

Regular

Council meets in formal session this day at 6:40 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

Mayor Francis calls the meeting to order and requests everyone to stand for the playing of the Canadian National Anthem.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Jones discloses an interest and abstains from voting on Communication No. 13, respecting a sponsorship request by the Canadian Mental Health Association (CMHA), as an immediate family member is a part of the fundraising committee.

MH2011

Councillor Halberstadt discloses an interest and abstains from voting on Item 1, being the report of the City Clerk/Licence Commissioner dated October 18, 2010 entitled "Windsor Regional Problem Gambling Services-Request for Funding", as his spouse is currently employed by the affected agency.

ACLL2011

Councillor Payne discloses an interest and abstains from voting on Communication No. 17, being the report of the Chief Building Official dated January 5, 2011 "Demolition of Fire Damaged Duplex at 3332-3334 Sandwich Street", due to his involvement in the BUHDAG Application to quash certain by-laws related to the boarded up houses west of the Ambassador Bridge.

Z/8581

Councillor Payne discloses an interest and declares a conflict on Item No. 16 which was listed on the January 10, 2011 Council Agenda being the report of the City Planner dated November 18, 2010 entitled "Request to Repair Balconies and Parking Structure at 3590 Peter Street", due to his involvement in the BUHDAG Application to quash certain by-laws related to the boarded up houses west of the Ambassador Bridge.

ZP/9691

Councillor Marra discloses an interest and abstains from voting on any issues pertaining to the status of the former Grace Hospital site, as a family member has interest in the property.

ZS/9856 ZS/10799

Minutes

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the Minutes of the regular meeting of Council held January 10, 2011, **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

None presented.

Committee of the Whole

Moved by Councillor Hatfield, seconded by Councillor Jones,
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);
 - (ii) **REVISED Report of the Striking Committee** of its meeting held January 11, 2011; and
 - (g) consideration of by-laws 10-2011 through 13-2011 (inclusive).
- Carried.

Communications

Moved by Councillor Maghnieh, seconded by Councillor Marra,
M19-2011 That the following Communication Items 1 to 13 and 15 to 17 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 14 which is dealt with as follows:

Communication No. 14:

Moved by Councillor Hatfield, seconded by Councillor Marra,
M20-2011 That the report of the City Engineer dated November 8, 2010 entitled "Response to CQ 82-2010 & CQ83-2010, Matters Pertaining to the Little River" **BE DEFERRED** to the January 31, 2011 meeting of Council as a regular agenda item and to allow for delegations on the matter.
Carried.

ACO2011

Item	From	Description
1	Minister of Finance	<p>Acknowledgment of receipt of correspondence regarding M51-2010 regarding to the application of the Goods and Services Tax/Harmonized Sales Tax (GST/HST) to supplies of municipal recreation facilities and programs.</p> <p style="text-align: right;">Executive Director of Recreation Note & File MMA2011</p>
2	Ministry of Community and Social Services	<p>ODSP & Ontario Works Cost Sharing Upload.</p> <p style="text-align: right;">Community Development and Health Commissioner Chief Financial Officer & City Treasurer Note & File SS2011</p>
3	Ministry of Agriculture, Food and Rural Affairs	<p>Drainage Project Queue Notification regarding the grant application for the Watson Drain – (Lavin Culvert).</p> <p style="text-align: right;">Chief Financial Officer & City Treasurer City Engineer SW2011</p>
4	Association of Municipalities of Ontario (AMO)	<p>Economic Development Resources.</p> <p style="text-align: right;">Windsor Essex Economic Development Corporation Note & File MMA2011</p>
5	Association of Municipalities of Ontario (AMO)	<p>Acknowledgment of receipt of correspondence (<i>previously distributed</i>) regarding M311-2010 of a petition to remove HST from electricity and heating.</p> <p style="text-align: right;">Note & File ACO2011</p>
6	Association of Municipalities of Ontario (AMO)	<p>Identifying beneficial operating practices in the maintenance of unpaved roads 2010 Executive Summary.</p> <p style="text-align: right;">Executive Director of Operations Note & File MMA2011</p>
7	Secretary/Treasurer Committee of Adjustment	<p>Consent Authority Agenda Record Hearing to be held on Wednesday, January 26, 2011, Council Chambers, 3rd Floor, Windsor City Hall, 350 City Hall Square West, Windsor</p> <p style="text-align: right;">Note & File ZC2011</p>
8	Manager of Urban Design	<p>Application of 1531038 Ontario Limited for Site Plan Approval to permit a two storey commercial development with medical and business offices and retail pharmacy located at 1186-1192 Ouellette Avenue.</p> <p style="text-align: right;">Note & File ZS/10860</p>

