

Regular

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

Members Present:

Councillor Brister
Councillor Dilkens
Councillor Gignac
Councillor Halberstadt
Councillor Hatfield
Councillor Jones
Councillor Marra [Acting Mayor]
Councillor Postma
Councillor Valentinis

Members Absent:

Mayor Francis [at International Forum on Regional Development
2010 in Seoul, South Korea]
Councillor Lewenza.

Call to Order

Following the playing of the Canadian National Anthem, Reverend A.W. Schiemann from Peace Lutheran Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Valentinis discloses an interest and abstains from voting on report No. 2 of the Planning Advisory Committee dated October 21, 2010, respecting, "Hotel Dieu Grace Hospital/Ron Durocher, rezoning, 1030 Ouellette Avenue, zoning boundary adjustment to match property ownership", as it involves his family physician.

Minutes

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
That the Minutes of the regular meeting of Council held November 15, 2010, **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

YMCA Peace Week – November 21-27, 2010

Committee of the Whole

Moved by Councillor Jones, seconded by Councillor Halberstadt,
That Council do now rise and move into Committee of the Whole with the Acting 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-law 179-2010.
- Carried.

Communications

Moved by Councillor Gignac, seconded by Councillor Postma,
M314-2010 That the following Communication Items 1 to 3 and 5 to 7 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 Valentinis, seconded by Councillor Gignac,
M315-2010 That the report of the City Solicitor dated November 15, 2010 entitled “Noise Emission Standards and the use of Decibel Meters” **BE RECEIVED**; and that Council **PETITION** the Province through the Ontario Ministry of Transportation to develop legislation to identify acceptable noise levels for the motor vehicles and the method for measuring the same;
 and further

That Police Services **BE DIRECTED** to provide a draft short and a long term plan by the end of the first quarter of 2011 (March 31, 2011) to address excessive vehicle noise.
 Carried.

ITEM	FROM	DESCRIPTION
1	Association of Municipalities of Ontario (AMO)	Fall Economic Statement Preserves Upload Schedule for Municipalities Community Development & Health Commissioner Chief Financial Officer & City Treasurer Note & File MMA2010
2	Secretary/Treasurer Committee of Adjustment	Consent Authority Agenda Record Hearing to be held on Wednesday, December 1, 2010, Council Chambers, 3rd Floor, Windsor City Hall, 350 City Hall Square West, Windsor Note & File ZC2010
3	City Engineer	Tender 22-09 – Virginia Avenue and Prado Place Sewer, Pavement and Watermain Rehabilitation Note & File SW/10841
4	City Solicitor	Noise Emission Standards and the use of Decibal Meters Note & File AB2010
5	City Solicitor	CQ101-2010 Regarding Dirty Yard Inspections – By-Law 3-2006 Note & File EI2010

ITEM	FROM	DESCRIPTION
6	Community Development & Health Commissioner	Canada-Ontario Affordable Housing Program Extension (COAHPE) Stimulus Funding – Renewable Energy Initiative Note & File GH/6905
7	Community Development & Health Commissioner	Artscape Creative Placemaking Workshop Note & File SR2010

Carried.

Consent Agenda

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

- Item 1 Maintenance of Windsor-Essex Parkway Corridor
- Item 2 2011 Schedule of Council Meetings
- Item 4 Tecumseh Decommissioning Agreement
- Item 5 Shamandance Sculpture
- Item 6 WebEOC and EmerGeo Emergency Information Management System Proposal
- Item 7 Inaugural Meeting of the 2010-2014 Council

Carried.

Deferrals and/or Referrals and Withdrawals

None requested.

Presentations & Delegations:

DELEGATIONS

Alfred Bouzide/Bouzide Enterprises Ltd., rezoning, east side of Huron Church Road and west side of Daytona Avenue, north of Northwood Street, to allow the construction of a retail store and, in the future, a restaurant

Jeffrey Slopen, Solicitor representing Applicant, and Fred Bouzide, Applicant

Jeffrey Slopen, Solicitor representing Alfred Bouzide/Bouzide Enterprises Ltd., and Fred Bouzide, Applicant, appear before Council in support of the recommendations respecting rezoning of the east side of Huron Church Road, the west side of Daytona Avenue, and north of Northwood Street, to allow for the construction of a retail store and future restaurant, and are available for questions regarding their application.

ZB/10789 PAC 1

(For final disposition of this matter, see Clause **CR420/2010** in Schedule “A” attached hereto.)

