Victoria Vonsovitch for Site Plan Approval to permit 2 six-unit residential buildings located on Northway Ave.  <b>Note &amp; File ZS/10637</b>
8	Manager of Development Applications	Application of 1797494 for Site Plan Amendment to permit parking spaces, aisles, concrete curbs and landscaping located at 476 Lauzon Rd. / 7980 Menard St. / 463, 464, 469, 473, 477 & 481 Frank Ave. / Lane PL 11348 Riverside  <b>Note &amp; File ZS/10456</b>
9	Manager of Development Applications	Application of Kevin Charles Flood for Site Plan Approval to permit a three-unit townhouse with one garage per unit located at 2919 Donnelly St.  <b>Note &amp; File ZS/10641</b>
10	Manager of Development Applications	Application of Bethel Romanian Pentecostal Church for Site Plan Approval to permit the closure / relocation of street access to site as well as a new septic system located at 5920 Baseline Rd.  <b>Note &amp; File ZS/10642</b>
11	Manager of Compliance & Enforcement	CQ 17-2010 – Protocols by Police and By-Law Enforcement Regarding Noise Complaints  <b>Note &amp; File SP2010</b>

12	Site Plan Approval Officer	Site Plan, Minor Change Application – Canadian Transit Company (CTC) New Canada Customs Office  <b>Note &amp; File ZS/8302</b>
13	Windsor Bicycling Committee	Minutes of meeting held April 20, 2010 ( <i>previously distributed</i> for members of Council only) ( <b>copy available upon request</b> )  <b>Note &amp; File MB2010</b>

Carried.

### Consent Agenda

Moved by Councillor Postma, seconded by Councillor Dilkens,

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

Item 3 Approval of Award of Tender for Roof and Building Envelope Restoration at Windsor Water World

Item 4 Update – “Investing in Ontario” Funding Required Notice and Acknowledgements

Item 5 Purchasing By-law Amendment

Item 6 2010 Windsor Star Advertising Contract

Item 10 Naming Rights Agreements for Facilities Within the WFCU Centre

Carried.

Councillor Brister discloses an interest and abstains from voting on Item No. 10.

### Deferrals and/or Referrals and Withdrawals

Item 7 Windsor Essex County Environment Committee (WECEC) and City of Windsor Environmental Coordinator Office Staffing

-At the request of Administration, this matter is being deferred for a few weeks to allow for clarification concerning the impact associated with the issue of student hiring.

### Presentations & Delegations:

#### DELEGATIONS

#### Museum Development Feasibility Study

#### David Wonham, representing Chimczuk Museum Inc.

David Wonham, representing Chimczuk Museum Inc., appears before Council to encourage that an RFP be issued for the Museum Development Feasibility Study and to finally commit to building a museum, and concludes by suggesting that any in house solution has not provided any results to date, and should not be considered as an option.

**Montgomery Jones and Riley McGuire, 5th grade students from St. Anne French Immersion School**

Montgomery Jones and Riley McGuire, 5th grade students from St. Anne French Immersion School appear before Council to express concern regarding confusion as to whether or not Council wants to move forward with the development of a new municipal museum for the City, using in part the Chimczuk funds as per Mr. Chimczuk's will, stating that the time for a new museum has come, and that there is a need for more family attractions in the downtown, and conclude by providing an overview of a proposal their class has put together, in which a museum would be built between Riverside Drive, University Avenue, Bruce Avenue and Church Street and provide a vision as to what the museum would be comprised of, such as dedicated exhibits to the auto industry and to the Great Lakes.

**Douglas Rosete and Marc Roberts, 5th grade students from St. Anne French Immersion School**

Douglas Rosete and Marc Roberts, 5th grade students from St. Anne French Immersion School appear before Council to speak in support of the need for a new museum in the City of Windsor, and provide further details in terms of a proposal that their class put together to make this a reality, suggesting that exhibits, and concerts by local musicians could be part of ongoing tourism attractions that could be marketed to Windsor's advantage.

**Stephen Laforet, 5th grade teacher, St. Anne French Immersion School**

Stephen Laforet, 5th grade teacher, St. Anne French Immersion School appears before Council to express support for a new museum in the downtown area, that would serve as an attraction for all age groups all year round, and members of the community could serve as volunteers for the museum.

