

Regular

Council meets in formal session this day at 6:02 o'clock p.m., in the Council Chambers.

Members Present:

Mayor Francis
Councillor Dilkens
Councillor Gignac
Councillor Halberstadt
Councillor Hatfield
Councillor Jones
Councillor Maghnieh
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

Members Absent:

None.

Call to Order

Following the playing of the Canadian National Anthem, Roja Moradapur, from Baha'i Community of Windsor, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Payne discloses an interest and abstains from voting on Item No. 1, being the report of the City Planner dated December 13, 2010 entitled "Request for Demolition of Four-Plex Unit at 339-345 Dougall Avenue", due to his involvement in the BUHDAG application to quash certain By-laws related to the boarded up houses west of the Ambassador Bridge.

Councillor Payne discloses an interest and abstains from voting on Report No. 298 of the Windsor Heritage Committee, dated February 28, 2011 due to his involvement in the BUHDAG application to quash certain By-laws related to the boarded up houses west of the Ambassador Bridge.

Councillor Payne discloses an interest and abstains from voting on Communication No.10, being correspondence dated February 11, 2011, from the Ontario Municipal Board(OMB) respecting the Memorandum of Oral Decision from prehearing conference February 8, 2011, (Heritage Conservation District in Sandwich) due to his involvement in the BUHDAG application to quash certain By-laws related to the boarded up houses west of the Ambassador Bridge.

Councillor Halberstadt discloses an interest and abstains from voting on Item 10, being the report of the Executive Director of Recreation and Culture dated February 16, 2011 entitled "WFCU – Lease Negotiations" as his spouse is currently under a paid contract to deliver service to the Windsor Spitfire organization.

Councillor Marra discloses an interest and abstains from voting on Communication No. 19, being the report of the Executive Director of Human Resources dated February 9, 2011 entitled "Status of the Corporation's Participation in Unpaid and Paid Student and Work Placement Agency Programs in 2010" as his employer participates in the work placement agency programs.

Councillor Hatfield discloses an interest and abstains from voting on Report No. 299 of the Windsor Heritage Committee of its meeting held January 12, 2011, respecting John Campbell School, as his spouse is an elected trustee and Chair of the Greater Essex County District School Board.

Councillor Valentinis discloses an interest and abstains from voting on Communication No. 19, being the report of the Executive Director of Human Resources dated February 9, 2011 entitled "Status of the Corporation's Participation in Unpaid and Paid Student and Work Placement Agency Programs in 2010", as St. Clair College which employs him, participates in the work placement agency programs.

Minutes

Moved by Councillor Marra, seconded by Councillor Payne,
That the Minutes of the regular meeting of Council held February 14, 2011, **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

Kidney Health Month – March 2011

Committee of the Whole

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) communication items;
 - (b) consent agenda;
 - (c) hearing requests for deferrals or referrals of any items of business;
 - (d) hearing presentations and delegations;
 - (e) consideration of business items;
 - (f) consideration of Committee reports:
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled); and
 - (ii) **Report No. 298 of the Windsor Heritage Committee** of its meeting held January 12, 2011; and
 - (iii) **Report No. 299 of the Windsor Heritage Committee** of its meeting held January 12, 2011
 - (g) consideration of by-laws 34-2011 through 41-2011 (inclusive).
- Carried.

Communications

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M56-2011 That the following Communication Items 1 to 8, 10 and 12 to 23 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 9 and 11 which are dealt with as follows:

Communication No. 9:

Moved by Councillor Hatfield, seconded by Councillor Gignac,
M57-2011 That the correspondence dated February 18, 2011 pertaining to the request from the University of Windsor, Faculty of Education for the Global Education Research and Development Initiative, **BE NOTED AND FILED**, and further that the Faculty of Education **BE REQUESTED** to contact the City of Windsor if any fundraising events are scheduled.

Carried.

ME2011

Communication No. 11:

Moved by Councillor Jones, seconded by Councillor Gignac,
M58-2011 That the correspondence dated February 23, 2011 pertaining to the request from the Les Amis Duff-Baby and the request for Council to support the enhanced agreement for access to and interpretation of the Duff-Baby Mansion at 221 Mill Street **BE RECEIVED** and further that administration **BE DIRECTED** to be part of the discussions and to enhance the Corporation's existing lease and use agreement with the Ontario Heritage Trust (O.H.T.) and for use of the Dining room and Trading Hall.

Carried.