Hotel Dieu Grace Hospital / Ron Durocher, rezoning, 1030 Ouellette Avenue, zoning boundary adjustment to match property ownership

Mark Michasiw, Parkin Architects Ltd., and Ron Durocher, Agent representing Hotel Dieu Grace Hospital

Mark Michasiw from Parkin Architects Ltd., and Ron Durocher representing Hotel Dieu Grace Hospital, appear before Council in support of the recommendations respecting the rezoning of 1030 Ouellette Avenue, and zoning boundary adjustment to match the property ownership, and are available for questions regarding their application.

ZB/10792 PAC 2

(For final disposition of this matter, see Clause **CR421/2010** in Schedule “A” attached hereto.)

2010 Windsor Santa Claus Parade Sponsorship

Louis LaPensee, Ward 3 resident,

Louis LaPensee, Ward 3 resident, appears before Council in support of the administrative recommendation to provide sponsorship to the Windsor Parade Corporation for the 2010 annual Windsor Santa Clause Parade on December 4, 2010, and concludes by suggesting that the route of the Parade should be alternated on a yearly basis.

AF2010 3

(For final disposition of this matter, see Clause **CR415/2010** in Schedule “A” attached hereto.)

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

None.

Consideration of Committee Reports

M316-2010 Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
as presented. That the **Report of the special In-camera** meeting held November 22, 2010, **BE ADOPTED**

Carried.

ACO2010

By-laws

Moved by Councillor Jones, seconded by Councillor Gignac,
That the following By-law No. 179 be introduced and read a first and second time:

179-2010 “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE TWENTY-SECOND DAY OF NOVEMBER, 2010”

Carried.

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

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

Carried.

Notices of Motion

Councillor Halberstadt gives notice that he intends to introduce a motion for consideration at the November 29, 2010 meeting of Council to allow for Report No. 138 of the Windsor Licensing Commission to be dealt with, which pertains to the issue of whether chickens should be allowed in a non-agriculturally zoned region.

Moved by Councillor Dilkens, seconded by Councillor Valentinis,
M317-2010 That Rule 13.9(a) of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit Councillor Dilkens to introduce a motion for consideration without prior notice respecting the need to schedule a date for Council to consider Report No. 138 of the Windsor Licensing Commission which pertains to the issue of whether chickens should be allowed in a non-agriculturally zoned region.

Carried.

Councillors Halberstadt and Postma voting nay.

Moved by Councillor Dilkens, seconded by Councillor Valentinis,
M318-2010 That Report No. 138 of the Windsor Licensing Commission **BE CONSIDERED** at the January 24, 2011 meeting of Council.

Carried.

Councillors Halberstadt and Postma voting nay.

Clerk's Note: As Councillor Dilkens waived the rules and Council adopted motions accordingly, Councillor Halberstadt's notice on the same subject will not proceed any further.

Third Reading of By-laws

Moved by Councillor Valentinis, seconded by Councillor Brister,
 That the following By-law No. 179, having been read a first and second time be now read a third time and finally passed and that the Acting 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 Halberstadt, seconded by Councillor Hatfield,
M319-2010 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.

ACOQ2010

PROPOSED IN-CAMERA AGENDA FOR NOVEMBER 29, 2010

Moved by Councillor Jones, seconded by Councillor Hatfield,
M320-2010 That the following proposed In Camera Agenda for November 29, 2010 **BE APPROVED**:

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

ACO2010

Adjournment

Moved by Councillor Gignac, seconded by Councillor Postma,
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 7:00 o'clock p.m.

ACTING MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

SUPERVISOR OF COUNCIL SERVICES

Valentinis
Brister

CR413/2010

That Council **APPROVE** the Letter of Undertaking between the Ministry of Transportation and the City of Windsor detailing the scope of services that the City of Windsor will provide in relation to the Windsor-Essex Parkway Corridor between December 10, 2010 and March 31, 2011. The services relate to maintenance and involve snow removal, traffic signal maintenance, pothole patching and emergency response, with costs as agreed to between the two parties for work; and,

That the City Engineer **BE AUTHORIZED** to sign the Letter of Undertaking, satisfactory in form to the City Solicitor; and,

That during the period of December 10, 2010 to March 30, 2011, the City of Windsor and their contractors **ADD** the MTO/Province of Ontario as additional named insured to insurance policies related to services provided.

Carried.

Report Number **14968 ST/8821 C1**

Internal Distribution

Public Works [Mario Sonogo, City Engineer]
City Solicitor
Executive Director of Operations
Fire Chief

External Distribution

Valentinis
Brister

CR414/2010

That the attached weekly schedule of City Council meetings for 2011 and the “Deadlines for Submissions of Reports Scheduled for Consideration by City Council” for January 1, 2011 to December 31, 2011
BE APPROVED.

Carried.