**Pat Malicki, Ward 5 resident**

Pat Malicki, Ward 5 resident appears before Council to speak in support of proceeding with an RFP for the Museum Development Feasibility Study and suggests that this is the only ideal option; and concludes by suggesting that using previous reports, perform an in-house study and make recommendations to City Council regarding theme and location is not an option as far as she's concerned, as all other projects would be put on hold; and further suggests that consideration should also not be given to the option to undertake no further studies for a new museum facility and to disperse the Chimczuk Trust to institutions that are either museums, libraries or archives.

**David Hanna, Ward 1 resident**

David Hanna, Ward 1 resident appears before Council to speak in support of proceeding with an RFP for the Museum Development Feasibility Study, and concludes by offering suggestions for a new museum, including a museum design which would bridge the past, present and future, and to also explore aspects of eco-tourism, among other things.

**APR/10168 1**

(For final disposition of this matter, see Clause **CR162/2010** in Schedule "A" attached hereto.)

**Emission of Amplified Sound Policy****Jan Wilson, Executive Director of Recreation & Culture and Walt Metulynsky, Manager of Leisure Outreach Services**

Jan Wilson, Executive Director of Recreation & Culture and Walt Metulynsky, Manager of Leisure Outreach Services, appear before Council to provide a brief overview and clarification regarding the Emission of Amplified Sound Policy, in terms of its purpose, exceptions, rules and regulations, point of reception and monitoring and controls.

**Rita Ossington, Canada South Festival Network**

Rita Ossington, Canada South Festival Network, appears before Council to acknowledge the proposed Emission of Amplified Sound Policy, but requests that it not be implemented until January of 2011, so that all festivals can incorporate the proposed changes into their budgets, and concludes by seeking clarification in terms of what are acceptable notice procedures for the affected neighbours.

Mayor Francis leaves the meeting at 7:42 o'clock p.m. and Councillor Brister assumes the Chair.

**Chris Edwards, Executive Director, Downtown Windsor BIA**

Chris Edwards, Executive Director, Downtown Windsor BIA, appears before Council to acknowledge and provide general support to the proposed Emission of Amplified Sound Policy, but highlights some areas of concern, such as the proposed 11:00 o'clock p.m. end-point in terms of a noise by-law exemption permit, suggesting this is too early, and also states that the proposed complaint mechanism is too vague.

Mayor Francis returns to the meeting at 7:49 o'clock p.m. and Councillor Brister returns to his seat at the Council table.

**Johnny Butera, Vice President of the Downtown Residents Association**

Johnny Butera, Vice President of the Downtown Residents Association, appears before Council to provide some comments regarding the proposed Emission of Amplified Sound Policy, stating that this would require having adequate staffing levels in the By-law enforcement division at the City of Windsor, and that this under-serviced area needs to be adequately resourced as a starting point, and concludes by suggesting that an education strategy needs to be developed and implemented, as well as a well defined notification strategy to the public.

Moved by Councillor Valentinis, seconded by Councillor Dilkens,

That the report of the Executive Director of Recreation and Culture dated April 12, 2010 entitled "Emission of Amplified Sound Policy" BE DEFERRED for a few weeks to allow for a meeting with By-law Enforcement officials, representatives from the Recreation Department, and any interested members of Council to discuss protocols for enforcement of the Policy.

The motion is **put** and is **lost** due to an equality of votes.

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

Nay votes: Councillors Hatfield, Brister, Halberstadt, Gignac and Mayor Francis.

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

**Municipal Cultural Master Plan****Jan Wilson, Executive Director of Recreation & Culture; Mary Baruth, Manager of Cultural Affairs; and Jon Linton, TCI Management Consultant**

Mayor Francis leaves the meeting at 8:32 o'clock p.m. and Councillor Brister assumes the Chair.

Jan Wilson, Executive Director of Recreation & Culture; Mary Baruth, Manager of Cultural Affairs; and Jon Linton, TCI Management Consultant, appear before Council to provide an overview of the Municipal Cultural Plan in terms of background, recommendations and next steps, including underlying assumptions, the process, as well as a detailed overview of the 16 recommendations, including resource requirements and other considerations.

