

Regular

Council meets in formal session this day at 6:04 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 Wendy Patterson from Paulin Memorial Presbyterian Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Brister discloses an interest and abstains from voting on Item No. 11 being the report of the City Engineer respecting "Pre-cast Concrete Retaining Wall Tender #138-10", as the subject project involves PCR contractors , which employs a family member.

Councillor Valentinis discloses an interest and abstains from voting on report No. 2 of the Planning Advisory Committee dated September 20, 2010, respecting "Official Plan Amendment-Provincially Significant Wetlands" as it involves family owned property in that area.

Minutes

Moved by Councillor Hatfield, seconded by Councillor Marra,
That the Minutes of the regular meeting of Council held September 13, 2010, **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

Maple Leaf Day – September 22, 2010

Committee of the Whole

Moved by Councillor Postma, 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);
- (g) consideration of by-laws 150-2010 through 151-2010 (inclusive).

Carried.

Communications

Moved by Councillor Brister , seconded by Councillor Dilkens,

M265-2010 That the following Communication Items 1 to 10 and 12 to 14 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted, with the exception of Communication No. 11 and Communication No. 15 which are dealt with as follows:

Communication No. 11:

Moved by Councillor Valentinis, seconded by Councillor Halberstadt,

M266-2010 That the report of the Chief Building Official dated August 16, 2010 entitled “CQ64-2010 – A Review of the City of Edmonton’s By-law Number 14600” **BE DEFERRED** to a future meeting of Council as a regular agenda item, in order to allow ample opportunity for questions and discussion.

Carried.

AB2010

Communication No. 15:

Moved by Councillor Postma, seconded by Councillor Brister,

M267-2010 That the correspondence dated August 20, 2010 from Windsor Essex Community Foundation, pertaining to “Random Act of Kindness Day!” **BE REFERRED** to the General Manager of the Windsor-Detroit Tunnel Corporation for review and appropriate disposition.

Carried.

APR2010

Item	From	Description
1	Ministry of Community and Social Services	French Language Services in Areas Designated Under the <i>French Language Services (FLS) Act</i> Note & File SS2010
2	Ministry of Municipal Affairs & Housing	June Kasperski Wild Note & File GP2010

3	Ministry of Training, Colleges and Universities	More Early Childhood Educators Ready for the Classroom Community Development & Health Commissioner Note & File SS2010
4	Federation of Canadian Municipalities (FCM)	Women in Municipal Government National Program City Clerk Note & File MMF2010
5	Office of the Mayor	Letter of Thanks Regarding the Windsor AMO Conference Community Development & Health Commissioner Chief Financial Officer & City Treasurer Note & File SS2010
6	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the appeal of William Muzzatti, under the <i>Planning Act, R.S.O. 1990</i> for parking variance for lands known as 4451, 4501 & 4551 Tecumseh Road E City Planner Chief Building Official City Solicitor Zoning Clerk Note & File ZC2010
7	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the appeal of The Corporation of the Town of LaSalle, Anna Lynn Meloche and Nancy Pancheshan, under the <i>Planning Act, R.S.O. 1990</i> in regards to Proposed Official Plan Amendment No. 67 and By-Law 232-2007 City Planner Chief Building Official City Solicitor Zoning Clerk Note & File ZO/7802
8	Essex Region Conservation Authority (ERCA)	ERCA Responds to MOE Discussion Paper City Engineer Executive Director of Operations Note & File GCE2010
9	Maryvale Board of Directors	Maryvale's Letter of Thanks Note & File APR2010
10	Manager of Urban Design & Deputy City Planner	Application of Rogers for Site Plan Approval to permit a 30 metre flagpole telecommunication tower and compound located at 6755 Wyandotte St. East Note & File ZS/10780
11	Chief Building Official	CQ64-2010 – A Review of the City of Edmonton's By-Law Number 14600 Note & File AB2010

12	Windsor Licensing Commission	Minutes of meeting held August 9, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
13	Small Business Advisory Panel	Minutes of meeting held August 25, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
14	Windsor-Essex County Environment Committee	Minutes of meeting held September 2, 2010 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2010
15	Windsor Essex Community Foundation	Random Acts of Kindness Day COUNCIL DIRECTION REQUESTED APR2010

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 2 Approval for Study of Private Sewer Connections in Partially Serviced Areas
- Item 3 Award of Tender 119-10 – Municipal Parking Garage Restoration
- Item 4 Award of Tender 136-10 – 2010 Pelissier Garage 2 Hydraulic Elevator Modernization
- Item 8 Appointment of Municipal Enforcement Officers
- Item 10 Applications for Tax Reductions Under Section 357/358 of the Ontario Municipal Act
- Item 11 Pre-cast Concrete Retaining Wall Tender #138-10
- Item 13 Photocopier Replacements
- Item 15 ISF – Airport Operations Building Rehabilitation, Award of Tender 129-10 ATB Rehabilitation Phase 2 & Status Update

Carried.