MBA/3184

Item	From	Description
1	Ministry of Transportation	Acknowledgment and response to correspondence (<i>attached</i>) dated December 9, 2010 to the Minister of Transportation regarding M315-2010 which asks that legislation be developed to identify acceptable noise levels for the motor vehicles and the method for measuring the same. Chief Building Official Chief of Police Note & File MT2011
2	Ministry of the Environment	Amended Certificate of Approval Municipal and Private Sewage Works – that storm and sanitary sewers be constructed on Grove, McKay & Curry Avenues. City Engineer Note & File SW2011
3	Association of Municipalities of Ontario (AMO)	Acknowledgement and support of correspondence (<i>previously distributed</i>) dated November 17, 2010 to the Association of Municipalities of Ontario (AMO) regarding M311-2010 which asks that Council petition our provincial and federal partners requesting that electricity and heating be exempt from Harmonized Sales Tax. Note & File MMA2011
4	Association of Municipalities of Ontario (AMO)	Municipalities with Locally Approved Community Improvement Plans containing Brownfield Policies. City Planner Note & File GM2011
5	Association of Municipalities of Ontario (AMO)	AMO Report to Members on January 2011 Board Meeting. Note & File MMA2011

6	Association of Municipalities of Ontario (AMO)	Government will introduce new Ontario Works Funding Model for Administration effective April 1, 2011. Community Development & Health Commissioner Chief Financial Officer & City Treasurer Note & File MMA2011
7	Corporation of the County of Essex – Mary Brennan	Correspondence dated February 24, 2011 regarding the 2013 International Children’s Games CR 29-11 adopted by Essex County Council at their February 16, 2011 meeting of Council. Executive Director of Recreation & Culture Note & File APR/10694
8	Municipal Employer Pension Centre of Ontario (MEPCO)	2009 Municipal Employer Pension Centre of Ontario (MEPCO) Annual Report. (<i>previously distributed</i>) Chief Financial Officer & City Treasurer Executive Director of Human Resources Note & File MMA2011
9	University of Windsor Faculty of Education – Clinton Beckford, Associate Dean Faculty of Education	Request of donation or gift of supplies for “The Global Education Research and Development Initiative” (GERDI), a service learning program offered by the Faculty of Education. COUNCIL DIRECTION REQUESTED ME2011
10	Ontario Municipal Board (OMB)	Memorandum of Oral Decision delivered by M.C. Denhez from a prehearing conference held on February 8, 2011. City Planner City Solicitor Council Services – Senior Secretary Z/8581 Z/10320
11	Les Amis Duff-Bâby	Request for support for enhanced agreement for access to and interpretation of the Duff-Bâby Mansion at 221 Mill Street. COUNCIL DIRECTION REQUESTED City Planner MBA/3184
12	Manager of Urban Design	Application of Rogers Communications Inc. for Site Plan Approval to permit a 45 m telecommunications monopole and related compound located at 4255 Sandwich Street. Note & File ZS/10915
13	Manager of Urban Design	Application of Ahmed Al-Tamimi for Site Plan Approval to permit a pharmacy and medical clinic located at 1190 Tecumseh Road East. Note & File ZS/10916
14	Manager of Urban Design	Application of Greater Essex County District School Board for Site Plan Approval to permit an upgrade and expansion of existing staff parking lot located at 1601 Norfolk Street. Note & File ZS/10867

15	Manager of Urban Design	Application of McDonald's Restaurant of Canada Limited for Site Plan Amendment to permit drive-through modifications located at 7777 Tecumseh Road East. Note & File ZS/10911
16	Manager of Urban Design	Application of Healthcare Properties Holdings Ltd. for Site Plan Approval to permit Shoppers Drug Mart expansion located at 500 Tecumseh Road East & 1720 Howard Avenue. Note & File ZS/10919
17	Manager of Urban Design	Application of Whiterock Reit for Site Plan Approval to permit manufacturing located at 4515 Rhodes Drive. Note & File ZS/10920
18	Manager of Urban Design	Application of 1185696 Ontario Ltd. for Site Plan Approval to permit a new commercial building located at 1014 Tecumseh Road East. Note & File ZS/10921
19	Executive Director of Human Resources	Status of the Corporation's Participation in Unpaid and Paid Student and Work Placement Agency Programs in 2010. Note & File AS2011
20	City Solicitor	Reporting Requirements – Section 22(4) of the Purchasing Bylaw. Note & File AB2011
21	Executive Committee Board of Directors, Willistead Manor Inc.	Minutes of meeting held February 3, 2011 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2011
22	Board of Directors, Willistead Manor Inc.	Minutes of meeting held February 3, 2011 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2011
23	Small Business Advisory Panel	Minutes of meeting held February 8, 2011 (<i>previously distributed</i> for members of Council only) (copy available upon request) Note & File MB2011

Carried.

Councillor Payne discloses an interest and abstains from voting on Communication No. 10

Councillor Marra, discloses an interest and abstains from voting on Communication No. 19

Councillor Valentinis, discloses an interest and abstains from voting on Communication No. 19

Consent Agenda

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

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

- Item 2 CQ106-2010 – Rain Barrel Purchase Program
- Item 3 Delegation of Authority Semi-Annual Status Report for Period July 1, 2010 through December 31, 2010
- Item 4 By-Law to Declare Acquired Lands Part of a Public Highway
- Item 8 Bank Account Signing Authorities – WFCU Centre
- Item 12 POA Program Continuation
- Item 13 Huron Lodge – Southside et al. Litigation
- Item 15 Prince Road Sewer – Phase 9 – Outlet to Detroit River, City of Windsor Tender #130-10 – Award of Tender

Carried.

Deferrals and/or Referrals and Withdrawals

ABC Governance Review – Implementation

Barbara Kersey, Chairperson and Gail Growe, Member, Planning Advisory Committee

Barbara Kersey, Chairperson, and Gail Growe, Member, Planning Advisory Committee, appear before Council to request that the report of the City Clerk dated February 14, 2011, entitled “ABC Governance Review – Implementation” be deferred for a period of 30 days to allow for opportunity for citizen review and input.

