

Regular

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

Members Present:

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

Members Absent:

Councillor Dilkens

Call to Order

Following the playing of the Canadian National Anthem, Pastor Ernie Harris from New Beginnings Christian Church offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Valentinis discloses an interest and abstains from voting on Communication No. 7 being the correspondence dated April 28, 2011 pertaining to the "2011 NEGEV Dinner in Tribute to Dr. John Strasser, President of St. Clair College", as St. Clair College is his employer.

Minutes

Moved by Councillor Hatfield, seconded by Councillor Jones,
M113-2011 That the Minutes of the special meeting of Council held April 6, 2011 and the Minutes of the regular meeting of Council held April 18, 2011 **BE ADOPTED** as presented.
Carried.

Notice of Proclamations

Mathematics Education Week – May 9-14, 2011
International Day Against Homophobia – May 17, 2011

Committee of the Whole

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

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals or referrals of any items of business;
- (d) hearing presentations and delegations;
- (e) consideration of business items;
- (f) consideration of Committee reports:
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled);
 - (ii) **Report of the Striking Committee of its meeting held May 3, 2011;**
- (g) consideration of by-laws 6-2011 and 80-2011 through 88-2011 (inclusive).

Carried.

Communications

Moved by Councillor Payne, seconded by Councillor Sleiman,
M109-2011 That the following Communication Items 1 to 5 and 8 to 18 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted; that the Minutes of the Transit Windsor Board of Directors meeting held April 20, 2011 and the Minutes of the Windsor Chartabus Inc. meeting held April 20, 2011 **BE ADOPTED** as presented; and Communication No. 6 and Communication No. 7 which are dealt with as follows:

Communication No. 6:

Moved by Councillor Valentinis, seconded by Councillor Payne,
M110-2011 That the correspondence from the Essex-Windsor Solid Waste Authority dated April 12, 2011 regarding "2011 Essex-Windsor Solid Waste Authority Budget" **BE REFERRED** to the June 7, 2011 meeting of Council as a regular agenda item in order to allow ample opportunity for questions and discussion, and further that Administration **BE REQUESTED** to provide additional information regarding the implications of the Host Compensation Fee, and the dollar amount that will be incurred for the additional payments for the subsequent 13 years.

Carried.

SW2011

Communication No. 7:

Moved by Councillor Hatfield, seconded by Councillor Jones,
M111-2011 That Council **APPROVE** a "full page option" in the amount of \$2000.00 for advertising purposes for the "2011 NEGEV Dinner in Tribute to Dr. John Strasser, President of St. Clair College", which will be held on Tuesday, June 21, 2011.

Carried.

Councillor Halberstadt voting nay.

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

ACOC2011

Item	From	Description
1	Ministry of Natural Resources	Walleye Telemetry Study – Hydroacoustic Receivers of Windsor Parks. Executive Director of Parks & Facilities Note & File SW2011
2	Citizen and Immigration Canada	Launch of Canada's Citizenship Award 2011. Note & File ACOC2011
3	Association of Municipalities of Ontario (AMO)	Firefighters Mandatory Retirement Legislation Introduced. Fire Chief Chief Financial Officer & City Treasurer Executive Director of Human Resources Note & File MMA2011
4	Association of Municipalities of Ontario (AMO)	Shifting the Foundations: <i>Considerations for Moving Towards a New Housing System in Ontario.</i> Community Development & Health Commissioner Chief Financial Officer & City Treasurer Note & File MMA2011
5	Association of Municipalities of Ontario (AMO)	Minimum Maintenance Standards for Road Signs. City Engineer Note & File GP2011
6	Essex-Windsor Solid Waste Authority	2011 Essex-Windsor Solid Waste Authority Budget. FOR COUNCIL APPROVAL Chief Financial Officer & City Treasurer Note & File SW2011 City Treasurer's Note: In accordance with the EWSWA Charter, Council of City and County need to approve the budget after approval by the Authority Board for it to be effective.
7	Office of The Mayor	Request received for sponsorship for the Jewish National Fund of Windsor's 40 th Annual Negev Dinner. COUNCIL DIRECTION REQUESTED Chief Financial Officer & City Treasurer Note & File ACOC2011
8	Manager of Urban Design	Application of Her Majesty The Queen as represented by the Ministry of Infrastructure for Site Plan approval to permit a new maximum security south west detention centre for 315 inmates located at Concession Road 8. Note & File ZS/11038
9	Community Development & Health Services – Recreation & Culture	CQ 27-2011 Windsor-Essex County Sports Hall of Fame – WFCU Centre. Note & File SR/8880
10	Chief Administrative Office	Windsor Utilities Commission – 2010 Water Treatment Plant Annual Compliance Report. Note & File SW2011