Report Number **14983 ACO2010 C2**

APPENDICES

Schedule of Meetings
Deadline Submissions

Internal Distribution

Council Services [Steve Vlachodimos]
City Clerk
Mayor
Chief Administrative Officer
Help Desk
John Miceli, Facility Management
Wanita Shepley
General Manager, Corporate Services

Building Facilitator - S. Pirrone

Mail Room

Receptionist

311

Senior Manager of Communications & Customer Service – Jason Moore

Corporate Marketing & Communications Officer - Mary Rodgers

Information Technology - Matt Caplin

Information Technology - Michael Donoghue

All Departments

All News Media

External Distribution

Reverend Harris

New Beginnings Christian Church

1383 Bruce Avenue

Windsor, Ontario N8X 1X5

Cliff Danby, Cogeco Cable 11

cliff.danby@cogeco.ca

Christina Ricci & Vincci Wong

Broadcast Captioning and Consulting Services

christina@closedcaptioning.com

vincci@closedcaptioning.com

Jones

Postma

CR415/2010

THAT the request from the Windsor Parade Corporation for a sponsorship to host the 2010 Annual Windsor Santa Claus Parade on December 4, 2010 **BE APPROVED** and that the total cost of \$3,817.

BE CHARGED to the Budget Stabilization Reserve.

Carried.

Report Number **14978 AF2010 3**

Internal Distribution

Finance [Valerie Clifford]

Chief Financial Officer/City Treasurer

Executive Director of Recreation and Culture [Jan Wilson]

External Distribution

Dave Grimaldi & Maggie Durocher

1168 Drouillard Rd.

Windsor, ON N8Y 2R1

dgrimaldi@mdirect.net
mrssanta@mnsi.net

Louis LaPensee
920 Ouellette – Unit 1414
Windsor, Ontario N9A 1C8

Valentinis
Brister

CR416/2010

- I. **THAT** the report of legal counsel regarding the Tecumseh decommissioning agreement **BE RECEIVED** for information;
- II. **AND THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the Tecumseh decommissioning agreement, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and in financial content to the City Treasurer;
- III. **AND THAT** the transaction **BE COMPLETED** electronically where it is available, and pursuant to By-Law 366-2003, that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute all documents necessary to complete the transaction in accordance with the terms of the Agreement, and that the City Solicitor or designate, **BE AUTHORIZED** to sign the documents standard to a real estate transaction, and that the costs of such transaction **BE CHARGED** to Account #7103001;
- IV. **AND THAT** the City of Windsor **PAY** the outstanding costs to the Town of Tecumseh to maintain the site until this agreement could be completed and charged to Account #7103001.

Carried.

Report Number **14890 SW/10837 C4**

Internal Distribution

Legal [Cheryl Glassford]
City Solicitor
City Engineer
Chief Financial Officer/City Treasurer

External Distribution

Dan Piescic, Director of Public Works and Environmental Services
Town of Tecumseh
917 Lesperance Road
Tecumseh, ON N8N 1W9
dpiescic@tecumseh.ca

Ed Hooker
Wolf Hooker Professional Organization
72 Talbot St. North, Suite 100
Essex, ON N8M 1A2
ehooker@tecumseh.ca

Valentinis
Brister

CR417/2010

That this administrative report **BE RECEIVED** for information, and further, that Mr. Ted Bieler **BE THANKED** for his generous loan of the Shamandance Sculpture to the City of Windsor for the period, April 2009 to November 2010.

Carried.

Report Number 14972 SR2010 C5

Internal Distribution

Recreation Culture [*Pam Labute]

*I assume you will do a letter of thanks to Mr. Bieler.

Executive Director of Recreation and Culture
Chief Financial Officer/City Treasurer
Community Development & Health Commissioner

External Distribution

Valentinis
Brister

CR418/2010

That City Council **APPROVE** the acquisition and implementation of the WebEOC and EmerGeo software through the current University of Windsor contract and that the one time cost of \$8,054.02 plus applicable taxes, to permit EOC access for the City of Windsor **BE FUNDED** from the Ontario Fire Service Grant Reserve Account 1768. The annual maintenance cost of approximately \$2,400.00 plus applicable taxes will **BE FUNDED** from within the current operating budget; and

That the CAO and City Clerk **BE AUTHORIZED** to execute the necessary agreement with the University of Windsor and the County of Essex for the WebEOC and EmerGeo Emergency Information Management Software System, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Fire Chief and the Executive Director of Information Technology.

Carried.