Moved by Councillor Sleiman, seconded by Councillor Jones

M59-2011 That the recommendation pertaining to the issuance of notice and advertisements for the three member at large positions on the “Planning Standing Committee” as presented in the report of the City Clerk dated February 4, 2011 entitled “ABC Governance Review – Implementation” **BE DEFERRED** to the March 21, 2011 regular meeting of Council to allow for citizen review and input.

Carried.

At the request of Councillor Gignac a recorded vote is taken:

RESULTS OF RECORDED VOTE:

In Favour	Councillors Sleiman, Halberstadt, Payne Marra, Valentinis and Jones
Opposed	Councillors Gignac, Maghnieh, Hatfield, Dilkens, and Mayor Francis
Abstain	None
Absent	None

GM/10239 7

(For final disposition of this matter, see Delegation Stage and Clause **CR79/2011 and CR80/2011** in Schedule “A” attached hereto.)

Presentations & Delegations:**PRESENTATIONS:****Random Act of Kindness Day**

Helga Reidel, Chief Administrative Officer, appears before Council to acknowledge and present the recipients of the “Random Act of Kindness Day” in recognition for their part in coordinating the City of Windsor’s participation in the November 2010 event as follows:

- Nora Bertram Romero , Mayor’s Office
- Sumar Jasey , Employment and Social Services Department

Presentation-Heritage Recognition**Robin Easterbrook, Chair, Windsor Heritage Committee; and John Calhoun, Heritage Planner**

Robin Easterbrook, Chair, Windsor Heritage Committee; and John Calhoun, Heritage Planner, appear before Council to provide an overview of the properties identified as “Built Heritage Award” and “Heritage Marker Plaque” recipients. Mayor Francis and City Council recognize and congratulate the property owners as follows:

- Mr. Marius Ursu, and Mr. George Bodnar, representing The Holy Ghost Parish of the Canadian Eastern Orthodox Church
- Mrs. Teresa Landolo, Principal, representing John Campbell School
- Mrs. Lorraine Victor, representing Congregation Shaar Hashomayim
- Mr. Jason Grossi, representing Studio g+G
- Mr. Francesco Vella, representing Olde Walkerville Pharmacy
- Ms. Carol Easton, resident
- a representative from Academie Ste. Cecile School
- Averil and Jon Elcombe, residents
- John Fahd, St. Mary and St. Moses Coptic Orthodox Church
- Holy Name of Mary Church

MBA/2274 6

(For final disposition of this matter, see Clause **CR78/2011** in Schedule “A” attached hereto.)

DELEGATIONS**Little River Channel Dykes Study****Stan Taylor, Director of Source Water Protection, Water Resources Engineer; and Jeremy Wychreschuk, Director of Watershed Engineering**

Stan Taylor, Director of Source Water Protection, Water Resources Engineer; and Jeremy Wychreschuk, Director of Watershed Engineering, appear before Council and are available for questions regarding the Little River Channel Dykes Study.

SW2011 5

(For final disposition of this matter, see Clause **CR77/2011** in Schedule “A” attached hereto.)

Mayor Francis leaves the meeting at 6:52 o'clock p.m. and Councillor Jones assumes the chair.

Request for Demolition of Four-Plex Unit at 339-345 Dougall Avenue

Jeff Belanger, representing Sind Investments Ltd., and Dale Dutot, representing Mind Quest Engineering Inc.

Jeff Belanger, representing Sind Investments Ltd., and Dale Dutot, representing Mind Quest Engineering Inc., appear before Council to request that Council reject the administrative recommendation to deny the request of an exemption from the Downtown Demolition Control By-law 11806 for the demolition of a four-plex apartment unit at 339-345 Dougall Avenue, suggesting that restoring the existing building to meet the requirements of the Property Standards By-law would not be cost effective, and conclude by stating that there is a limited demand for this type of rental unit in the downtown area.

Mayor Francis returns to the meeting at 6:56 o'clock p.m. and Councillor Jones returns to his seat at the Council table.

Moved by Councillor Marra, seconded by Councillor Maghnieh,
That the application made by Mike Gaudet of Gaudet Demolition, made on behalf of Prakash Ramchandani of Sind Investments Ltd. for the request of an exemption from the Downtown Demolition Control By-law 11806 for the demolition of a four-plex apartment unit at 339-345 Dougall Avenue **BE APPROVED.**

The motion is put and is lost.

Aye Votes: Councillors Marra, Maghnieh, Valentinis, and Sleiman.

Nay Votes: Councillors Jones, Gignac, Halberstadt, Dilkens, and Hatfield.

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

SB2011 1

(For final disposition of this matter, see Clause **CR71/2011** in Schedule "A" attached hereto.)