11	City Engineer	Results from Earth Hour 2011.	Note & File APR2011
12	City Engineer	Application for Playground Renovation.	Note & File SR2011
13	City Solicitor	International Building Safety Month.	Note & File APM2011
14	City Solicitor	Employee "A" vs City of Windsor.	Note & File AS2011
15	Chief Financial Officer & City Treasurer	2011 Summer Property Tax Sale.	Note & File AF/10617
16	Windsor Licensing Commission	Minutes of meeting held March 23, 2011 (<i>previously distributed</i> for members of Council only) (copy available upon request)	Note & File MB2011
17	Windsor Accessibility Advisory Committee	Minutes of meeting held April 19, 2011 (<i>previously distributed</i> for members of Council only) (copy available upon request)	Note & File MB2011
18	Transit Windsor Board of Directors	Minutes of the Transit Windsor Board of Directors meeting held April 20, 2011 and the minutes of the Windsor Chartabus Inc. meeting held April 20, 2011	TO BE ADOPTED MB2011

Carried.

Consent Agenda

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

- Item 1 CQ104-2010 – Painting Tips of Median Boulevards at Busy Intersections for Visibility
- Item 2 West Nile Virus – Larviciding Requirement 2011
- Item 3 Request for Signage Erected on Fencing at the Children’s Safety Village by The Rotary Club of Windsor (1918), south of 7515 Forest Glade Drive
- Item 4 Rehabilitation of Dominion and Rankin over Grand Marais Drain Structures – Tender No. 21-11
- Item 7 2010 Year-End budget Variance Report
- Item 10 A By-law for the Construction of a New Access Bridge over the Watson Drain (LaJoy Culvert)
- Item 12 Bridge Rehabilitation of E. C. Row Expressway Westbound at Dougall Avenue Structure – Tender 28-11
- Item 13 2011 Funding for Windsor Essex Active Retirement Community Initiative
- Item 14 City Purchase from Malac/Lenisa, Vacant Lot, Rankin Avenue, South Cameron Woodlot
- Item 15 Updated 2011 City Council and Standing Committee Meetings
- Item 16 Revised Travel and Business Expense Policy

Carried.

Deferrals and/or Referrals and Withdrawals**Additional Communication forwarded to Council by Councillor Valentinis**

Moved by Councillor Valentinis, seconded by Councillor Marra,
M112-2011 That the correspondence dated April 29, 2011, from resident Jim Jack regarding “Living Accommodation in the Downtown Core of Windsor” **BE REFERRED** to the City Planner, and also to the Downtown Windsor Business Improvement Area (DWBIA) for their review at an upcoming strategic planning session.

Carried.

Presentations & Delegations:**DWBIA – Air Balloon Festival, July 30 and 31, 2011****Debi Croucher, Acting Director; Lisa Gagnon, Marketing Director; and Angelo Marignani, Vice President, Downtown Windsor BIA**

Debi Croucher, Acting Director; Lisa Gagnon, Marketing Director; and Angelo Marignani, Vice President, Downtown Windsor BIA, appear before Council to speak in support of the administrative recommendation to approve the 1st Annual DWBIA Air Balloon Festival in the downtown core of Windsor, providing a brief overview of the balloon festival and the benefits of the multi-dimensional festival for promoting downtown Windsor as a desirable destination, and conclude by requesting that the fees associated with the temporary road closures and noise by-law be waived.

SR/11039 9

(For final disposition of this matter, see Clause **CR58/2011** in Schedule “A” attached hereto.)