**Shiva Koushik, President and Lisa Kolody, Director of Programs and Operations, Multi-Cultural Council of Windsor & Essex County**

Shiva Koushik, President and Lisa Kolody, Director of Programs and Operations, Multi-Cultural Council of Windsor & Essex County, appear before Council to provide a brief overview of the Carrousel of Nations initiative, which is well positioned in terms of assisting with the Municipal Cultural Master Plan, and highlight some of the proposed recommendations in which they could assist, such as recommendation No. 9 to "increase awareness of the community, councilors and municipal staff about culture".

Mayor Francis returns to the meeting at 8:41 o'clock p.m., and Councillor Brister returns to his seat at the Council table.

**Justin Langlois, Arts Council Windsor & Region, appears before Council**

Justin Langlois, Arts Council Windsor & Region, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, stating that the Arts Council is willing and able to assist with many of the recommendations outlined in the Plan.

**Leona MacIntyre, Windsor Endowment for the Arts**

Leona MacIntyre, Windsor Endowment for the Arts, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, stating that the Windsor Endowment for the Arts is eager and willing to assist with many of the recommendations outlined in the Plan, and concludes by stating that Windsor is an ideal geographical setting and can be an artistic and cultural destination for tourists.

**Barbara Murawski, Windsor Printmakers Forum**

Barbara Murawski, Windsor Printmakers Forum, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, and concludes by providing a brief overview of the Windsor Printmakers Forum, including some of the challenges that they are facing, and applauds the fine work of the Cultural Affairs Office.

**Barbara Peirce Marshall**

Barbara Peirce Marshall, appears before Council as an individual performing artist, and speaks in support of the proposed Municipal Cultural Master Plan, stating that it is important to support and encourage the local arts community and concludes by stating that the proposed Plan offers hope and optimism to the arts community.

**Jack McGarry, President and Janis Cramp, Vice President, Windsor Light Music Theatre**

Jack McGarry, President and Janis Cramp, Vice President, Windsor Light Music Theatre, appear before Council to speak in support of the proposed Municipal Cultural Master Plan, suggesting that its approval would signal Council's investment in the arts, and concludes by highlighting the importance of emphasizing the creative class for a healthy and vital community and offers the assistance of Windsor Light Music Theatre in terms of implementing the Plan and participating in future stakeholder engagements.

**Ilias Kiritsis, President, Art Gallery of Windsor**

Ilias Kiritsis, President, Art Gallery of Windsor, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, and concludes by stating that the Art Gallery of Windsor is eager and willing to assist with the recommendations outlined in the plan.

**Pat Malicki, Ward 5 resident**

Pat Malicki, Ward 5 resident, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, stating that approval of this plan would provide a road map in terms of an improved quality of life.

**David Hanna, Ward 1 resident**

David Hanna, Ward 1 resident, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, and proceeds to outline some of the various endless possibilities that could emerge from its implementation.

**Jeth Mill, Executive Director and Doug Fox, Board of Directors President, Windsor Symphony Orchestra**

Jeth Mill, Executive Director and Doug Fox, Board of Directors President, Windsor Symphony Orchestra, appear before Council to enthusiastically endorse the proposed Municipal Cultural Master Plan, stating interest in recommendations 7 and 8 dealing with the creation of an arm's length Cultural Funding Commission and the development of a cultural organization investment strategy and fund, but urge a slower adoption of the recommendation and to follow a two phased approach for pragmatic reasons, and conclude by suggesting that recommendation 7 be changed to add the words "that the WSO and AGW be precluded from applying for funding from the Cultural Funding Commission until such time as the commission is fully established and functioning effectively", and that recommendation 8 be changed to add the words "that the WSO and the AGW be requested to initiate discussions with the City and Cultural Affairs Office to negotiate a memorandum of understanding outlining a multi-year agreement."



**Les Chaif, Ward 2 resident**

Les Chaif, Ward 2 resident, appears before Council to state opposition to the proposed Municipal Cultural Master Plan, suggesting that given the challenging economic climate, the timing is not right to spend taxpayer money on such an initiative.

**Al Nelman, Ward 4 resident**

Al Nelman, Ward 4 resident, appears before Council to state opposition to the proposed Municipal Cultural Master Plan, stating that Council needs to differentiate between essential and non-essential services, and to focus on tangible priorities that are necessary during these economically challenging times and to demonstrate financial due diligence.