ABC Governance Review – Implementation

Les Chaif, resident of Ward 2

Les Chaif, resident of Ward 2, appears before Council to speak in support of the administrative recommendations respecting the implementation plan of the of the new ABC Governance model adopted at the January 31, 2011 meeting of Council, but suggests that the meeting times selected is critical to ensure citizen availability and involvement, and concludes by encouraging that media coverage continue with all committees.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council to speak in support of the administrative recommendations respecting the implementation plan of the of the new ABC Governance model adopted at the January 31, 2011 meeting of Council, suggesting that further consultation regarding the "Planning Standing Committee" is positive to ensure transparency and accountability, and concludes by suggesting that a brief biography of each committee member be published on the City of Windsor's website on a go-forward basis.

Barbara Kersey, Chairperson, and Gail Growe

Barbara Kersey, Chairperson, and Gail Growe, members, Planning Advisory Committee, appear before Council to request that Council further review the new ABC Governance model implementation plan, suggesting that the policy adopted is unclear in various areas, and express concern surrounding the lack of compensation for committee members for their service on the advisory committees, and conclude by suggesting that training of committee members is critical

GM/10239 7

(For final disposition of this matter, see Clause **CR79/2011 and CR80/2011** in Schedule "A" attached hereto.)

WFCU – Lease Negotiations**Alex Foley, resident of Ward 10**

Alex Foley, resident of Ward 10, appears before Council to request that Council reject the administrative recommendations to execute lease agreements with the tenants of the WFCU Centre, suggesting that the Windsor Spitfires are being subsidized by the Windsor taxpayer if option #1 is adopted, and concludes by suggesting that the report was extremely confusing and difficult to comprehend.

Al Nelman, resident of Ward 8

Al Nelman, resident of Ward 8, appears before Council to request that Council reject the administrative recommendations to execute lease agreements with the tenants of the WFCU Centre, suggesting that the report was extremely confusing and difficult to comprehend, and concludes by stating that the report did not provide adequate clarity to the public.

SR/8880 10

(For final disposition of this matter, see Clause **CR83/2011** in Schedule "A" attached hereto.)

St. Patrick's Day Celebration, March 17, 2011, Former Bus Station located at 44 University Avenue East**Jude Quick, resident of Ward 3**

Jude Quick, resident of Ward 3, appears before Council to request that Council reject the administrative recommendation to approve the St. Patrick's Day celebration at the former bus station parking lot, suggesting that a twelve hour period of noise exemption is too lengthy for the residents of the downtown core, and concludes by stating that the residents' quality of life will be affected due to the crowds and the loud music.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council to speak in support of the administrative recommendation respecting the approval of the St. Patrick's Day celebration at the former bus station, suggesting that cultural events within the City of Windsor should always be encouraged, and concludes by suggesting that the stakeholders meet with the concerned residents of the downtown core to address any concerns.

Doug Maroon and Mike Lambros, Applicants

Doug Maroon and Mike Lambros, Applicants, appear before Council to speak in support of the administrative recommendation respecting the approval of the St. Patrick's Day celebration at the former bus station, providing a brief overview of the event, and conclude by stating that residents are encouraged to contact them directly if there are any noise issues.

SR/10918 9

(For final disposition of this matter, see Clause **CR82/2011** in Schedule "A" attached hereto.)

Auditor General Function in Other Municipalities (see also Item 14)**Bill Carter, George Sandala and Max Zalev, Representatives from the Audit Committee**

Bill Carter, George Sandala and Max Zalev, representatives from the Audit Committee appear before Council and are available for questions regarding the Auditor General Function.

Chris Schnurr, resident of Ward 4

Chris Schnurr, resident of Ward 4, appears before Council to speak in support of the recruitment of the Auditor General position, suggesting that the recruitment of the position is long past due, and concludes by suggesting that the contracting out of the position could financially restrict the work of the Auditor General.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council to speak in support of the recruitment of the Auditor General position, suggesting that recruitment of the position is long past due, and concludes by urging Council to review the City of Vaughn's model respecting the Integrity Commissioner position in terms of tools available for transparency.

At the request of Council, it is agreed to recess the meeting to allow for Council to meet in-camera respecting the Auditor General Function.

Council recesses at 9:38 o'clock p.m. in order to convene in-camera.

Council reconvenes at 10:22 o'clock p.m.

AS2011 11

(For final disposition of this matter, see Clause **CR84/2011** in Schedule "A" attached hereto.)

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

PAC 1 City of Windsor, rezoning, 1001 Tecumseh Road West, supplemental location description amendment
Item 14 Recruitment Process – Auditor General Position (see also Item 11)

Consideration of Committee Reports

Moved by Councillor Dilkens, seconded by Councillor Valentinis,
M61-2011 That **Report No. 298 of the Windsor Heritage Committee** of its meeting held January 12, 2011,
BE DEFERRED to the March 7, 2011 regular meeting of Council to allow for opportunity for delegations.

Carried.

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

MB2011

Moved by Councillor Marra, seconded by Councillor Payne,
M62-2011 That **Report No. 299 of the Windsor Heritage Committee** of its meeting held January 12, 2011,
BE ADOPTED as presented.

Carried.