Official Plan Amendment No. 76 – General Housekeeping**David Hanna, resident of Ward 1**

David Hanna, Ward 1 resident, appears before Council to speak in support of the administrative recommendation to adopt the Official Plan Amendment No. 76, the “General Housekeeping Amendment”, suggesting that future scheduled amendments for environment, natural heritage and land use be provided to citizens in advance for review, and concludes by stating that it is necessary for future amendments that could be linked to the environmental portion are a green standard.

ZO/8949 8

(For final disposition of this matter, see Clause **CR157/2011** in Schedule “A” attached hereto.)

Mayor Francis leaves the meeting at 6:57 o’clock p.m., and Councillor Jones assumes the Chair.

Property Tax Collection – Guiding Principles, An Update to the Collection Process and Request for Continuation of Staffing Resources**Cathy Dziejcz, Financial Analyst, Taxation and Financial Projects; and Janice Guthrie, Deputy Treasurer-Taxation and Financial Projects**

Cathy Dziejcz, Financial Analyst, Taxation and Financial Projects and Janice Guthrie, Deputy Treasurer- Taxation and Financial Projects, appear before Council to provide a brief overview of the results of the Enhanced Pro-Active Property Tax Arrears Approach, including Objectives; Impact of the Recession; Arrears Problems; Collection Approaches; Financial Impact; Development; and Results.

AF2011 11

Mayor Francis returns to the meeting at 7:03 o'clock p.m., and Councillor Jones returns to his seat at the Council table.

(For final disposition of this matter, see Clause **CR160/2011** in Schedule "A" attached hereto.)

Basement Flooding – June 5 & 6, 2010 Rainfall Event

Mayor Francis leaves the meeting at 7:25 o'clock p.m., and Councillor Jones assumes the Chair.

Mayor Francis returns to the meeting at 7:38 o'clock p.m., and Councillor Jones returns to his seat at the Council table.

Mario Sonogo, City Engineer

Mario Sonogo, City Engineer, appears before Council to provide a brief overview of the Basement Flooding Event which occurred on June 5-6, 2010, including Rainfall Data; Statistics; Problems identified; Little River- Plant Overflow; Sewer Anomalies in Specific Areas; How storm water get into Sanitary system; SUMP PUMPS- Easily done by homeowners; Recommendations; Follow up Issues; and Long Term Recommendations.

SW2011 6

Mayor Francis leaves the meeting at 7:47 o'clock p.m., and Councillor Jones assumes the Chair.

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

(For final disposition of this matter, see Clause **CR155/2011** in Schedule "A" attached hereto.)

2011 Property Tax Policies – A Framework for 2011 Property Tax Rates**Robert Maich, The Golden Razor, Devonshire Mall**

Robert Maich, The Golden Razor, Devonshire Mall, appears before Council to speak in support of the administrative recommendation to adopt the 2011 Tax Policies and the ratios, as outlined in Appendix J of the report, however the utilization of the optional tax classes within the commercial class continues to be a concern, and concludes by suggesting that all commercial tax classes be combined to create one commercial tax class.

Igor Siljanoski, Manager of Policy, Windsor-Essex Regional Chamber of Commerce

Igor Siljanoski, Manager of Policy, Windsor-Essex Regional Chamber of Commerce, appears before Council to speak in support of the administrative recommendation to adopt the 2011 Tax Policies and the ratios, as outlined in Appendix J of the report, stating that the Property Tax Policy framework is instrumental in moving the City in the right direction in order to develop increasing business potential, and concludes by stating that a more competitive tax regime for business will help grow the industrial assessment, ultimately lowering the tax burden of residential rate payers.

Neil Bear, resident

Neil Bear, resident, appears before Council to speak in support of the administrative recommendation to adopt the 2011 Tax Policies and the ratios, as outlined in Appendix J of the report, stating that the multi-unit housing that provides housing to low income providers and ODSP and Ontario Works recipients is hit the hardest with property taxes, and concludes by inquiring as to why multi-residential rates are higher than condominium rates.

AF2011 5

(For final disposition of this matter, see Clause **CR157/2011** in Schedule “A” attached hereto.)

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

None.

Consideration of Committee Reports

M114-2011 Moved by Councillor Hatfield, seconded by Councillor Jones,
as presented. That the **Report of the special In-camera** meeting held May 3, 2011, **BE ADOPTED**

Carried.