Councillor Brister discloses an interest and abstains from voting on item No. 11

Deferrals and/or Referrals and Withdrawals

PAC 2-Official Plan Amendment – Provincially Significant Wetlands

Andre Lalonde, Resident

Andre Lalonde, resident, appears before Council to request that report No. 2 of the Planning Advisory Committee Report respecting Official Plan Amendment –Provincially Significant Wetlands be deferred for at least eight weeks, to allow for proper review of recommendations outlined, as there was an inadequate period for notification.

Ed Switalski, Resident

Ed Switalski, resident, appears before Council to request that report No. 2 of the Planning Advisory Committee Report respecting Official Plan Amendment –Provincially Significant Wetlands be deferred for at least 6 months, to allow for proper review of recommendations outlined , as there was an inadequate period for notification.

Glenn Stencell, Resident

Glenn Stencell, resident, appears before Council to request that report No. 2 of the Planning Advisory Committee Report respecting Official Plan Amendment –Provincially Significant Wetlands be deferred for at least 6 months, to allow for proper review of recommendations outlined, as there was an inadequate period for notification.

Murray Dow, Resident

Murray Dow, resident, appears before Council to request that report No. 2 of the Planning Advisory Committee Report respecting Official Plan Amendment –Provincially Significant Wetlands be deferred for a 6 to 8 week period, and concludes by suggesting that there was a lack of consultation on this file.

ZO/10781 PAC 2

(For final disposition of this matter, see Clause **CR359/2010** in Schedule “A” attached hereto.)

Ojibway Parkway Sanitary Sewer Rehabilitation – Phase 4, Broadway Boulevard to Weaver Street

At the request of Administration this matter is being deferred to the October 4, 2010 meeting of Council, as the report requires a review of the recommendation and a portion of the discussion section in light of newly received information.

SW/8467 5

(For final disposition of this matter, see Clause **CR347/2010** in Schedule “A” attached hereto.)

Response to CQ38-2010 Regarding Noise Complaints

At the request of Councillor Lewenza, this matter is being deferred to the October 4, 2010 meeting of Council, to allow for further consultation with administration and the downtown bar owners.

AB2010 1

(For final disposition of this matter, see Clause **CR343/2010** in Schedule “A” attached hereto.)

DELEGATIONS**M194-2010 – Monmouth Road Petition****Alan Bull, Ward 3 resident**

Alan Bull, Ward 3 resident, appears before Council to request that Council reject the administrative recommendations pertaining to Monmouth Road and the monitoring of traffic conditions for speed and volume on Monmouth Road over the next 6 months, suggesting that two way traffic will create a safety concern for the children and the elderly in that area , as well as increase the noise volume, and lower property values, and concludes by stating that Monmouth Road is a Heritage Street not a Heritage Highway.

Peter Angermann, Ward 3 resident

Peter Angermann, Ward 3 resident, appears before Council to request that Council reject the administrative recommendations pertaining to Monmouth Road and the monitoring of traffic conditions for speed and volume on Monmouth Road over the next 6 months, suggesting that two way traffic will create a safety concern for the children, elderly and pets in that area and also creating challenges to on-street parking, and concludes by stating that Monmouth Road is a Heritage gem not a Heritage Highway.

Christopher Pressey, Ward 3 resident

Christopher Pressey, Ward 3 resident, appears before Council to request that Council reject the administrative recommendations pertaining to Monmouth Road and the monitoring of traffic conditions for speed and volume on Monmouth Road over the next 6 months, suggesting that two way traffic will create a safety concern for children and the elderly in that area, and concludes by stating that property owners in the area invest in their properties and neighbourhood and decisions such as this affect the willingness of homeowners to continue investing in their properties.

John Binck, Ward 3 resident

John Binck, Ward 3 resident, appears before Council to request that Council reject the administrative recommendations pertaining to Monmouth Road and the monitoring of traffic conditions for speed and volume on Monmouth Road over the next 6 months, suggesting that two way traffic causes a safety concern for children as there are two schools located in the immediate area, and suggests that this will create noise issues, and concludes by stating that Monmouth Road is a historical district

Leslie Lovell, Ward 3 resident

Leslie Lovell, Ward 3 resident, appears before Council to request that Council reject the administrative recommendations pertaining to Monmouth Road and the monitoring of traffic conditions for speed and volume on Monmouth Road over the next 6 months, suggesting that decisions such as this one will deter home owners from further investing in their properties, and concludes by questioning his desire to remain a Windsor resident.