**Merv dePendleton, Ward 5 resident**

Merv dePendleton, Ward 5 resident, appears before Council to state opposition to the proposed Municipal Cultural Master Plan, stating that Council should focus and dedicate resources to more pressing matters such as roads and sewers.

**Ted Boomer, Bluesfest**

Ted Boomer, Bluesfest, appears before Council to speak in support of the proposed Municipal Cultural Master Plan, stating that a plan has been needed for a very long period of time, and that will now serve as the catalyst to bring the entire arts community together.

Moved by Councillor Marra, seconded by Councillor Valentinis,  
That Council RECEIVE the Municipal Cultural Master Plan and that Administration PREPARE reports for all recommendations that have either policy or funding implications.

The motion is **put** and is **lost** due to an equality of votes.

Aye votes: Councillors Marra, Valentinis, Hatfield, Dilkens and Jones.

Nay votes: Councillors Postma, Halberstadt, Brister, Gignac and Mayor Francis.

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

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(For final disposition of this matter, see Clause **CR163/2010** in Schedule "A" attached hereto.)

Moved by Councillor Brister, seconded by Councillor Halberstadt  
**M135-2010** 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.

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

**2010 Tax Policy – Decision Making Tools**

Mayor Francis leaves the meeting at 10:25 o'clock p.m. and Councillor Brister assumes the Chair.

**Jim Williams and Jim Marsh, members of the Small Business Advisory Panel**

Jim Williams and Jim Marsh, members of the Small Business Advisory Panel, appear before Council to provide a brief overview to Council in terms of the 2009 Municipal Tax Allocation, including a tax rate comparison between Windsor and surrounding areas for 2009, the four-year cycle for reassessing property values used to calculate municipal taxes across Ontario, and conclude by recommending that Council bring Windsor's ratios in line with the BMA average for similar municipalities with over 100,000 people (1.86 is the commercial ratio average), and to consider providing a phased in tax relief to the sectors of the economy that are in dire need of assistance, mitigate the utilization by the City of Windsor of clawbacks under the Provincial capping formula and reduce the residual industrial ratio to that of the Chatham-Kent ratio of 1.57, phased in over 3 years.

**Janette Calandra of the Multi-Residential Taxpayer Advisory Committee**

Janette Calandra of the Multi-Residential Taxpayer Advisory Committee, appears before Council to state that the current reality is that there are approximately 16,000 multi-residential units in the City of Windsor and to survive, rents have decreased to compete in an attempt to improve occupancy, in the face of rising expenses, and that these costs will continue to increase in 2010, suggesting that the HST will affect all services to landlords, as well as proposed water rate increases, and concludes by requesting that Council reduce the Multi-residential ratio to the commercial ratio of 1.98 and ensure fair taxes for all.

Mayor Francis returns to the meeting at 10:42 o'clock p.m. and Councillor Brister returns to his seat at the Council table.

**Neil Bear, Property Manager**

Neil Bear, Property Manager, appears before Council and highlights the current economic challenges facing the community, and how that has impacted the financial market and mortgages, suggesting that multi-residential versus residential tax ratios need to be examined, and suggests that the multi-residential ratio needs to be adjusted by reducing it to the same level as that of the commercial ratio.

**Norm Leduc, Ivanhoe Cambridge Property Tax Services Group**

Norm Leduc, Ivanhoe Cambridge Property Tax Services Group, appears before Council to speak in support of the reductions made in the City of Windsor's 2010 municipal budget, and that with regards to the proposed 2010 Tax Policy, they are in support of the recommendation approach modelled in Appendix K to provide tax relief to the commercial (which includes the office and shopping centre class), the multi-residential and large industrial tax classes and to leverage the reduction in tax ratios into further education tax reductions, and concludes by suggesting there is still much work to be done, specifically regarding Windsor's ranking in the relative tax burden on the commercial classes when compared to other Ontario cities, as well as the issue of the continuing unfair taxation on shopping centres, recommending that further tax ratio reductions need to be implemented to reduce commercial property taxes to a level that is more competitive with commercial property taxes that are charged in other Ontario municipalities, and to develop a multi year action plan that will eliminate the disparity in the optional commercial tax rates for Commercial, Office Building, Shopping Centre and Parking Lots/Vacant Land.