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

MB2010

By-laws

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
That the following By-laws No. 34-2011 through 41-2011 (inclusive), be introduced and read a first and second time:

- 34-2011 "A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS WALKER ROAD IN THE CITY OF WINDSOR"
- 35-2011 "A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE 3.05 METRE (10 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN LANGLOIS AVENUE AND BENJAMIN AVENUE NORTHERLY FROM HANNA STREET EAST FOR A DISTANCE OF 20.12 METRES (66 FEET), IN THE CITY OF WINDSOR"
- 36-2011 "A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 3.05 METRE (10 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN LANGLOIS AVENUE AND BENJAMIN AVENUE NORTHERLY FROM HANNA STREET EAST FOR A DISTANCE OF 20.12 METRES (66 FEET), IN THE CITY OF WINDSOR"
- 37-2011 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9148 BEING A BY-LAW TO REGULATE TRAFFIC WITHIN THE LIMITS OF THE CITY OF WINDSOR"
- 38-2011 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES"
- 39-2011 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"
- 40-2011 "A BY-LAW TO AMEND BY-LAW NUMBER 179-2008, BEING A BY-LAW RESPECTING THE ISSUANCE OF VARIOUS PERMITS AND THE SCHEDULING OF INSPECTIONS"

41-2011 "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 EIGHTH DAY OF FEBRUARY, 2011"

Carried.

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

Carried.

Notices of Motion

Councillor Valentinis gives notice that he intends to introduce a motion for consideration at the March 7, 2011 meeting of Council that the Planning Department **REPORT BACK** to Windsor City Council as to:

- The process to harmonize the two community improvement plans (City Centre West and Glengarry-Marentette) including expansion of the City Centre Planning District; and
- The creation of incentives geared to specific design guideline standards for the upgrade of both residential and commercial properties.

Third Reading of By-laws

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
That the following By-laws No. 34-2011 through 41-2011 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

Petitions

None presented.

Council Questions

Moved by Councillor Marra, seconded by Councillor Payne,
M60-2011 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.

ACOQ2011

PROPOSED IN-CAMERA AGENDA FOR MARCH 7, 2011

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M63-2011 That the following proposed In Camera Agenda for March 7, 2011 **BE APPROVED**:

<u>Item No.</u>	<u>Subject</u>	Section – Pursuant to Municipal Act, 2001, as amended
1.	Property matter – lease	239(2)(a)
2.	Personal matter – Integrity Commissioner update	239(2)(b)
3.	Legal matter – appeal	239(2)(e)
4.	Legal matter – appeal	239(2)(e)
5.	Property matter – consolidation	239(2)(a)
6.	Personal/Property matter – about an identifiable individual	239(2)(a)(b)

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.

ACO2011

Adjournment

Moved by Councillor Dilkens, seconded by Councillor Gignac,
 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 10:40 o'clock p.m.

MAYOR

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

CITY CLERK

SUPERVISOR OF COUNCIL SERVICES

Jones
Gignac

CR71/2011

That an application made by Mike Gaudet of Gaudet Demolition, made on behalf of Prakash Ramchandani of Sind Investments Ltd. for the request of an exemption from the Downtown Demolition Control By-law 11806 for the demolition of a four-plex apartment unit at 339-345 Dougall Avenue

BE DENIED.

Carried.

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

Report Number **15012 SB2011 1**

Halberstadt
Hatfield

CR74/2011

That the report of the City Engineer dated February 9, 2011 entitled "CQ106-2010 – Rain Barrel Purchase Program" **BE RECEIVED**; and

That Administration **BE DIRECTED** to sell new rain barrels at one-day events through-out the year.

Carried.

Report Number **15089 SW2011 C2**

Halberstadt
Hatfield

CR75/2011

THAT City Council **RECEIVE FOR INFORMATION** the Delegation of Authority Status Report for the second half of 2010 (July 1, 2010 to December 31, 2010); and

THAT City Council **APPROVE** the amended criteria for City of Windsor staff participation on Professional Committees, Executives and Boards of Directors of outside organizations.

Carried.

Report Number **15066 AS/7748 C3**

Halberstadt
Hatfield

CR76/2011

That Council **AUTHORIZE** the City Solicitor to prepare the required bylaws to establish as part of the public highway, lands acquired by the City for highway purposes, conditional upon the recommendation of the City Engineer.

Carried.

Report Number **15088 APM2011 C4**

Marra
Sleiman

CR77/2011

- I. That the Essex Region Conservation Authority (ERCA) **BE RETAINED** as the City's agent for the Little River Channel Dykes Study.
- II. That Council **APPROVE** the reallocation of capital funds in the amount of \$90,000.00 in order to pay for Little River Channel Dykes Study from project # 7082012 - Rossini Blvd - Wyandotte to Cul-de-sac.

Carried.