9	Windsor Utilities Commission (WUC)	Response to Council Question CQ63-2010. <i>“Asks that the Windsor Utilities Commission amend their process for all future plans impacting Windsor water ratepayers such that the plan (and resulting rates) represent only those capital requirements which would exist with or without the supply of water to neighbouring municipalities. This would result in the inclusion of all long term future capital requirements resulting from “utilization of existing excess capacity by neighboring municipalities into rates charged to those municipalities which is not the current practice as articulated by John Wladarski at Council on June 28, 2010.”</i> Note & File MU2011
10	Windsor Utilities Commission (WUC)	Response to Council Question CQ6-2010 pertaining to the recovery of fees. <i>“Asks what policy statute gives Windsor Utilities Commission authority to retroactively charge users for up to 2 years for “water usage” due to a defective WUC meter. Also, what internal systems does WUC use to try and prevent/notify customers of unpaid water usage/defective meters over that period.”</i> Note & File MU2011
11	Statistics Canada	2011 Census and new National Household Survey (NHS) to be held in May 2011. Chief Financial Officer and City Treasurer Note & File GM2011
12	Ontario Non-Profit Housing Association (ONPHA)	Ensuring Funding for Housing and Human Services. Community Development and Health Commissioner Note & File GH2011
13	Canadian Mental Health Association (CMHA) & Deputy City Clerk	Request for Sponsorship – Black and White Event and original correspondence from Deputy City Clerk. COUNCIL DIRECTION REQUESTED MH2011
14	City Engineer	Response to CQ82-2010 & CQ83-2010 – Matters Pertaining to the Little River. Note & File SW2011
15	City Clerk	Accessibility Initiatives – 2010 Municipal Election. Note & File ALEE/9877
16	Executive Director of Human Resources	Council information on Bumping. Note & File AL/10528 and SSC/6751
17	Chief Building Official	Demolition of Fire Damaged Duplex at 3332-3334 Sandwich Street. Note & File Z/8581

Carried.

Councillor Jones discloses an interest and abstains from voting on Communication No. 13.

Councillor Payne discloses an interest and abstains from voting on Communication No. 17.

Consent Agenda

Moved by Councillor Payne, seconded by Councillor Sleiman,

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

- Item 1 Windsor Regional Problem Gambling Services – Request for Funding
- Item 3 TABLING the Draft Economic Revitalization Community Improvement Plan (CIP)
- Item 5 2011 Sewer Surcharge Rate Analysis
- Item 7 2011 Annual Temporary Borrowing
- Item 8 Amendment to By-law 5348, Closed Park Street aka Hill Street
- Item 9 2011 Budget Update and Direction
- Item 10 Lands Required for the Walker Road Reconstruction from Legacy Park Drive to the 401 Overpass (ISF Project) – Land Purchase
- Item 11 Litigation – Fanotech v. Essex-Windsor Solid Waste Authority and City of Windsor
Carried.
Councillor Halberstadt discloses an interest and abstains from voting on Item No. 1.

Deferrals and/or Referrals and Withdrawals

None presented.

Presentations & Delegations:**DELEGATIONS****Application to close the east/west alley south of Tecumseh Road East, easterly from Francois Road****Cameron Paine, property owner**

Cameron Paine, property owner of plaza next to the subject alley, appears before Council to request that Council reject the administrative recommendations pertaining to the application to close the east/west alley south of Tecumseh Road East, easterly from Francois Road, suggesting that the doors opening out into the alley are fire doors and cannot be blocked, and concludes by stating that there was a lack of consultation on this file.

Don and Joyce Bell, property owners

Don and Joyce Bell, property owners, appear before Council to speak in support of the administrative recommendations pertaining to the application to close the east/west alley south of Tecumseh Road East, easterly from Francois Road, suggesting that vehicles are parked in that alley for long periods time, which is a contravention of By-law 9023 (Parking By-law), hindering the exit and egress of property owners.