ACO/10546 6

(For final disposition of this matter, see Clause **CR348/2010** in Schedule “A” attached hereto.)

Alternative Channel Options and Concrete Repairs for the Grand Marais Drain between Huron Church Road and Dougall Avenue – Concrete Channel**Jeremy Wychreschuk, representing ERCA**

Jeremy Wychreschuk, representing ERCA, appears before Council to provide an overview of the alternative channel options and concrete repairs for the Grand Marais drain between Huron Church Road and Dougall Avenue, including an overview of the study that was conducted on the Grand Marais Drain concrete channel, and concludes by providing alternative channel design opportunities and what potential advantages might be available, as well as outlining the next steps.

SW/9957 12

(For final disposition of this matter, see Clause **CR354/2010** in Schedule “A” attached hereto.)

2011 Windsor International Fringe Festival, Request for Waiver of Fees**Mona el Baroudi, Artistic Director, Actors Theatre of Windsor**

Mona el Baroudi, Artistic Director, Actors Theatre of Windsor, appears before Council to speak in support of the administrative recommendation to temporarily close University Avenue East between Freedom Way and Ouellette Avenue July 15-24, 2011 and Ouellette Avenue between University Avenue and Riverside Drive from July 22 to July 24, 2011 and the waiver of fees associated for the rental of the showmobile stage, mobile stage, fold and go bleachers, Windsor Armouries (rainout facility), temporary road closures and noise bylaw waiver, and concludes by stating that the grant money that the Actors Theatre of Windsor applied for is contingent on the endorsement of City Council.

SR/10771 9

(For final disposition of this matter, see Clause **CR351/2010** in Schedule “A” attached hereto.)

Relief from Property Taxation**Marion Overholt, representing Legal Assistance of Windsor**

Marion Overholt, representing Legal Assistance of Windsor, appears before Council to speak in support of the administrative recommendation to adopt guidelines for the provision of tax relief for residential property owners, suggesting that this will allow residents to assess their financial circumstances to avoid going further into debt, and concludes by encouraging administration to publicize the program so that it can reach residential property owners who are in need.

Ray Poisson and Donna Labonte, members of Income Support Working Group, Pathway to Potential

Ray Poisson and Donna Labonte, members of Income Support Working Group, Pathway to Potential, appear before Council to speak in support of the administrative recommendation to adopt guidelines for the provision of tax relief for residential property owners, suggesting that this will assist residents in need, and conclude by encouraging administration to publicize the program so that it can reach residential property owners who are in need.

AF2010 14

(For final disposition of this matter, see Clause **CR356/2010** in Schedule “A” attached hereto.)

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

PAC 1 Housekeeping Amendments to Zoning By-law 8600

Item 7 Request to close north portion of Tuscarora Street westerly from Walker Road

Consideration of Committee Reports

M268-2010 Moved by Councillor Lewenza, seconded by Councillor Marra,
as presented. That the **Report of the special In-camera** meeting held September 20, 2010, **BE ADOPTED**

Carried.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on
this matter.

ACO2010

By-laws

Moved by Councillor Marra, seconded by Councillor Valentinis,
That the following By-laws No. 150-2010 through 151-2010 (inclusive), be introduced and read a
first and second time:

150-2010 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 52-1999, BEING A BY-LAW TO
APPOINT MUNICIPAL ENFORCEMENT OFFICERS FOR THE CORPORATION OF THE
CITY OF WINDSOR"

151-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE
TWENTIETH DAY OF SEPTEMBER, 2010"

Carried.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on this
matter.

Moved by Councillor Brister, seconded by Councillor Jones,
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.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on
this matter.

Notices of Motion

Moved by Councillor Lewenza, seconded by Councillor Jones,
M269-2010 That Administration **BE DIRECTED** to prepare an inventory of properties in each of the 10 City Wards where Orders have been issued for repair and/or demolition and the costs associated with demolition of these structures as part of the Property Standards By-Law Review.

ACEE/9887

Carried.
Councillor Brister voting nay.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on this matter.

Third Reading of By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the following By-laws No. 150-2010 through 151-2010 (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.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on this matter.

Petitions

Moved by Councillor Hatfield, seconded by Councillor Jones,
M270-2010 That the petition presented by Councillor Jones from residents of the Wyandotte Street area requesting the ban of big trucks from Wyandotte Street **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to Executive Director of Operations for the purpose of an examination of the requested works or undertakings; and further that a report **BE PROVIDED** consistent with the direction provided.