Report Number **15086 SW2011 5**

Jones
Gignac

CR78/2011

- I. That, in recognition of Heritage Week in Ontario, February 21-27, 2011, the owners of the following five buildings which have been selected by the Windsor Heritage Committee **BE PRESENTED** "Built Heritage Award" certificates in recognition of their continuing stewardship of some of the City's most interesting heritage buildings:
 1. Shaar Hashomayim Synagogue, 115 Giles Blvd E
 2. Firestone Tire Store, 1197 Ouellette Ave
 3. John Campbell School, 1255 Tecumseh Rd E
 4. Walkerville Power Station, 1057 Walker Rd
 5. Home Bank, 1701 Wyandotte St E
- II. That the owners of the following seven buildings which the City Council has designated under Part IV of the *Ontario Heritage Act* **BE PRESENTED** with heritage marker plaques in recognition of their continuing stewardship:
 1. Holy Redeemer College, now Académie Ste. Cécile International School, 925 Cousineau Rd
 2. Frank H. Joyce House, now Académie Ste. Cécile, 3975 Riverside Dr E
 3. McDougall-Stodgell House, 712 Devonshire Rd
 4. Edith Cavell School, 5955 Ontario St
 5. Sacred Heart Church & Rectory, now St. Mary and St. Moses Coptic Orthodox Church, 1125 Ottawa St
 6. Patrice Parent House, 4371 Riverside Dr E
 7. Descent of the Holy Ghost Romanian Orthodox Church, 2895 Seminole St

(Some plaques have been installed in the last several months, but their owners are now being recognized by Council.)

Carried.

Report Number 15077 MBA/2274 6

Jones
Gignac

CR79/2011

- I That the report of the City Clerk dated February 14, 2011 entitled *ABC Governance Review – Implementation* **BE RECEIVED** for information;
- II That the Standing Committee (Executive) Governance Model **TAKE EFFECT** commencing Monday, May 2, 2011;
- III That the City Clerk **BE DIRECTED** to **REFER** Council appointments to the six Standing Committees, to a meeting of the Striking Committee to **BE HELD** Monday, March 7, 2011 (pending Agenda Review approval);
- IV That the City Clerk **BE DIRECTED** to **ISSUE** notice and advertisements inviting applications for membership on Legislatively Mandated Agencies, Boards, Commissions, and Committees of Council for the 2011 to 2014 term of office.

Carried.

Report Number 15104 GM/10239 7

Sleiman
Jones

CR80/2011

That the recommendation pertaining to the issuance of notice and advertisements for the three member at large positions on the “Planning Standing Committee” as outlined in the report of the City Clerk dated February 14, 2011 entitled “ABC Governance Review – Implementation” **BE DEFERRED** to the March 21, 2011 regular meeting of Council to allow for citizen review and input.

Carried.

Report Number 15104 GM/10239 7

Halberstadt
Hatfield

CR81/2011 AMENDED BY CAO1754 APPROVED AUGUST 24, 2011

CR81/2011

THAT in addition to the existing signing authorities of the Mayor and the City Treasurer, the signing authorities on the three WFCU Centre Arena Events and Operating bank accounts **BE AMENDED** to change the **ALTERNATE** signing authorities to any two of the three following Global Spectrum representatives:

Jessie Darmon	Group Sales and Marketing Manager, Global Spectrum
Trent Merritt	General Manager of Events, Global Spectrum
Brian Ohl	Regional Vice President, Global Spectrum

AND THAT City Council **AUTHORIZE** Administration, relative to the City of Windsor WFCU Centre arena bank accounts, to provide Scotiabank electronic banking service access to Global Spectrum employees as may be identified by Global Spectrum from time to time;

AND THAT the CAO or designate (as determined by the CAO) **BE AUTHORIZED** to approve administrative requests associated with the operation of the three WFCU Centre Arena Events and Operating bank accounts, satisfactory in form to the City Solicitor and in financial content to the City Treasurer.

Carried.

Report Number **15096 SR/8880 C8**

Jones
Marra

CR82/2011

That the request from Maroon Bros. Pub and Grill to stage a St. Patrick's Day Celebration at the former bus station parking lot located at 44 University Avenue East, between the hours of 11 a.m. and 11 p.m. on March 17, 2011 **BE APPROVED** subject to the standard Special Events Terms and Conditions previously approved by Council.

Carried.

Report Number **15084 SR/10918 9**

Jones
Gignac

CR83/2011 AMENDED BY M64-2011 ADOPTED MARCH 7, 2011

CR83/2011

That the Pro Shop and Auxiliary Concession – rental rates to **BE INCREASED** by an amount equivalent to the annual municipal property tax amount (Option 2 within the report), with annual increases determined by CPI rates, and an elimination of the requirement to pay full property taxes in the form of additional rent (municipal and education).

Carried.

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

Report Number **15095 SR/8880 10**

Payne
Dilkens

CR84/2011

That the following response to CQ17-2011 and CR66-2011 dated February 18, 2011 entitled "Auditor General Function in Other Municipalities" **BE RECEIVED** for information; and

That the City of Windsor **ESTABLISH** the position of Auditor General which will report directly to Council; and further

That the Mayor, Chief Administrative Officer, the Chair and Vice Chair of the current Audit Committee **COME BACK** to Council with a plan on how to resource that office as soon as possible.

Carried.