**Robert Maiche, Golden Razor, Devonshire Mall**

Robert Maiche, Golden Razor, Devonshire Mall, appears before Council regarding the proposed 2010 Tax Policy, and suggests that Council closely examine the need for tax reform and to devise a multi-year action plan that will reduce commercial property taxes to a level that is more competitive with commercial property taxes that are charged in other Ontario municipalities.

**Doug Wolfe, General Manager, Devonshire Mall**

Doug Wolfe, General Manager, Devonshire Mall, appears before Council and is available for questions with regards to the proposed 2010 Tax Policy.

**Glen Malott, franchisee and owner, A & W Restaurant, Devonshire Mall**

Glen Malott, franchisee and owner, A & W Restaurant, Devonshire Mall, appears before Council to request that Council devise a multi-year action plan that will reduce commercial property taxes to a level that is more competitive with commercial property taxes that are charged in other municipalities, as the Windsor model has created undue hardships for tenants at Devonshire Mall and thus leading to further economic hardships for the community including increased unemployment.

Moved by Councillor Brister, seconded by Councillor Postma,

THAT City Council adopt the reduction in the tax ratios as set out in Appendix H for the 2010 taxation year which provides tax relief to the industrial, large industrial, multi-residential, commercial, office building, and shopping centre classes, and also provides additional tax relief to the residential tax class beyond that previously reported, for the tax reduction; and

THAT Administration PREPARE a multi-year plan for presentation to Council, said plan should include detailed options for bringing all tax classes below the provincial average; and

THAT the Municipality continue with the use of optional tax classes of office building, shopping center, parking lot, and large industrial;

THAT tax discounts for the first and second sub-classes of farmland awaiting development be reconfirmed at their present level of 65% and 30% respectively;

THAT the Municipality adopt the default reduction rates on vacant commercial and industrial tax classes of 30% and 35% respectively;

THAT the 2010 capping program reflect the parameters comprising the following optional tools:

- Establishing a maximum increase threshold at the greater of: 10% of the previous year's annualized capped tax and 5% of the previous year's annualized CVA tax for eligible property and
- Imposing a threshold adjustment for capped properties where the required billing adjustment (credits only) is within \$250 of the properties' CVA tax; and
- Those properties that have reached their CVA tax destination be excluded; and
- Those properties that will cross over their CVA tax destination be excluded;

THAT the Municipality reaffirms to fund the cost of capping through the claw-back mechanism within the class;

THAT the Municipality set the threshold on the tax level for eligible new construction for 2010 at 100%;

THAT the Municipality utilize the flow-through option for the restricted industrial classes and pass on 50% of any levy change to those classes as required;

THAT the City Solicitor be DIRECTED to prepare the necessary by-laws for approval.

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

Aye votes: Councillors Brister, Postma, Gignac and Valentinis.

Nay votes: Councillors Halberstadt, Hatfield, Marra, Jones and Dilkens.

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

AF2010 8

(For final disposition of this matter, see Clause **CR169/2010 and CR/170/2010** in Schedule "A" attached hereto.)

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

Nil.

**Consideration of Committee Reports**

**M136-2010** Moved by Councillor Hatfield, seconded by Councillor Jones,  
as presented. That the **Report of the special In-camera** meeting held May 3, 2010, **BE ADOPTED**

Carried.

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

ACO2010

**By-laws**

Moved by Councillor Marra, seconded by Councillor Dilkens,  
That the following By-laws No. 68-2010 through 69-2010, and 71-2010 through 72-2010 (inclusive), be introduced and read a first and second time:

68-2010 "A BY-LAW TO AMEND BYLAW 400-2004, BEING A BYLAW OF THE CITY OF WINDSOR GOVERNING PURCHASING POLICIES AND PROCEDURES"

69-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"

71-2010 "A BY-LAW TO FURTHER AMEND ZONING BY-LAW NUMBER 8600"

72-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE THIRD DAY OF MAY, 2010"

Carried.

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

Moved by Councillor Postma, seconded by Councillor Valentinis,  
That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) Communication Items (as amended)
- 2) Consent Agenda (as 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 Lewenza was absent from the meeting when the vote was taken on this matter.

### Notices of Motion

Councillor Jones gives notice that he intends to introduce a motion for consideration at the May 17, 2010 meeting of Council regarding reconstruction of the College Avenue Bridge.