Carried.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on this matter.

ACO/10546

Council Questions

Moved by Councillor Lewenza, seconded by Councillor Marra,
M27-2010 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.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on this matter.

ACQ2010

Adjournment

Moved by Councillor Brister, 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.
Councillors Postma and Dilkens were absent from the meeting when the vote was taken on
this matter.

Accordingly, the meeting is adjourned at 8:35 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

SUPERVISOR OF COUNCIL SERVICES

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Lewenza
Jones

CR343/2010

That the report of the Chief Building Official dated July 6, 2010 entitled "Response to Council Question CQ38-2010 – Regarding Noise Complaints" **BE DEFFERRED** to the October 4, 2010 meeting of Council, to allow for further consultation between administration and the downtown bar owners.

Carried.

Report Number #: **14761 AB2010 1**

Internal Distribution

Building [Ann Kalinowski]
Chief Building Official
City Clerk/Licence Commissioner
City Solicitor
Council Secretariat

Gignac
Halberstadt

CR344/2010

I. That Windsor City Council **AUTHORIZE** the City Engineer to execute agreements for financing for the **Study of Private Sewer Connections in Partially Serviced Areas** with Her Majesty the Queen in Right of Canada, as represented by the Minister of the Environment for Canada, and with Her Majesty the Queen in Right of Ontario, as represented by the Minister of the Environment for Ontario, in form satisfactory to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer, and that the City Engineer **BE AUTHORIZED** to sign the agreement;

AND

II. That the municipal portion of the project **BE FUNDED** from Project #7071013 (Prince Road Phase 8 - Betts Avenue from Totten Street to Algonquin Street Trunk Sewer, Road and Watermain Construction), in the amount of \$20,000.00.

Carried.

Report Number **14879 SW2010 C2**

Internal Distribution

Public Works [Andrew Dowie]
City Engineer
Senior Manager of Pollution Control
Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

CR345/2010

THAT the bid of Weathertech Restoration Services Inc., 553 Clarke Road, London, Ontario for 2010 Canderel Garage Restoration, 2010 Goyeau Garage Restoration in the amount of \$119,945.00 (HST excluded) **BE ACCEPTED**; and

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the compliant low tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and in financial content to the City Treasurer.

Carried.

Report Number **14886 SW/10445 C3**

Internal Distribution

Public Works [John S. Wolf]
City Engineer
Executive Director of Operations
Manager of Purchasing & Risk Management
Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

CR346/2010

THAT the bid of Elmara Construction Co. Ltd., P.O. Box 42, 5362 Walker Road, Oldcastle, Ontario, N8T 3B7 for Tender 136-10, 2010 Pelissier Garage 2 Hydraulic Elevator Modernization in the amount of \$149,647.00 (HST excluded) **BE ACCEPTED**; and

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and in financial content to the City Treasurer.

Carried.

Report Number **14891 SW/10445 C4**

Internal Distribution

Public Works [John S. Wolf]
City Engineer
Executive Director of Operations
Manager of Purchasing & Risk Management
Chief Financial Officer/City Treasurer
City Solicitor

Postma
Valentinis

CR347/2010

That the report of the City Engineer dated September 1, 2010 entitled "Ojibway Parkway Sanitary Sewer Rehabilitation – Phase 4 Broadway Boulevard to Weaver Street" **BE DEFERRED** to the October 4, 2010 meeting of Council, at the request of Administration, as the report requires a review of the recommendation and a portion of the discussion section in light of newly received information.

Carried.

Report Number **14883 SW/8467 5**

Internal Distribution

Public Works [Andrew Dowie]

City Engineer
Executive Director of Operations
Executive Director of Parks & Facility Operations
Chief of Police

Valentinis
Halberstadt

CR348/2010

- I) That the report of the City Engineer in response to M194-2010 **BE RECEIVED FOR INFORMATION;** and
- II) That Administration **BE DIRECTED** to construct a diverter island at the Monmouth/Tuscarora intersection, which is to be constructed in such a way as to eliminate traffic from travelling north and southbound through the intersection, and that this be a pre-commitment to the 2011 capital budget; and
- III) That the Autoscope Rack Vision Video Detection system at Monmouth and Wyandotte **BE INSTALLED.**

Carried.

Councillors Hatfield and Gignac voting nay.