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

RESULTS OF RECORDED VOTE:

In Favour	Councillors Gignac, Sleiman, Payne, Maghnieh, Marra, Hatfield, Valentinis, Dilkens, Jones and Mayor Francis
Opposed	Councillors Halberstadt
Abstain	None
Absent	None

Report Number **15106 AS2011 11**

Halberstadt
Hatfield

CR85/2011 AMENDED BY M64-2011 ADOPTED MARCH 7, 2011

CR85/2011

I. THAT the Windsor/Essex Area Intermunicipal Courts Service Agreement made the 20th day of November, 2000 between the Corporation together with the County of Essex, the Town of Amherstburg, the Town of Essex, the Town of Kingsville, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, and the Town of Tecumseh, **BE RENEWED** for a further 5 years for the period January 1, 2012 through December 31, 2016 such agreement to be satisfactory in content to the Director of Provincial Offences and satisfactory in legal form to the City Solicitor and such agreement hereby **BEING AUTHORIZED** for execution under corporate seal by the Chief Administrative Office and the City Clerk AND THAT the Ministry of the Attorney General be advised that it has been locally agreed that the City of Windsor will continue in the role of Municipal Partner under the POA Transfer Agreement.

II. THAT the option to extend the lease agreement made between the City of Windsor and 837690 Ontario Limited and dated October 11, 2005, for the premises known municipally as Suite 300, Westcourt Place, 251 Goyeau Street for 17,039 sq. ft **BE EXERCISED** on the following terms:

- (a) The tenancy shall be extended for a further three (3) year period from January 1, 2012 to December 31, 2014 at the following base rental rates:

Year	\$/Sq.Ft.	Annualized(\$)
2012	16.00	272,624.00
2013	16.00	272,624.00
2014	16.00	272,624.00

with a further option to extend for an additional two years at the following base rental rates:

2015	16.50	281,143.50
2016	16.50	281,143.50

provided that all other terms and conditions remain the same and the 5-year renewal of the Windsor/Essex Area Inter-municipal Courts Service Agreement dated 20th day of November, 2000 has been finalized, AND THAT notification of such exercise of lease extension option **BE SUBMITTED** to the landlord accordingly.

III. THAT an agreement **BE ENTERED INTO** with NCO Financial Services, Inc. for the provision of collection agency services and associated credit bureau reporting respecting both Canadian and American defaulted POA fines upon substantially the same terms and conditions as contained in the previous agreement therewith dated January 30, 2006 including contingency fee commissions of 10% for commercial accounts and 17% for all other accounts regardless of residency, such agreement to have an on-going term but subject to no-fault termination by either party upon reasonable notice, with such agreement being satisfactory in content to the Director of Provincial Offences and satisfactory in legal form to the City Solicitor and same being hereby authorized for execution under corporate seal by the Chief Administrative Office and the City Clerk AND THAT suitably coordinated 30 days' notice of cancellation **BE PROVIDED** to J.J. Marshall & Associates, Inc. under the latter's agreement respecting American collection agency services dated July 23, 2002.

IV. THAT a bylaw **BE ENACTED** pursuant to Section 304 of the Municipal Act, 2001 whereunder the recovery as and for collection costs in the amount not exceeding 10% on commercial POA accounts and in the amount not exceeding 17% on all other POA accounts referred to NCO Financial Services, Inc. be approved, AND THAT the requisite Bill be considered accordingly upon the entering into of a refreshed agreement with NCO Financial Services, Inc. for the provision of collection agency services respecting defaulted POA fines owing by persons resident whether in Canada or in the United States of America.

That the City Clerk **BE DIRECTED** to issue a letter to the Ministry of Transportation requesting a response on the suspension of drivers licenses if fines are outstanding.

Carried.

Report Number 15076 GP/10894 C12

Halberstadt
Hatfield

CR86/2011

- (a) That the report of the City Solicitor with respect to litigation claims involving the City and Southside Construction by subtrades X and Y **BE RECEIVED** for information; and
- (b) That the City Solicitor and the City's legal counsel **BE AUTHORIZED AND DIRECTED** to take all necessary steps to effect a final settlement of the claims of X and Y by paying the amounts set out in the confidential memo provided to Council.

Carried.

Report Number 15114 AH/6741 C13

Payne
Dilkens

CR87/2011

THAT the report from the Executive Director of Human Resources dated February 24, 2011 entitled "Recruitment Process – Auditor General Position" **BE DEFERRED** until such time as the report referenced in CR84/2011 is brought back to Council for consideration.

Carried.

Report Number 15115 AS2011 C14

Halberstadt
Hatfield

CR88/2011

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

TENDERER: Dibco Underground Ltd.
135 Commercial Road
Bolton, Ontario L7E 1R6

TENDER NO.: 130-10

TOTAL TENDER PRICE: \$6,481,100.00

ACCOUNT CHARGED: 007-5410-1790-02942-7086002

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

II. That approval **BE GIVEN** to undertake an expenditure of \$10,800,000 for the construction of the Prince Road Storm Sewer Outlet, Phase 9 to **BE FUNDED** as follows:

- i. \$6,945,000.00 as approved in the 2008, 2009 and 2010 Capital Works Budgets, from Project No. 7086002 (Prince/Walker Outlet Sewer);
- ii. \$1,375,000.00 from Project No. 7061904 (Little River Trunk Sanitary Sewer);
- iii. \$380,000.00 from Project No. 7071120 (Elsmere Avenue Sewer, Watermain, and Pavement Rehabilitation from Hanna Street East to Giles Blvd East);
- iv. \$210,000.00 from Project No. 7082007 (Connaught Avenue Sewer, Watermain, and Pavement Rehabilitation from Prince Road to Chappell Avenue);
- v. \$490,000.00 from Project No. 7082015 (Partington Avenue Sewer, Watermain, and Pavement Rehabilitation from College Avenue to Tecumseh Road);
- vi. \$200,000.00 from Project No. 7082021 (Westcott Road Sewer, Watermain, and Pavement Rehabilitation from CNR to Metcalfe Street);
- vii. \$300,000.00 from Project No. 7091037 (Aubin Road Sewer, Watermain, and Pavement Rehabilitation from Franklin Street to CNR);
- viii. \$900,000.00 from Project No. 7092003 (Raymond Avenue Storm Relief Sewer, from Westminster Blvd. to Jefferson Blvd.).

III. That, in order to proceed with construction of the Prince Road Sewer, Phase 9B, the City Engineer **BE AUTHORIZED** to proceed with the Award of Tender to the low bidders, subject to the tenders meeting project specifications and being within the approved budget and subject to the terms and conditions of the City's Purchasing By-law 400-2004 (as amended); and that the Chief Administrative Officer and City Clerk

BE AUTHORIZED to sign contracts with the low Tenderer, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer.

Carried.

Report Number **15107 SW/10929 C15**

Marra
Halberstadt

CR89/2011

- I. That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of CON 1 PT LOT 74; PLAN 73; PT LOT 8; PLAN 730; PT LOTS 9, 10 & 14 to 16; PT CLOSED ALLEY; RP 12R19391; PARTS 2, 3, 5 & 6; RP 12R16773; PARTS 35 to 39, from MD2.1 to MD1.1.
- II. That an amendment to Zoning By-law 8600 **BE APPROVED** for CON 1 PT LOT 74; PLAN 73; PT LOT 8; PLAN 730; PT LOTS 9, 10 & 14 to 16; PT CLOSED ALLEY; RP 12R19391; PARTS 2, 3, 5 & 6; RP 12R16773; PARTS 35 to 39, by deleting S.20(1)111 and replacing it with the following:

“111. For the lands comprising Part of Lots 24 and 34 to 39 both inclusive, Plan 12R16773, situated on the south side of Tecumseh Road West at its intersection with Crawford Avenue, a food convenience store, restaurant and a drive-through restaurant shall be additional permitted use (ZDM 4)”.

Carried.

Report Number **15075 ZS/10868 PAC 1**

DEFERRED to the March 7, 2011 meeting of Council
to allow for opportunity for delegations
as adopted by Council at its meeting held February 28, 2011 [M61-2011]
SV
Windsor, Ontario February 28, 2011

REPORT NO. 298

of the

Windsor Heritage Committee

at its meeting held

January 12, 2011

5:30 o'clock p.m.

Meeting Room 406, 400 City Hall Square East

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

Your Committee submits the following recommendation:

Moved by P. Hatfield, seconded by P. DeMarco

That there is **OBJECTION** to the proposed demolition of the Ernest Wilby House, 1567 Ouellette Avenue (Plan 358 Block 10, Lot 27 & Lot 28), which is listed in the Windsor Municipal Heritage Register under provisions of Part IV of the Ontario Heritage Act; however, there is **NO OBJECTION** to demolition of some or all of the additions of the building west and south of the original footprint of the house; provided that the east, south, and north walls of the original house are retained, that stability of the remaining structure is assured during the partial demolition, and that the design of the areas to be exposed after demolition is satisfactory to the City Planner and the Chief Building Official; and provided that the property remains on the Windsor Municipal Heritage Register.

Voting nay S. Chamely, J. Marchand, J. Mellow, and L. Baker
Carried.

NOTE: The report of the Heritage Planner dated January 12, 2011 is **attached** as background information.

CHAIR

COMMITTEE COORDINATOR

ADOPTED by Council at its meeting held February 28, 2011 [M62-2011]
SV
Windsor, Ontario February 28, 2011

REPORT NO. 299

of the

Windsor Heritage Committee

at its meeting held

January 12, 2011

5:30 o'clock p.m.

Meeting Room 406, 400 City Hall Square East

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

Your Committee submits the following recommendation:

Moved by L. Baker, seconded by S. Chamely

That the request by the Greater Essex County District School Board (GECDSB) for the approved grant from Built Heritage Fund, for the rehabilitation of John Campbell School at 1255 Tecumseh Road East (Concession 2 Lot 92; Plan 1054 Part Lots 1 to Lot 3; Lots 396 & 397 & Lot 399 to Lot 402 & 410 to 412, Part Lots 402 to 409 & Part closed alley; RP 12R22293, Part 1), **BE AMENDED** to omit the provision to “rewire original fixtures” in the first-floor heritage classroom.

Carried.

NOTE: P. Hatfield declares conflict with John Campbell School, 1255 Tecumseh Road East, as his wife is a trustee of the Greater Essex County District School Board.

NOTE: The report of the Heritage Planner dated January 12, 2011 is **attached** as background information.

Clerk's Note: Windsor Heritage Report No. 274, approved by City Council on February 8, 2010(M60-2010).

CHAIR

COMMITTEE COORDINATOR