Report Number 14975 SF/10838 C6

Internal Distribution

Fire & Rescue [Sherri Arsenault, Manager of Administration]

Fire Chief

City Solicitor

Chief Financial Officer/City Treasurer

Executive Director of Information Technology

External Distribution

Valentinis
Brister

CR419/2010

That the Inaugural Meeting of the 2010-2014 City Council **BE HELD** on Monday, December 6, 2010 at 7:00 o'clock p.m. in the Chrysler Theatre, St. Clair College Centre for the Arts, with a reception to follow in the Canadian Club Room for members of Council, invited guests, families and the general public.

Carried.

Report Number **14990 ACOC2010 C7**

Internal Distribution

Council Services [Steve Vlachodimos]
Chief Administrative Officer
Chief Financial Officer/City Treasurer
City Solicitor
All Department Heads
Help Desk
Jake Renaud, Facility Management
Wanita Shepley

External Distribution

Joe Bitonti, Director, Chrysler Theatre
201 Riverside Drive West
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jbitonti@stclaircollege.ca

Christina Frye, Sales & Marketing Officer
St. Clair College Centre for the Arts
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All News Media

Robert Scussolin, News Director
2525 Dougall
Windsor, Ontario N8X 5A7

Dilkens
Valentinis

CR420/2010

- I. That an amendment to the City of Windsor Official Plan **BE APPROVED** changing the designation of Parts 1 to 22, Plan 12R-24447 from Business Park to Commercial Corridor; and
- II. That an amendment to the South Cameron Secondary Plan **BE APPROVED** changing the designation of Parts 1 to 22, Plan 12R-24447 from Business Park to Commercial Corridor.; and
- III. That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Parts 1 to 22, Plan 12R24447 from MD1.4 and CD4.3 to CD2.1 and by adding a site specific provision to provide a landscaped open space yard with a minimum depth of 10 metres along Huron Church Road.

Carried.

Report Number **14970 ZB/10789 PAC 1**

Internal Distribution

City Planner
Manager of Development
Chief Building Official
City Engineer
City Solicitor
Zoning Clerk - Council Services
Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner
City Clerk

External Distribution

Jeffrey Slopen, Solicitor
300-443 Ouellette Avenue
Windsor, Ontario N9A 6R4
slopenj@millercanfield.com

Jason Grossi, Architect
Studio g+G Inc.
1057 Walker Road
Windsor, Ontario N8Y 2N6
jason@designstudiogG.com

Alfred Bouzide
3336 Huron Church Road
Windsor, Ontario N9E 4H8

Postma
Dilkens

CR421/2010

That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Dufferin Place (closed); Registered Plan 1303, from CD3.5 to ID1.2.

Carried.

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

Report Number **14969 ZB/10792 PAC 2**

Internal Distribution

City Planner

Manager of Development

Chief Building Official

City Engineer

City Solicitor

Zoning Clerk - Council Services

Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner

City Clerk

External Distribution

Mark Michasiw, Agent, Hotel Dieu

c/o Parkin Architects Ltd.

1 Valleybrook Drive

Toronto, Ontario M3B 2S7

michasiw@parkin.ca

Hotel Dieu Grace Hospital

Attention: Ron Durocher

1030 Ouellette Avenue

Windsor, Ontario N9A 1E1

rdurocher@hdgh.org

Stephen M. Cheifetz, Solicitor

2485 Ouellette Avenue, Suite 201

Windsor, Ontario N8X 1L5

scheifetz@correntmacri.com

ADOPTED by Council at its meeting held November 22, 2010 [M316-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
November 22, 2010**

Meeting called to order at: 5:15 p.m.

Members in Attendance:

Councillor B. Marra, Acting Mayor
Councillor D. Brister (arrives at 5:17
p.m.)
Councillor D. Dilkens
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Mayor E. Francis (absent on City
business)
Councillor C. Postma
Councillor K. Lewenza

Also in attendance:

O. Colucci, Chief Financial Officer and City Treasurer and
Acting Chief Administrative Officer
M. Sonogo, City Engineer
V. Critchley, City Clerk
P. Brode, Acting City Solicitor
N. Coleman, Mayor's Chief of Staff
M. Stamp, Property Supervisor (Item 1)

Verbal Motion is presented by Councillor Dilkens, seconded by Councillor Jones, 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 – expropriation of land	239(2)(c)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

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

Motion Carried.

**Moved by Councillor Brister, seconded by Councillor Dilkens,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the
report(s) discussed at the In-Camera Council Meeting held November 22, 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 and City Solicitor respecting a property matter – sale of land **BE APPROVED.**
2. 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 – expropriation of land **BE APPROVED**

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Halberstadt,
That the special meeting of council held November 22, 2010 BE ADJOURNED.
(Time: 5:20 p.m.)**

Motion Carried.