SAA/10342 2

(For final disposition of this matter, see Clause **CR22/2011** in Schedule “A” attached hereto.)

Request for Waiver of Development Charges for 5920 Baseline Road, Bethel Romanian Pentecostal Church**Ana Lupus, member of Bethel Romanian Pentecostal Church**

Ana Lupus, member of Bethel Romanian Pentecostal Church, appears before Council to request that Council reject the administrative recommendation to deny the waiver of development charges for 5920 Baseline Road pertaining to Bethel Romanian Pentecostal Church, and the construction of an addition to their existing Church which is required due to a growing membership, suggesting that in order to avoid paying development charges the Applicant would have had to apply for a building permit by the May 31, 2010 deadline, and further the Applicant was under the impression that merely applying for the permit by the deadline would suffice.

ZS/10642 4

(For final disposition of this matter, see Clause **CR24/2011** in Schedule "A" attached hereto.)

2011 Agency Grant Payments**Les Chaif, resident of Ward 2**

Les Chaif, resident of Ward 2, appears before Council to request that Council reject the administrative recommendation to approve funding of agencies in 2011 up to a maximum of 50% of the 2010 approved grant amounts, suggesting that the City of Windsor cannot continue to accommodate such requests, and further provides a suggestion that if necessary, 35% of the 2010 grant amounts be approved for 2011.

Al Nelman, resident of Ward 8

Al Nelman, resident of Ward 8, appears before Council to request that Council reject the administrative recommendation to approve funding of agencies in 2011 up to a maximum of 50% of the 2010 approved grant amounts, suggesting that the City of Windsor cannot continue to accommodate such requests, and further suggests that Council focus on priorities.

AFB/10824 6

(For final disposition of this matter, see Clause **CR26/2011** in Schedule "A" attached hereto.)

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

- PAC 1 Athans Holding Ltd., rezoning, north side of Northwood Street between Huron Church Road and Daytona Avenue, two-tenant one-storey commercial building
- PAC 2 David Huu Tran, rezoning, 9845 Tecumseh Road East, supplemental of pawnshop as an additional permitted use to the existing CD2.1 zoning

Consideration of Committee Reports

M21-2011 Moved by Councillor Gignac, seconded by Councillor Halberstadt,
as presented. That the **Report of the special In-camera** meeting held January 17, 2011, **BE ADOPTED**

Carried.

ACO2011

M22-2011 Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the **REVISED Report of the Striking Committee** of its meeting held January 11, 2011,
BE ADOPTED as amended.

Carried.

ACO2011

By-laws

Moved by Councillor Hatfield, seconded by Councillor Jones,
That the following By-laws No. 10-2011 through 13-2011 (inclusive), be introduced and read a first and second time:

10-2011 "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "WINDSOR CORE AREA ZONING BY-LAW" "

11-2011 "A BY-LAW TO CLOSE, STOP UP AND CONVEY STREETS AND ALLEYS IN THE AREA BOUNDED BY AND INCLUDING WATER STREET TO THE WEST, BOUNDED BY BROADWAY BOULEVARD TO THE SOUTH, BOUNDED BY OJIBWAY PARKWAY TO THE EAST AND BOUNDED BY AND INCLUDING CHAPPUS STREET AND HEALY STREET TO THE NORTH, MORE PARTICULARLY DESCRIBED IN SCHEDULE "A" ATTACHED HERETO"

12-2011 "A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS CHAPPUS STREET, IN THE CITY OF WINDSOR"

13-2011 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SEVENTEENTH DAY OF JANUARY, 2011"

Carried.

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

- 1) **Communication Items (as amended)**
- 2) **Consent Agenda (as amended)**
- 3) **Items Deferred**
Items Referred
- 4) **Consideration of the Balance of Business Items (see Schedule "A")**
- 5) **Committee Reports (as presented)**

6) **By-laws given first and second readings (as presented)**

Carried.

Notices of Motion

Clerks Note: Councillor Halberstadt advises that he has decided to not put the following motion forward at this point in time, but may resubmit for a later date:

Moved by Councillor Halberstadt, seconded by Councillor _____,
That administration **INCORPORATE** the Acting Mayor Schedule with the weekly agenda review setting process.