ACO2011

M115-2011 Moved by Councillor Hatfield, seconded by Councillor Jones,
as presented. That the **Report of the Striking Committee of its meeting held May 3, 2011** **BE ADOPTED**

Carried.

MB2011

By-laws

Moved by Councillor Maghnieh, seconded by Councillor Marra,

That the following By-laws No. 6-2011 and 80-2011 through 88-2011 (inclusive), be introduced and read a first and second time:

- 6-2011 “A BY-LAW TO PROVIDE FOR DRAINAGE WORKS IN THE CITY OF WINDSOR FOR A NEW ACCESS BRIDGE OVER THE WATSON DRAIN”
- 80-2011 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE “CITY OF WINDSOR ZONING BY-LAW”
- 81-2011 “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”
- 82-2011 “A BY-LAW TO APPOINT AGATHA ARMSTRONG AS A DEPUTY CLERK”
- 83-2011 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 30.56 METRES (100 FEET) MEASURING FROM THE EAST LIMIT OF THE NORTH/SOUTH ALLEY NEXT WEST OF CALIFORNIA AVENUE, OF THE 6 METRE (20 FEET) WIDE EAST/WEST ALLEY SOUTH OF UNIVERSITY AVENUE WEST, WEST OF CALIFORNIA AVENUE, CITY OF WINDSOR”
- 84-2011 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE 4.57 METRE (15 FEET) WIDE NORTH/SOUTH ALLEY WEST OF CALIFORNIA AVENUE, NORTHERLY FROM COLLEGE AVENUE FOR A DISTANCE OF 39.75 METRES (130 FT. 5 IN.), CITY OF WINDSOR”
- 85-2011 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.57 METRE (15 FEET) WIDE NORTH/SOUTH ALLEY, WEST OF CALIFORNIA AVENUE, NORTHERLY FROM COLLEGE AVENUE FOR A DISTANCE OF 39.75 METRES (130 FT. 5 IN.), CITY OF WINDSOR”
- 86-2011 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE 4.27 METRE (14 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN MELDRUM ROAD AND LARKIN ROAD NORTHERLY FROM VIMY AVENUE (CLOSED) TO THE NORTH PROPERTY LIMIT OF 2260 MELDRUM ROAD, CITY OF WINDSOR”
- 87-2011 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.27 METRE (14 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN MELDRUM ROAD AND LARKIN ROAD NORTHERLY FROM VIMY AVENUE (CLOSED) TO THE NORTH PROPERTY LIMIT OF 2260 MELDRUM ROAD, CITY OF WINDSOR”
- 88-2011 “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE THIRD DAY OF MAY, 2011”

Carried.

Moved by Councillor Payne, seconded by Councillor Sleiman,
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

None presented.

Third Reading of By-laws

Moved by Councillor Valentinis, seconded by Councillor Hatfield,
That the following By-laws No. 6-2011 and 80-2011 through 88-2011 (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 Halberstadt, seconded by Councillor Jones,
That The Office of The Treasurer (Taxation Division) prepare a modeling on the impact on annual city revenues collected on tax arrears interest, should the interest rate on taxpayers (who are faithful to a two-or-five-year repayment plan) be reduced by the city from the current one and one quarter percent per month, to one percent, or one-half percent. And that this modeling be reported to Council, prior to, or in conjunction with, the final tax billing for 2011.

The motion is put and is lost.

Aye Votes: Councillors Halberstadt and Jones.

Nay Votes: Councillors Gignac, Hatfield, Maghnieh, Marra, Payne, Sleiman and Valentinis.

Absent: Councillor Dilkens.

Moved by Councillor Hatfield, seconded by Councillor Jones,
M116-2011 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

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 9:55 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

SUPERVISOR OF COUNCIL SERVICES

Valentinis
Hatfield

CR150/2011

That Administration (Traffic Operations), undertake a pilot project at ten (10) intersections as part of the existing 2011 Budget, and a report to Council on the effectiveness of this safety feature **BE BROUGHT FORWARD** after a one-year evaluation period.

Carried.