### Third Reading of By-laws

Moved by Councillor Brister, seconded by Councillor Dilkens,

That the following By-laws No. 68-2010 through 69-2010, and 71-2010 through 72-2010 (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 Lewenza was absent from the meeting when the vote was taken on this matter.

### Petitions

None presented.

### Council Questions

Moved by Councillor Hatfield, seconded by Councillor Jones,

**M137-2010** 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 Lewenza was absent from the meeting when the vote was taken on this matter.

**PROPOSED IN-CAMERA AGENDA FOR MAY 10, 2010**

Moved by Councillor Gignac, seconded by Councillor Marra,  
**M138-2010** That the following proposed In Camera Agenda for May 10, 2010 **BE APPROVED**:

<b>Item No.</b>	<b>Subject</b>	<b>Section – Pursuant to Municipal Act, 2001, as amended</b>
1.	Property matter – negotiations	239(2)(c)

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

ACO2010

**Adjournment**

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

Accordingly, the meeting is adjourned at 11:55 o'clock p.m.

**MAYOR**

**CITY CLERK**

**THIS IS A DRAFT COPY**

**DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES**

Postma  
Gignac

CR162/2010

That the Manager of Cultural Affairs **BE DIRECTED** to proceed using previous reports, to do an in-house study and make recommendations to City Council regarding a potential museum, including theme, location, a Needs Assessment and Conceptual Plan; Potential Sites and Area Evaluation and a Financial Analysis and models for operation;

That City Council **APPROVE** the composition of the Museum Development Feasibility Study Steering Committee; and

That City Council **ESTABLISH** a City of Windsor Museum Development Fund with the funds from the Chimczuk Trust, subject to the findings of the study; and further,

That the City Clerk **BE DIRECTED** to schedule a Strategic Planning Session of Council within six to eight weeks, to discuss museum issues, including theme, location and potential partnerships.

Carried.

At the request of Mayor Francis a recorded vote is taken.

**RESULTS OF RECORDED VOTE:**

Aye Votes	Councillors Postma, Gignac, Brister, Halberstadt, Valentinis, Lewenza, Marra, Jones, Dilkens and Mayor Francis
Nay Votes	Councillor Hatfield
Absent	None
Abstain	None

Report Number **14636 APR/10168 1**

Internal Distribution

Community Development & Health [Mary E. Baruth]  
Community Development & Health Commissioner  
Executive Director of Recreation  
Chief Financial Officer/City Treasurer  
City Solicitor  
City Clerk  
Deputy City Clerk

Postma  
Hatfield

CR163/2010

That City Council **ENDORSE** the Municipal Cultural Master Plan, as presented in the report to Council by the Manager of Cultural Affairs dated March 8, 2010, and further, that the Windsor Symphony Orchestra and the Art Gallery of Windsor **BE REQUESTED** to initiate discussions with the City and the Cultural Affairs Office to negotiate a memorandum of understanding outlining a multi-year agreement.

Carried.

Councillors Brister, Gignac, Valentinis and Jones voting nay.

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

Report Number **14635 APR/10296 2**

Internal Distribution

Community Development & Health [Mary E. Baruth]

Community Development & Health Commissioner

Executive Director of Recreation

Chief Financial Officer/City Treasurer

City Solicitor

Postma

Dilkens

CR164/2010

THAT Council **APPROVE** the award of Tender No. 50-10 for the Roof and Building Envelope Restoration at Windsor Water World at 400 Wyandotte St. E. to Gulf Developments Inc. in the amount of Three hundred twenty one thousand seventy two dollars and seventy nine cents (\$321,072.79) excluding GST to **BE FUNDED** from account 007-5410-708500 (Roofing Account) with a pre-commitment of the 2010 roofing capital budget of \$210,000.79, and with a pre-commitment of the reprioritized 2011 roofing capital budget of \$111,072.

Carried.

Report Number #: **14647 SR2010 C3**

Internal Distribution

Hospitality & Corporate Facility Planning [Donna Desantis]

Manager of Real Property and Asset Planning – Sergio Grando

Executive Director of Recreation and Culture

Executive Director of Parks

Manager of Purchasing and Risk Management

Chief Financial Officer/City Treasurer

City Solicitor

Postma

Dilkens

CR165/2010

That the report of the City Engineer dated April 19, 2010 entitled “Update – Investing in Ontario Funding – Required Notice and Acknowledgements” **BE RECEIVED** for information, and further,

That Administration **WILL PROCEED** to acknowledge the Province of Ontario through the “Investing in Ontario” Act for the \$20.6 million received in 2008 and used in the 2009 Capital Budget Program.