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

Report Number 14867 ACO/10546 6

Internal Distribution

Public Works [Wesley Hicks]
City Engineer
Executive Director of Operations

Halberstadt
Postma

CR349/2010

I That the northerly 10.06 metre (33 feet) wide portion of Tuscarora Street westerly from Walker Road for a distance of 34.27 metres (112 feet, 5 inches) on the north side and 36.01 metres (118 feet, 2 inches) on the south side, as shown on the attached copy of Drawing No. CC-1602, attached hereto as Appendix "A" **BE CLOSED AND CONVEYED** to the owner of 628 Monmouth Road subject to the following:

- No easements are required
- Conveyance cost is \$1.00

and further, the City Engineer **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1602, attached hereto as Appendix "A", the City Solicitor, or a delegate, **BE AUTHORIZED** to publish the required legal notice, and **BE REQUESTED** to prepare the By-law to close and further the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved in form and content satisfactory to the City Solicitor, and the transaction **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Carried.

Councillors Lewenza and Valentinis were absent from the meeting when the vote was taken on this matter.

Report Number 14796 SAA/10629 7

APPENDICES

Drawing No. CC-1602

Internal Distribution

Building [Don Wilson]

Chief Building Official

Legal - Sharon Amlin - Prepare Ad

Legal - Documents Clerk - Laura MacDonald

City Planner

City Engineer

City Treasurer

Legal [Frank Scarfone; Cheryl Glassford] - Prepare the Easement/Assuming/Closing By-law

City Solicitor

Gignac

Halberstadt

CR350/2010

That By-law Number 52-1999 being a by-law to appoint Municipal Enforcement Officers for the Corporation of the City of Windsor **BE AMENDED** by adding Schedule 'B' (attached to this report) to the by-law and that By-law 150-2010 **BE ENACTED** for this purpose.

Carried.

Report Number **14892 AL/10528 C8**

Internal Distribution

Public Works [John S. Wolf]

City Engineer

Executive Director of Operations

City Solicitor

Hatfield

Lewenza

CR351/2010

That the request from the Actors Theatre of Windsor to stage the **2011 Windsor International Fringe Festival** July 15 – 24, 2011 to temporarily close University Avenue East between Freedom Way and Ouellette Avenue July 15 to July 24, 2011, and Ouellette Avenue between University Avenue and Riverside Drive July 22 to July 24, 2011 **BE APPROVED**, subject to the standard Special Events Terms and Conditions previously approved by Council; and further,

That the request from the Actors Theatre of Windsor **TO WAIVE** the fees associated for the rental of the Showmobile Stage, Mobile Stage, Fold and Go Bleachers, Windsor Armouries (rainout facility), Temporary Road Closures and Noise Bylaw Waiver **BE APPROVED**.

Carried.

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

Report Number **14880 SR/10771 9**

Internal Distribution

Recreation [Mike Taylor]

Executive Director of Recreation and Culture

Community Development & Health Commissioner
Executive Director of Operations
Building - Ann Kalinowski
Chief Financial Officer/City Treasurer
City Solicitor
Chief Building Official

Gignac
Halberstadt

CR352/2010

That the City Treasurer **BE AUTHORIZED** to amend the City's Tax Master Collector's Roll for the years 2006, 2007, 2008, 2009 and 2010 to reflect, cancellations, reductions, or refunds as set forth in the Schedule being Appendices "A, B, and C" attached hereto in accordance with the Municipal Act, 2001.

Carried.

Report Number **14889 AF2010 C10**

Appendices

Appendices A, B, C

Internal Distribution

Finance [Roger E. Lauziere]
Deputy Treasurer – Taxation & Financial Projects
Chief Financial Officer/City Treasurer

Gignac
Halberstadt

CR353/2010

That Council **ACCEPT** the low tender, as submitted by Santerra Stonecraft, 7885 Howard Ave., McGregor, Ontario, in the amount of \$342,095.00 excluding HST for the supply and delivery of pre-cast concrete retaining wall in accordance with the drawings and specifications; and further,

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with the lowest tender, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks and in financial content to the City Treasurer and Chief Financial Officer.

Carried.

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

Report Number **14888 EI/10633 C11**

Internal Distribution

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

Hatfield
Brister

CR354/2010

- I. That Council **APPROVE** the recommended repairs for the Grand Marais Drain – concrete channel segment for sections 5, 6 and 7, as identified in the Grand Marais Drain – Concrete Channel Study – Phase 2 (Study).
- II. That Council **APPROVE** the recommended alternative channel design options for the various drain segments as per the “Study”.
- III. That the preparation of an Environmental Assessment to examine the various alternative channel design options be **APPROVED** by Council.

Carried.

Councillors Dilkens, Postma, Lewenza and Mayor Francis were absent from the meeting when the vote was taken on this matter.