ACO2011

Clerks Note: Councillor Payne put forward the following motion but did not receive a seconder, therefore no further action or discussion on this matter took place:

Moved by Councillor Payne, seconded by Councillor _____
WHEREAS numerous complaints were received on the campaign trail on the present cost of the sewer surcharge on water bills; and
WHEREAS the current rate structure of 58% on fixed and 476% on consumption results in average residential bills based on 70% consumption and 30% fixed; and
WHEREAS the consumption rate in particular imposes an undue hardship on above average water users especially with young families;
THEREFORE BE IT RESOVED that administration be requested to prepare a report reviewing the implications of a revenue neutral policy which would result in the average customer paying 50% on fixed and 50% on consumption.

MU2011

New Notices of Motion

Councillor Payne gives notice that he intends to introduce a motion for consideration at the January 24, 2011 meeting of Council proposing that a report be prepared by administration outlining the feasibility of converting the existing CN rail line from the City Limits to Tecumseh Road West with possible continuation to the waterfront into a recreational trail.

SR2011

Councillor Valentinis gives notice that he intends to introduce a motion for consideration at the January 24, 2011 meeting of Council proposing that all enforcement of Council Resolution CR297/2009 be held in abeyance pending the Planning Department meeting with the owners of parking lots within Blocks C and D of the Glengarry-Marentette Waterfront Village CIP with respect to the Site Plan Control Application Agreements, and report back to Council regarding timelines for bringing the lots into compliance; potential phasing of the work and any potential phasing of the work and any potential incentives under the proposed Economic Revitalization CIP's.

Z/6274

Third Reading of By-laws

Moved by Councillor Payne, seconded by Councillor Sleiman,

That the following By-laws No. 10-2011 through 13-2011 (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 Gignac, seconded by Councillor Halberstadt,

M23-2011 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

Clerks Note: Councillor Jones raises a question regarding the status of the former Grace Hospital Site and subsequently, Councillor Marra discloses an interest and abstains from voting on any matters respecting this file, as a family member has interest in the property.

ZS/9856 ZS/10799

PROPOSED IN-CAMERA AGENDA FOR JANUARY 24, 2011

Moved by Councillor Hatfield, seconded by Councillor Jones,

M24-2011 That the following proposed In Camera Agenda for January 24, 2011, **BE APPROVED:**

<u>Item No.</u>	<u>Subject</u>	Section – Pursuant to Municipal Act, 2001, as amended
1.	Property matter – lease	239(2)(c)
2.	Property matter – expropriation of lands	239(2)(c)
3.	Legal matter – claims	239(2)(e)
4.	Property/Legal – lease	239(2)(c)

and further, that in accordance with By-law 46-2003, the Chief Administrative Officer, in consultation with the Mayor **BE AUTHORIZED** to add matters deemed to be of an urgent or time sensitive nature.

Carried.

ACO2011

Adjournment

Moved by Councillor Maghnieh, seconded by Councillor Marra,
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 8:38o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

SUPERVISOR OF COUNCIL SERVICES

Payne
Sleiman

CR21/2011

That the request from the Windsor Regional Problem Gambling Services for a payment in the amount of \$20,000 towards the publication of their newsletter "The Chase" as previously approved by the Big Industry Group **BE APPROVED** as a onetime payment for 2010 and further, that the Windsor Regional Problem Gambling Services **BE ADVISED** to investigate alternative funding services including potential partnerships with Ontario Lottery Gaming, Caesars Windsor, the City of Windsor and/or other organizations for future years.

Carried.

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

Report Number **14955 ACLL2011 C1**

Gignac
Jones

CR22/2011

That the report of the City Solicitor dated November 16, 2010 entitled "Application to close the east/west alley south of Tecumseh Road East, easterly from Francois Road" **BE DEFERRED** a minimum of 4 weeks to allow further discussion with the abutting property owners, as well as legal clarifications.

Carried.

Councillors Marra and Sleiman voting nay.

Report Number **14506 SAA/10342 2**

Payne
Sleiman

CR23/2011

- I. THAT the DRAFT Economic Revitalization Community Improvement Plan (enclosed) **BE TABLED** for public feedback to the Planning Department before Friday, January 21, 2011; and
- II. THAT the City Planner **BE DIRECTED** to conduct two public open house sessions on January 18, 2011 for the purpose of soliciting public feedback on the DRAFT Community Improvement Plan, and that the public comments be reported back to Council on January 31, 2011; and,
- III. THAT the City Planner **BE DIRECTED** to bring the DRAFT Economic Revitalization Community Improvement Plan back to Council on January 31, 2011 for final approval.