Carried.

Report Number **14624 AFB/10064 C4**

Internal Distribution

City Engineer, Mario Sonogo

City Clerk

Chief Financial Officer/City Treasurer

Postma



Dilkens

CR166/2010

That By-law 68-2010 **BE ADOPTED** by Council to amend bylaw 400-2004, being a bylaw of the City of Windsor Governing Purchasing Policies and Procedures, to simplify the bonding requirements for tenders and to clarify the procedure in the event of tied bids.

Carried.

Report Number **14654 AB2010 C5**

Internal Distribution

Legal [Shelby Askin Hager]

City Solicitor

Manager of Purchasing and Risk Management

Chief Financial Officer/City Treasurer

Postma

Dilkens

CR167/2010

THAT COUNCIL **APPROVE**, the 2010 annual corporate Advertising Contract with “The Windsor Star” (A Division of Can West Mediaworks Publications, Inc.), and that the CAO and City Clerk **BE AUTHORIZED** to execute the said contract, satisfactory in form and technical content to the City Solicitor, and in financial content to the City Treasurer and Chief Financial Officer.

Carried.

Report Number **14652 APR/10591 C6**

Internal Distribution

Legal [Elaine Castellan]

City Solicitor

Manager of Purchasing and Risk Management

Chief Financial Officer/City Treasurer

Corporate Marketing & Communications Officer – M. Rodgers

Marra

Lewenza

CR168/2010

That the report of the City Engineer dated April 6, 2010 entitled “Windsor Essex County Environment Committee (WECEC) and City of Windsor Environmental Coordinator Office Staffing”

**BE DEFERRED** for a few weeks, at the request of Administration, to allow for clarification concerning the impact associated with the issue of student hiring.

Carried.

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

Report Number **14646 EI2010 7**

Internal Distribution

Public Works [Paul Drea]  
City Engineer  
Interim Director of Pollution Control  
Executive Director of Operations  
Chief Financial Officer/City Treasurer  
City Solicitor  
Coordinator, WECEC Committee – K. Kadour

Jones  
Hatfield

CR169/2010

Consistent with the principles upon which the 2010 operating budget was established and approved:

THAT City Council adopt the reduction in the tax ratios as set out in appendix K for the 2010 taxation year which provides tax relief to the commercial, multi-residential and large industrial tax classes without impacting on the previously reported tax reduction for residential property owners;

THAT the Municipality continue with the use of optional tax classes of office building, shopping center, parking lot, and large industrial;

**THAT tax discounts for the first and second sub-classes of farmland awaiting development be reconfirmed at their present level of 65% and 30% respectively;**

**THAT the Municipality adopt the default reduction rates on vacant commercial and industrial tax classes of 30% and 35% respectively;**

THAT the 2010 capping program reflect the parameters comprising the following optional tools:

- Establishing a maximum increase threshold at the greater of: 10% of the previous year's annualized capped tax and 5% of the previous year's annualized CVA tax for eligible property and
- Imposing a threshold adjustment for capped properties where the required billing adjustment (credits only) is within \$250 of the properties' CVA tax; and
- Those properties that have reached their CVA tax destination be excluded; and
- Those properties that will cross over their CVA tax destination be excluded;

THAT the Municipality reaffirms to fund the cost of capping through the claw-back mechanism within the class;

THAT the Municipality set the threshold on the tax level for eligible new construction for 2010 at 100%;

THAT the Municipality utilize the flow-through option for the restricted industrial classes and pass on 50% of any levy change to those classes as required;

THAT the City Solicitor be DIRECTED to prepare the necessary by-laws for approval.

Carried.

Councillors Brister, Postma, Halberstadt and Gignac voting nay.

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

Report Number 14659 AF2010 8

Internal Distribution

Finance [Janice Guthrie]  
Chief Financial Officer/City Treasurer  
City Solicitor

Halberstadt  
Gignac

CR170/2010

That Administration (Finance Department) **WORK IN CONCERT** with various non-residential sector groups **TO DEVELOP** a 3 to 5 year plan to reduce multi-residential, commercial, shopping centre and industrial taxes to address the City's competitive challenges and the need to create private sector jobs, with models to come forward for the 2011 budget year.