Report Number **14894 SW/9957 12**

Internal Distribution

Public Works [Paul Mourad]
City Engineer
Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

CR355/2010

THAT the City of Windsor **CONTINUE** to satisfy its photocopier needs by leasing, in accordance with the new Standing Agreement from the Ministry of Government Services, VOR-1027, which remains in effect until January 31, 2012;

WHEREAS in the opinion of the Treasurer and City Council the proposed leases will not materially impact the debt and financial obligation of the City of Windsor, and its risks, in combination with all other leases of that category entered into or proposed to be entered into this year by the City of Windsor and will not result in a material impact for the community;

THAT City Council **AUTHORIZE** administration to lease the photocopiers units and software as outlined in Appendix B of this Report in accordance with the new Standing Agreement from the Ministry of Government Services, to be funded from the respective departments’ operating budgets;

THAT City Council **APPROVE** the certified wiping of the twenty-eight (28) photocopiers to be replaced at an approximate cost of \$350 per unit, for a total cost of \$9,800; to be funded from the respective departments’ operating budgets;

THAT City Council **APPROVE** the removal of the hard drive from one (1) Windsor Police photocopier (and return to Windsor Police) at an approximate cost of \$300; to be funded from the Windsor Police operating budget.

Carried.

Report Number **14773 AE2010 C13**

Internal Distribution

Finance [Chantelle Anson/Tano Ferraro]

Deputy Treasurer, Financial Accounting
Executive Director, Information Technology
Chief Financial Officer/City Treasurer
City Solicitor

Lewenza
Valentinis

CR356/2010

THAT Council **DISCONTINUE** with the provision of tax relief under Section 319 of the Ontario Municipal Act, 2001 and **REPEAL** By-law 278-1998

THAT City Council **ADOPT** the following guidelines for the provision of tax relief for residential property owners on a pilot basis of one (1) year under Section 357(1)(d.1) of the Ontario Municipal Act, 2001:

Extreme Sickness

- Completion of a physicians statement (at the applicant's cost) to verify illness and impact on quality of life
- Completion of a financial disclosure statement which includes family income, savings and assets
- Tax relief would be approved if
 - The illness has resulted in the primary income earner of the family being confined to a hospital, bed or house for a period of time which exceeds 90 consecutive days or the illness has resulted in the primary income earner being required to leave their primary place of employment as a result of a spouse or child being confined to a hospital, bed or house for a period of time which exceeds 90 consecutive days and
 - The applicant fell within the criteria established for extreme poverty
- Tax relief would be pro-rated based upon the number of months certified by the physician.
- Applications would be accepted for a period not to exceed two consecutive years

Extreme Poverty

- Completion of a financial disclosure statement which includes family income, savings and assets
- Full tax relief would be approved if
 - Based upon a change in circumstance income levels for the family unit have fallen below that which has been determined as low-income cut offs for purposes of social assistance
 - Liquid and non-registered financial savings/assets of the family unit are equal to or below the amount of the property taxes
- Partial tax relief would be approved if
 - Based upon a change in circumstance income levels for the family unit have fallen below that which has been determined as low-income cut offs for purposes of social assistance
 - Liquid and non-registered financial savings/assets of the family unit are above the amount of the property taxes. That is, the applicant would be required to pay to the City an amount equivalent to the extent that the savings exceed the property taxes. The balance would be cancelled.
- Tax relief would be pro-rated based upon the number of months in the year affected by the change in circumstance
- Applications would be accepted for a period not to exceed two consecutive years

THAT after the one (1) year period, Administration **BE DIRECTED** to bring a report back to City Council for consideration in terms of ongoing program guidelines.

THAT City Council **WAIVE** the Administrative fee associated with applications made under Section 357(1)(d.1) of the Ontario Municipal Act, 2001.

THAT City Council **AUTHORIZE** an upper limit of \$80,000 to be funded by way of a charge to the Budget Stabilization Reserve to be used to fund the write-off of property taxes as it relates to the adoption of the Municipal Act provisions and Administrative guidelines.

Carried.

Councillor Brister voting nay.