Report Number **15119 SW2011 C1**

Valentinis
Hatfield

CR151/2011

That City Council **APPROVE** the recommended procedure for larviciding and mosquito monitoring program, as well as an upfront payment of up to \$80,000.00 for 2011 as determined by the Medical Officer of Health.

Carried.

Report Number **15217 MH/7417 C2**

Valentinis
Hatfield

CR152/2011

That the request by the Rotary Club of Windsor (1918) for permission to erect approximately 30 to 40 signs on the existing fencing at the Children's Safety Village (Lauzon Parkway, south of Place Concorde, 7515 Forest Glade Drive) to advertise fundraising for various Rotary projects from August 15, 2011 to September 30, 2011, **BE APPROVED** subject to the applicant complying with the following terms and conditions:

- a) Sign permits shall be obtained from the Building Department;
- b) The signs shall be erected no earlier than August 15, 2011 and shall be removed no later than September 30, 2011.

Carried.

Report Number **15219 SE2011 C3**

Valentinis
Hatfield

CR153/2011

THAT CR119/2011 **BE AMENDED** as follows

By deleting the following:

“THAT **APPROVAL BE GIVEN** to retain Carlington Construction Inc. for the Rehabilitation works of Dominion and Rankin over Grand Marais Drain Structures for the City of Windsor in accordance with their Bid in response to City of Windsor RFT Number 21-11 for a Total Tendered Price of \$805,518.50 (excluding HST)”

And replacing it with:

“**THAT APPROVAL BE GIVEN** to retain Carlington Construction Inc. for the Rehabilitation works of Dominion and Rankin over Grand Marais Drain Structures for the City of Windsor in accordance with their Bid in response to City of Windsor RFT Number 21-11 for a Total Tendered Price of \$805,118.50 (excluding HST)”.

Carried.

Report Number **15223 SW/11022 C4**

Jones
Marra

CR154/2011

THAT the Municipality **CONTINUE** with the use of optional tax classes of office building, shopping center, parking lot/vacant land, and large industrial.

THAT City Council **ADOPT** the ratios as set out in appendix J for the 2011 taxation year.

THAT tax reductions for the first and second sub-classes of farmland awaiting development **BE RECONFIRMED** at their present level of 65% and 30% respectively.

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

THAT the Municipality **SET** the threshold on the tax level for eligible new construction at 100%.

THAT the 2010 capping program **BE APPROVED** to reflect the parameters comprising the following optional tools:

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

THAT the Municipality **REAFFIRMS** to fund the cost of capping through the claw-back mechanism.

THAT City Council **AUTHORIZE** the Chief Financial Officer and City Treasurer to make application to the Minister of Finance for matching education rate reductions; and

THAT Administration **BE REQUESTED** to provide a comprehensive report prior to the October tax deadline regarding the possible collapse of the two classes.

Carried.

Councillor Halberstadt voting nay.

Report Number **15133 AF2011 5**

Marra
Hatfield

CR155/2011

I. That Council **DESIGNATE**:

- a) the area generally bounded by Central Avenue to the west, Tecumseh Road East to the south, Riverdale Avenue to the east and Riverside Drive East to the north (Drawing C-3090); and
- b) the area generally bounded by Lauzon Road to the west, E.C. Row Expressway to the south, Banwell Road to the east, Tecumseh Road East to the north (Drawing C-3091); and
- c) the area generally bounded by Pillette Road to the west, E.C. Row Expressway to the south, Jefferson Boulevard to the east and Tecumseh Road East to the north (Drawing C-3092)

as a Downspout Disconnection Area under By-Law 26-2008, to facilitate stormwater management by the City Engineer; and

II. That downspout disconnection in these areas be voluntary and **BE FUNDED** by Capital Works budgets and any additional funding that the City of Windsor and Essex Region Conservation Authority (ERCA) can obtain from Provincial programs; and

III. That the City of Windsor **CONSIDER** mandating disconnection in the Downspout Disconnection Areas based upon an evaluation of the success of the voluntary program and legal authority; and

IV. That Administration **BRING FORWARD** for the 2011 Capital Budget, a voluntary Basement Flooding Protection Subsidy Program for existing residential (single family and duplex homes), in the City's Downspout Disconnection areas, and that the City of Windsor subsidize the following items:

- a) Eighty percent (80%) up to (maximum of \$1,000 total) for the installation of a backwater valve on storm or sanitary connections; and
- b) Eighty percent (80%) up to a maximum of \$1,750 for installation of a sump pump to disconnect foundation drains; and
- c) Eighty percent (80%) up to maximum of \$2,800 for the installation of a backwater valve and sump pump; and
- d) Eighty percent (80%) to a maximum of \$400 to disconnect foundation drains (weeping tiles).