Carried.

Report Number **15032 SPL/10759 C3**

Payne
Marra

CR24/2011

That the Bethel Romanian Pentecostal Church as 5920 Baseline Road **BE ASSESSED** the pre June 1, 2010 development charges which applied to transferred (former Sandwich South) lands under By-law 280-2004.

Carried.

Councillor Gignac voting nay.

Report Number **15025 ZS/10642 4**

Payne
Sleiman

CR25/2011

THAT Council **RECEIVE** the 2011 Sewer Surcharge Rates Analysis report from the City Treasurer; and

THAT Council **SET** the 2011 Sewer Surcharge rates for the City of Windsor once the Sewer Surcharge Budget is approved as part of the 2011 Budget process.

Carried.

Report Number **15038 MU2011 C5**

Halberstadt
Marra

CR26/2011

That Council **APPROVE** the funding of agencies in 2011 up to a maximum of 50% of the 2010 approved grant amounts as outlined in this report, and further, that St. Leonard's House be approved for funding in 2011 up to a maximum of 25% of the approved grant towards their "Good Neighbourhood Services Program".

Carried.

Report Number **15031 AFB/10824 6**

Payne
Sleiman

CR27/201

THAT City Council **AUTHORIZE** the temporary borrowing of money for current expenditures for the year 2011, if and when required, as provided for under the provisions of Section 407 of the *Municipal Act*,

THAT the City Solicitor **BE DIRECTED** to prepare the necessary by-law; and

THAT City Council **AUTHORIZE** the City Treasurer to borrow on a temporary basis, such sums, if any, as considered necessary to meet the current expenditures of the Corporation for the year until the taxes are collected and other revenues are received.

Carried.

Report Number **15030 AFB/10824 C7**

Payne
Sleiman

CR28/2011

THAT By-law 5348, adopted January 26, 1976 **BE AMENDED** as shown below to allow for the sale of the closed Park (Hill) Street right-of-way to K-Scrap Resources Ltd.

INSERTING a new paragraph 3 as follows:

- “3. That the lands described in Schedule “A” be conveyed to K.Scrap Resources, formerly known as J.Kovinsky & Sons Limited, on the following terms and conditions:
- a) Sale Price: \$146,790.00, plus applicable taxes;
 - b) Easements: subject to easements in favour of the Windsor Utilities Commission and Bell Canada as in instrument No. 664862; and
 - c) Reservation: reserving an easement in favour of the City for storm sewer.
 - d) Upon conveyance, the lease as set out in paragraph 2 hereof shall be terminated.

RENUMBERING current paragraph 3 to be paragraph 4.

Carried.

Report Number **15041 APM2011 C8**

Payne
Sleiman

CR29/2011

THAT Council **APPROVE** the proposed budget process & timeline for the development of the 2011 Budget as outlined in the report of the Chief Financial Officer & City Treasurer; and

THAT Administration **BE DIRECTED** to continue development of the Administrative Phase of the budget on a “cash basis” as outlined in the report of the CFO and City Treasurer; and

THAT each Corporate Leadership Team Area **BE DIRECTED** to provide options that would allow for their operations to proceed in 2011 with the same tax levy funding approved in 2010; and;

THAT each Corporate Leadership Team Area **BE DIRECTED** to provide additional reduction options totaling 10% of their 2010 net operating budget in order to provide Council flexibility in achieving a final 2011 budget which is consistent with its strategic priorities; and

THAT all City funded Agencies, Boards and Commissions **BE REQUESTED** to do the same; and

THAT Council **PROVIDE DIRECTION** to Administration regarding any priority initiatives to be considered in the development of the 2011 budget and in the case of any initiatives requiring substantial research and analysis, any priority initiatives to be considered and reported upon in the development of the 2012 to 2014 budgets, including any increases or decreases to service levels and/or changes to the methodology of how the services are currently delivered; and

THAT the 5-year Capital Budget Plan **BE UPDATED** to include projects for the year 2015, balanced to projected available funding, and based on existing levels of contribution from the operating fund and updated revenue projections from the Sewer Surcharge and other funding sources; and

THAT an updated 5-Year Debt Reduction / Reserve Enhancement Model **BE PREPARED** and included in the 2011 budget documents; and

THAT the information on Ontario Regulation 284/09 regarding the exclusion of amortization and post-employment benefit accrual expenses for the budget years 2010 and 2011 **BE RECEIVED** for information; and

THAT an updated 5-year Sewer Surcharge model **BE DEVELOPED** and included in the 2011 budget documents; and

THAT options **BE DEVELOPED** to deal with the Building Permit Reserve Deficit and included in the 2011 budget documents; and

THAT the draft 4-year operating budget projections in Appendix A **BE RECEIVED** for information.