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

Report Number **14875 AF2010 14**

Internal Distribution

Finance [Janice Guthrie]

Chief Financial Officer/City Treasurer

City Solicitor

Gignac

Halberstadt

CR357/2010

I. That the following low compliant tender for Tender 129-10 Windsor Airport Terminal Building (ATB) Rehabilitation Phase 2 **BE ACCEPTED:**

TENDERER: Artisan Windsor Inc.
2000 Fasan Dr.
Oldcastle, ON, N0R 1L0

TENDER NO.: 129-10

TOTAL TENDER PRICE: \$812,000 (excluding HST)

and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer, satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor; and

II. That **APPROVAL BE GIVEN** to undertake an expenditure of \$812,000 (excluding HST), for the construction of the ATB Rehabilitation Phase 2 at the Windsor International Airport to be funded from Project ID# 7092014 (ISF-Airport Operations Building Rehabilitation); and

Account to be Charged: 007-5410-1790-30720-7092014

III. That **APPROVAL BE GIVEN** to transfer contingency funds of \$253,300 previously authorized by CR94/10 regarding the Airport Parallel Taxiway project from Project ID#7092015 (ISF – Airport Parallel Taxiway) back to project 7095000 (Contingency Fund Project) and further that this amount of \$253,300 then be subsequently transferred to the Project ID#7092014 (Airport Operations Building Rehabilitation Project).

Carried.

Report Number **14887 APM/10783 C15**

Internal Distribution

Public Works [Tiffany Pocock]

City Engineer

Manager of Purchasing & Risk Management

Chief Financial Officer/City Treasurer
City Solicitor

Gignac
Halberstadt

√√SV

CR358/2010

That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning on the following basis:

1. That Section 7(16) be deleted and the following paragraph added:
“(22a) **“Chief Building Official”** means the Chief Building Official appointed under the Building Code Act, 1992, S.O. 1992, c.23”
2. That Section 7(23a) be deleted and replaced with the following paragraph:
“(23a) **“Church Hall”** means a public hall within a church”.
3. That Section 7(37) be deleted and replaced with the following paragraph:
“(37) **“Day Nursery”** means a day √nursery√ as defined in the Day Nurseries Act, R.S.O. 1990, c. D.2.”
4. That Section 7(73) be deleted and replaced with the following paragraph:
“(73) **“Hospital”** means a hospital designated as a public hospital under the Municipal Act, 2001, S.O. 2001, c. 25 or the Public Hospitals Act, R.S.O. 1990, c. P.40.”
5. That Section 7(96) be deleted and replaced with the following paragraph:
“(96) **“Mobile Home Dwelling”** means one mobile home as defined by Section 46 of the Planning Act, R.S.O. 1990, c. P.13.”
6. That Section 7(111) be deleted and replaced with the following paragraph:
“(111) **“Pit”** means a pit as defined by the Aggregate Resources Act, R.S.O. 1990, c. A.8.”
7. That Section 7(114a) be deleted and replaced with the following paragraph:
“(114a) **“Private-Home Day Care”** means a private home day care as defined in the Day Nurseries Act, R.S.O. 1990, c. D.2,”
8. That Section 7(118)(c) be deleted.
9. That Section 7(119) be deleted and replaced with the following paragraph:
“(119) **“Public Utility”** means Hydro One or any corporation that distributes any one or more of the following services or commodities to the public: cable television, electricity, internet, natural gas, telegraph, telephone, water, wireless telephone (cellphone).”
10. That Section 7(120) be deleted and replaced with the following paragraph:
“(120) **“Quarry”** means a quarry as defined by the Aggregate Resources Act, R.S.O. 1990, c. A.8.”
11. That Section 7(125) be deleted and replaced with the following paragraph:
“(125) **“Residential Care Facility”** means a dwelling for the accommodation of a minimum of 11 persons, not including staff, and is restricted to any facility governed by the following Acts:

Institution as defined by the Child and Family Services Act, R.S.O. 1990, c. C.11;
Developmental Services Act, R.S.O. 1990 c. D.11;
Homes for Special Care Act, R.S.O. 1990, c. H.12;
Long-Term Care Homes Act, 2007, S.O. 2007, c. 8;
Community Resource Centre as defined by the Ministry of Correctional Services Act, R.S.O. 1990, c. M.22;
Mental Health Act, R.S.O. 1990, c. M.7;
Ministry of Health Act and Long-Term Act, R.S.O. 1990, c. M.26;
Ministry of Community and Social Services Act,
Retirement Home Act, 2010, S.O. 2010, c. 11;
Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008, S.O. 2008, c. 14;