Carried.

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

Report Number **14659 AF2010 8**

Internal Distribution

Finance [Janice Guthrie]  
Chief Financial Officer/City Treasurer

Lewenza  
Gignac

CR171/2010

That the report of the Executive Director of Recreation and Culture dated April 12, 2010 entitled "Emission of Amplified Sound Policy" **BE NOTED AND FILED**.

Carried.

Councillors Halberstadt, Dilkens, Valentinis and Jones voting nay.

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

Report Number **14645 SR2010 9**

Internal Distribution

Recreation [Walt Metulynsky]  
Community Development and Health Commissioner  
Chief Building Official  
Executive Director of Recreation  
Manager of Compliance and Enforcement – A. Kalinowski  
Coordinator of Community Special Events Services – M. Taylor

Postma  
Dilkens

CR172/2010

That the sponsorship of facilities within the WFCU Centre for Naming Rights over a ten year period effective January 1, 2009 until December 31, 2018 by the following companies/organizations:

- AM800 CKLW
- The Windsor Star
- Green Shield Canada
- Optimist Clubs of Windsor
- The Collavino Group
- Jamieson Laboratories
- Festival Tent and Party Rentals

**BE APPROVED**, and further, that the Chief Administrator and City Clerk **BE AUTHORIZED** to sign the agreements subject to approval as to the form by the City Solicitor and as to content by the Executive Director of Recreation and Culture and the City Treasurer, and further, that the authorization for the execution and signing agreements for additional future Naming Rights of facilities at the WFCU Centre **BE DELEGATED** to the Chief Administrative Officer for those sponsorships with a value of \$150,000 or less.

Carried.

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

Report Number **14669 GM/9330 C10**

Internal Distribution

Recreation [Jan Wilson]

Community Development and Health Commissioner

Chief Financial Officer/City Treasurer

City Solicitor

ADOPTED by Council at its meeting held May 3, 2010 [M136-2010]  
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA  
May 3, 2010**

**Meeting called to order at: 5:00 p.m.**

**Members in Attendance:**

- Mayor E. Francis
- Councillor D. Brister (arrives at 5:01 p.m.)
- Councillor D. Dilkens
- Councillor C. Postma
- Councillor R. Jones
- Councillor A. Halberstadt
- Councillor F. Valentinis
- Councillor K. Lewenza (arrives at 5:10 p.m.)
- Councillor P. Hatfield
- Councillor J. Gignac

**Members Absent:**

- Councillor B. Marra

**Also in attendance:**

- H. Reidel, Chief Administrative Officer
- R. Warsh, Community Development and Health Commissioner
- M. Sonogo, City Engineer
- G. Wilkki, City Solicitor
- V. Critchley, City Clerk
- O. Colucci, Chief Financial Officer
- V. Mihalo, Executive Director of Human Resources (Item 2)
- N. Jammu-Taylor, Legal Counsel (Item 2)

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

<u>o.</u>	<u>Subject</u>	<u>h – Pursuant to Municipal Act, 2001, as amended</u>
	matter – claim	239(2)(e)
	al matter – about an identifiable individual – update	239(2)(b)

	ty matter – lease l report)	239(2)(c)
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**Motion Carried.**

**Declarations of Pecuniary Interest:**

None declared.

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

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

**Moved by Councillor Dilkens, 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 May 3, 2010 directly to  
Council for consideration at the next Regular Meeting.**

1. That the confidential report from the City Solicitor, Legal Counsel, City Engineer and Chief Financial Officer and City Treasurer respecting a legal matter – claim **BE RECEIVED FOR INFORMATION.**
2. That the recommendation contained in the in-camera report from the City Clerk, City Solicitor and Executive Director of Human Resources respecting a personal matter about an identifiable individual - update **BE APPROVED.**
3. That the verbal report from Mayor Francis respecting a property matter – lease **BE RECEIVED.**

**Motion Carried.**

**Moved by Councillor Jones, seconded by Councillor Postma,  
That the special meeting of council held May 3, 2010 BE ADJOURNED.  
(Time: 5:16 p.m.)  
Motion Carried.**