Carried.

Report Number **15005 AFB/10824 C9**

Payne
Sleiman

CR30/2011

I. That **APPROVAL BE GIVEN** to the acquisition of the vacant property identified in the confidential memo for use in the Walker Road reconstruction project.

TERMS & CONDITIONS:

The confidential memo contains all terms and conditions.

ACCOUNT CHARGED: 007-5210-7092016

II. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign any required written documents satisfactory in form and content to the City Solicitor and that the transaction **BE COMPLETED** electronically pursuant to By-Law 366-2003.

Carried.

Report Number **15049 APM2011 C10**

Payne
Sleiman

CR31/2011

(a) That The Corporation of the City of Windsor **SETTLE** an action identified as Ontario Superior Court of Justice file no. CV-08-00011076-0000 in accordance with the terms set out in Minutes of Settlement attached as a confidential attachment to this report; and

(b) That Council **AUTHORIZE** the Chief Administrative Officer and the City Clerk to sign the Minutes of Settlement on behalf of the Corporation.

Carried.

Report Number **15052 AL2011 C11**

Appendices

Confidential Attachment

Jones
Dilkens

CR32/2011

I That Zoning By-law 8600 **BE AMENDED** by adding the following definition to Section 7 - Definitions:

“Convenience Store” means a retail store where a variety of both household and grocery items are offered for sale primarily to serve the day-to-day, non comparison shopping needs of residents of the surrounding neighbourhoods and may include such accessory uses as the rental of videos, an automated banking machine or depots for such items as film or postal services.

II That an amendment to Zoning By-law 8600 **BE APPROVED** for Part of Lots 42 to 44, RP 997 & Part of Lots 1 & 2, RP 1015 (PIN 015832407), Lots 46 to 49, RP 997 & Part of Lot 74, RP 1015 (PIN 015830479) and Part of Closed Alley (PIN 015832404) by deleting S.20(1)248 and replacing it with the following:

“248. For the lands comprising of Part of Lots 42 to 44, Registered Plan 997 and Part of Lots 1 and 2, registered Plan 1015 (PIN 015832407), Lots 46 to 49, Registered Plan 997 and part of Lot 74, Registered Plan 1015 (PIN 015830479) and Part of Closed Alley (PIN 015832404) situated on the north side of Northwood Street between Huron Church Road and Daytona Avenue the following additional provisions shall apply:

- (i) direct vehicular access to Huron Church Road is be prohibited;
- (ii) a landscaped open space yard with a minimum depth of 10 metres along Huron Church Road shall be provided;
- (iii) an Automatic Car Wash shall be an additional permitted use and that a minimum of 8 stacking spaces in advance of and a minimum of 3 stacking spaces at the terminus of each wash line shall be provided;
- (iv) a Take-Out Restaurant and a Convenience Store shall be additional permitted uses and that minimum of 15 parking spaces shall be provided. (ZDM 4)”

III That the Site Plan Approval Officer **BE DIRECTED** to include the following Site Plan Control guidelines in the review:

- (i) Glazing is required on portions of the east elevation (Daytona Avenue side) of the proposed building.
- (ii) Pedestrian access to the proposed building is required along the east elevation (Daytona Avenue side) or at one of the eastern corners of the proposed building.
- (iii) Add mature shade trees on the property.

Carried.

Report Number 14996 ZB/10808 PAC 1

Dilkens
Jones

CR33/2011

That an amendment to Zoning By-law 8600 for Part Lot 136 & 137 (PIN 013830472) **BE APPROVED** adding a site specific provision to allow a pawnshop as an additional permitted use.

Carried.