12. That Section 7(130) be deleted and replaced with the following paragraph:
“(130) **“Screening Fence”** means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the City of Windsor Fence By-law”.
13. That Section 7(143) be deleted and replaced with the following paragraph:
“(143) **“Theatre”** means a building or part thereof used for the exhibit of a film as defined by the Film Classification Act, 2005, S.O. 2005, c. 17.”
14. That the word “Tavern” be deleted from the following paragraphs:
Section 15 (1) (a) (v)
Section 15 (2) (a) (v)
Section 15 (5) (a) (v)
Section 16 (1) (a) (v)
Section 16 (2) (a) (v)
Section 16 (3) (a) (iv)
Section 16 (4) (a) (ii) 3.
Section 16 (5) (a) (v)
Section 17 (1) (a) (viii)
Section 17 (3) (a) (ii)
Section 24 (3) (c) (viii)
Section 24 (3) (c) (xv)
Section 24 (4) (a)
15. That the phrase “or Tavern” be deleted from Section 20 (1) (172) (i), Section 20 (1) (172) (ii) and Section 20 (1) (172) (iii)(1.)
16. That the phrase “a tavern shall not be permitted and” be deleted from Section 20 (1) (173).
17. That Section 20 (1) (241) be deleted and replaced with the following paragraph:
“H’-241. For Lot 3, Registered Plan 479, located on the east side of Chilver Road, south of Wyandotte Street East, a restaurant with a gross floor area exceeding 93 square metres shall be prohibited as a permitted use.”
18. That Section 8(1)(b)(i) be deleted and replaced with the following paragraph:
“(i) Minimum lot area and width shall be as existing.”
19. That Section 8(1)(b)(ii) be deleted and replaced with the following paragraph:

“(ii) Maximum building height, maximum lot coverage, minimum front yard depth, minimum side yard width and minimum rear yard depth shall be in accordance with the provisions of paragraph (b) of subsection 1 of Section 10 (RD1.1) of this by-law applicable thereto.”

20. That Section 21(11)(b) be deleted and replaced with the following paragraph:

“(b) An accessory building shall not be permitted within 2.5 metres of a dwelling located on the same lot as measured from the closest wall of the accessory building to the closest wall of the dwelling.”

21. That Section 22(3)(a) be deleted and replaced with the following paragraph:

“(a) Where an exterior side lot line of a corner lot meets the front lot line of an abutting lot, no accessory building or other accessory structure shall be located on such corner lot nearer to such exterior side lot line than the minimum depth of the required front yard on the abutting lot unless the accessory building or other accessory structure is set back a minimum of 6.0 metres from the rear lot line of the corner lot.”

Carried.

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

Report Number 14905 ZO/8949 PAC 1

Internal Distribution

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

Gignac
Marra

CR359/2010

That the report of the Planning Advisory Committee dated September 20, 2010 entitled “Official Plan Amendment – Provincially Significant Wetlands” **BE DEFERRED** for a 6 month period to allow property owners an opportunity to review the recommendations.

Carried.

Councillor Halberstadt voting nay.

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

Report Number 14906 ZO/10781 PAC 2

Internal Distribution

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

ADOPTED by Council at its meeting held September 20, 2010 [M268-2010]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
September 20, 2010**

Meeting called to order at: 4:30 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Brister
Councillor D. Dilkens
Councillor C. Postma
Councillor R. Jones
Councillor A.
Halberstadt
Councillor F. Valentinis
Councillor B. Marra
Councillor P. Hatfield
Councillor J. Gignac

Members Absent:

Councillor K. Lewenza

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
D. Sadler, Executive Director, Parks and Facilities (Item 1)
T. Knight Lepain, Executive Initiatives Coordinator (Item 3)

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

<u>No.</u>	<u>Subject</u>	<u>n - Pursuant to Municipal Act, 2001, as amended</u>
	erty matter - lease	239(2)(a)(c)
	matter - settlement	239(2)(e)

	erty matter – acquisition of property	239(2)(c)
	erty matter – verbal report	239(2)(c)
	erty matter – verbal report	239(2)(c)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

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

to move back into public session.

Motion Carried.

Moved by Councillor Hatfield, seconded by Councillor Marra, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 20, 2010 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the Executive Director, Parks and Facilities, City Engineer, Chief Financial Officer and City Treasurer, Supervisor of Property and City Solicitor respecting a property matter - lease **BE APPROVED**.

2. That the recommendation contained in the in-camera report from the Deputy Treasurer, Taxation and Financial Projects and Chief Financial Officer and City Treasurer respecting a legal matter - settlement **BE APPROVED**.

3. That the confidential report from the Executive Initiatives Coordinator, Chief Administrative Officer, City Solicitor and Property Supervisor respecting a property matter – acquisition of property **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

4. That the verbal report from the Mayor respecting a property matter **BE RECEIVED** and that the Mayor **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

5. That the verbal report from the Mayor respecting a property matter **BE RECEIVED** and that the Mayor **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Motion Carried.

**Moved by Councillor Valentinis, seconded by Councillor Jones,
That the special meeting of council held September 20, 2010 BE ADJOURNED.
(Time: 5:43 p.m.)**

Motion Carried.