Subject to the following conditions:

- Subsidies will be provided one time only for each eligible installation, per property, and on a no-fault basis. It will be required that downspout disconnection be completed in order to complete the payment for the property.
- Only areas described in Drawings C-3090, C-3091 and C-3092 will qualify for this program.
- All of the above (items a-d) would be subject to an application first being approved by the City Engineer and then, second, issuance of a Plumbing Permit by the Chief Building Official and finally, completion of inspections by a Building Inspector; and

V. That the programs noted in Recommendations I, II and IV, **BE AVAILABLE** to existing homes within the Downspout Disconnection Areas effective retroactively to June 6, 2010, provided that homeowners are able to

present appropriate documentation verifying installation and have obtained a plumbing permit as applicable; and

- VI. That the policy **BE REVIEWED** on an annual basis to evaluate the success of achieving the program's goals with the possibility of expanding it to other areas within the City, and
- VII. That Administration **INVESTIGATE** developing a Flood Protection Bylaw for newly constructed residential properties which would make backflow valves on both sanitary and storm connections, sump pump overflows, and lot grading systems mandatory for Downspout Disconnection areas and report its findings and recommendations; and
- VIII. That the City of Windsor **PARTICIPATE** in the Insurance Bureau of Canada study with respect to residential basement flooding currently being conducted in several cities across Canada, and that the information **BE PROVIDED** as needed, and that it be requested that they share this information with the City of Windsor; and
- IX. That Administration **BRING FORWARD**, as part of the annual Capital Budgets, funds for spot sewer repairs identified by Close Circuit Television (CCTV) inspection.

Carried.

Report Number **15162 SW2011 6**

Valentinis
Hatfield

CR156/2011

1. THAT Council **RECEIVE FOR INFORMATION** the 2010 Year-end Operating Budget Variance Report, dated April 7, 2011; and
2. THAT Consistent with normal practice Council **APPROVE** the transfer of the 2010 net year end operating surplus of \$2,307,758 to the Budget Stabilization Reserve Fund; and
3. THAT, in order to avoid the need to re-budget for various items, Council **APPROVE** \$3,210,380 in budget carryovers as detailed in Appendix C – 2010 Budget Carry-Forwards; and
4. THAT Council **APPROVE** the balancing of and transfers from capital projects, as detailed in Appendix D; and
5. THAT Council **APPROVE** Windsor Tunnel Commission CDN Reserve Fund (F148) and USD Reserve Fund (F149) to be closed as per CR130/2010; and
6. THAT pursuant to Bill 124 legislation, Council **APPROVE** the transfer of \$1,682,830 from the Building Permit Reserve to the Operating Fund, in order to recover the net building permits related expenditures incurred during 2010 in the Operating Fund; and
7. THAT Council **APPROVE** the establishment of a Tax Appeals Reserve Fund starting in Fiscal year 2010 and that any surplus/deficit in the Municipal Taxation account will be funded from /returned to this Reserve Fund on an annual basis subject to the approval of the CFO and City Treasurer; and