Report Number **14995 ZB/10810 PAC 2**

ADOPTED by Council at its meeting held January 17, 2011 [M21-2011]

VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
January 17, 2011**

Meeting called to order at: 5:30 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Dilkens
Councillor R. Jones
Councillor A. Halberstadt (arrives at 5:31 p.m.)
Councillor F. Valentinis
Councillor B. Marra
Councillor P. Hatfield
Councillor J. Gignac
Councillor A. Maghnieh
Councillor H. Payne (arrives at 5:32 p.m.)
Councillor E. Sleiman

Also in attendance:

H. Reidel, Chief Administrative Officer
R. Warsh, Community Development and Health Commissioner (arrives at 5:32 p.m.)
M. Sonogo, City Engineer
G. Wilkki, City Solicitor
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer (arrives at 5:32 p.m.)
M. Nazarewich, Senior Legal Counsel (Item 1)
V. Mihalo, Executive Director of Human Resources (Item 2)
D. Fields, Fire Chief (Item 2)
A. Reaume, Deputy Fire Chief (Item 2)
D. Paladino, Legal Counsel (Item 1)

Verbal Motion is presented by Councillor Marra, seconded by Councillor Jones, that Rule 3.3 (a) of the *Procedure By-law, 420-2001 as amended*, be waived to add the following Agenda item:

- 3. Personal matter – update on labour arbitration.**

Motion Carried.

Verbal Motion is presented by Councillor Marra, seconded by Councillor Jones, to move in Camera for discussion of the following item(s), adding Item 3:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Legal/Personal matter – claim	239(2)(e)(b)
2.	Personal matter – recruitment (also verbal update)	239(2)(b)
3.	Personal matter – update on labour arbitration - ADDED	239(2)(d)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

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

Motion Carried.

**Moved by Councillor Dilkens, seconded by Councillor Sleiman,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 17, 2011 directly to Council for consideration at the next Regular Meeting.**

1. That the recommendation contained in the in-camera report from Senior Legal Counsel and City Solicitor respecting a legal/personal matter - claim **BE APPROVED**.
2. That the recommendation contained in the in-camera report from the City Solicitor, Fire Chief and Chief Financial Officer and City Treasurer respecting a personal matter - recruitment **BE APPROVED**.
3. That the verbal report of the Chief Administrative Officer respecting a personal matter – update on labour arbitration **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed on the verbal instructions of Council.

Motion Carried.

**Moved by Councillor Halberstadt, seconded by Councillor Jones,
That the special meeting of council held January 17, 2011 BE ADJOURNED.
(Time: 6:31 p.m.)**

Motion Carried.

ADOPTED AS AMENDED by Council at its meeting held January 17, 2011 [M22-2011]
 VC/bm
 Windsor, Ontario, January 17, 2011

REVISED
REPORT OF THE STRIKING COMMITTEE
of its meeting held
 January 11, 2011

PRESENT: Mayor E. Francis
 Councillor J. Gignac
 Councillor F. Valentinis
 Councillor A. Halberstadt
 Councillor R. Jones
 Councillor P. Hatfield
 Councillor D. Dilkens
 Councillor B. Marra
 Councillor A. Maghnieh
 Councillor E. Sleiman
 Councillor H. Payne

Your Committee submits the following recommendations:

(1) That the following Councillors **BE APPOINTED** to the Boards and Committees indicated below for the term ending November 30, 2012, or until their successors are appointed, except *Windsor Police Service Board* and *Windsor-Essex Solid Waste Authority* which is for the term ending November 30, 2014:

Name of Committee	Council Appointee
Essex Region Conservation Authority	P. Hatfield A. Maghnieh H. Payne E. Sleiman
Essex-Windsor Solid Waste Authority	Mayor E. Francis (ex-officio) D. Dilkens (Mayor's alternate) A. Halberstadt A. Maghnieh E. Sleiman
Transit Windsor Board of Directors	B. Marra, Chair E. Sleiman F. Valentinis
Windsor Police Service Board	Mayor E. Francis J. Gignac

continued

Windsor Detroit Tunnel Corporation	J. Gignac B. Marra F. Valentinis
Windsor Utilities Commission	Mayor Francis D. Dilkens B. Marra E. Sleiman
Windsor Essex County Health Unit	B. Marra A. Maghnieh H. Payne (appointment will take effect once Council has made a decision on citizen appointees)

(2) That no member of Council and no individual affiliated with any Agency, Board or Committee of the City be appointed to the *Audit Committee*.

CHAIR

CLERK