8. THAT Council **APPROVE** the establishment of a Fire Clothing Reserve Account and that any surplus/deficit in the fire clothing account budgeted under Firefighting Department #0191110 will be funded from /returned to this Reserve account on an annual basis subject to the approval of the CFO and City Treasurer; and
9. THAT Council **APPROVE** the establishment of a Non-Union Salary Market Review Reserve Account and that the approved annual operating budget be transferred to this reserve account subject to the approval of the CFO and City Treasurer; and
10. THAT Council **APPROVE** the establishment of a Succession Planning Reserve Account and that the annual approved budget related to this matter be transferred to this reserve account subject to the approval of the CFO and City Treasurer; and
11. THAT Council **APPROVE** the establishment of a Municipal Elections Reserve Account and transfer the 2010 surplus of \$56,040.10 from operating fund to this reserve account; and
12. THAT Council **APPROVE** the following transfers, of a housekeeping nature, to/from various reserves; and
 - a. The transfer of \$38,512.61 from the Capital Expenditure Reserve Fund #160 to Legal Property Operating Account (Dept ID #0122960) to fund transitional costs related to the temporary upkeep of Riverside and Adstoll Arenas and Edward Community Centre.
 - b. The transfer of \$11,318.80 from the Budget Stabilization Reserve Fund #139 for non-union Labour Relation costs incurred in the operating budget.
 - c. The transfer of \$118,178.82 from the Budget Stabilization Reserve Fund #139 for retro payments made to Health and Safety Advisors based on the results of reviews by the Non Union Job Evaluation Committee.
 - d. The transfer of \$900 from the Budget Stabilization Reserve Fund# 139 for expenses approved by the Windsor Bicycling Committee.
 - e. The transfer of \$ 12,390.29 from the Budget Stabilization Reserve Fund #139 for Spitfire Parade expenses.

Carried.

Report Number **15235 AFB/10824 C7**

Marra
Jones

CR157/2011

- I. That Official Plan Amendment #76, the “General Housekeeping Amendment” **BE ADOPTED** by Council and **BE FORWARDED** to the Minister of Municipal Affairs and Housing for approval, pursuant to Section 17(34) of the *Planning Act*; and
- II. That Council **DECLARE** to the Minister of Municipal Affairs and Housing that Official Plan Amendment #76, the “General Housekeeping Amendment” meets the requirements of Section 26(1) (a) (i), (ii) and (iii) of the *Planning Act*.

Carried.

Report Number **15227 ZO/8949 8**

Valentinis
Hatfield

CR158/2011

That the request from the Downtown Windsor Business Improvement Association (DWBIA) to stage the 1st Annual DWBIA Air Balloon Festival in the downtown core of Windsor, and a Temporary Road closure of Ouellette Avenue, University Avenue West, Chatham Street East and West, Pitt Street East and West, Riverside Drive East and West from 5:00 a.m. July 30 to 2:00 a.m. August 1, 2011 **AND FURTHER** a Noise Bylaw Exemption from 9:00 a.m. to midnight, July 30 and 9:00 a.m. to 11:00 p.m. July 31, 2011 **BE APPROVED** subject to the standard Special Events Terms and Conditions previously approved by Council.

AND FURTHER, that the request from the DWBIA **TO WAIVE** the fees associated for the Temporary Road Closures and Noise Bylaw Waiver **BE APPROVED**, and that these costs **BE CHARGED** to the Budget Stabilization Reserve Fund.

Carried.

Report Number **15228 SR/11039 9**

Valentinis
Hatfield

CR159/2011

That Council **ADOPT** By-law 6-2011 for the construction of a new access bridge over the Watson Drain in accordance with Section 58 of *the Drainage Act*.

Carried.

Report Number **15224 SW/10544 C10**

Gignac
Jones

CR160/2011

THAT City Council **RECEIVE FOR INFORMATION** the Case Study "Enhanced Proactive Property Tax Arrears Approach, April 2011";

THAT City Council **DIRECT** Administration to continue to address property tax arrears by way of the Guiding Principles with Principle No. 5 being amended to reflect that once enrolled in a payment plan, property owners within Category B are entitled to 2 missed payments without corrective action after which the registration process will commence;

THAT City Council **APPROVE** the extension of the previously approved additional resources, on a temporary basis, to continue with the collection of property tax arrears:

- One (1) Financial Analyst
- One (1) Tax Accounts and Collections Control Clerk
- Two (2) Tax Registration Clerks and;

THAT the salary costs associated with the temporary positions be funded from the penalty and interest revenue received from the tax arrears and;

THAT the temporary positions **BE APPROVED** through to December 31, 2012.

Carried.

Report Number **15232 AF2011 11**

Valentinis
Hatfield

CR161/2011

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

Tenderer:	Front Construction 740 Morton Drive, Unit 1 Windsor, Ontario N9J 3V2
Work:	Rehabilitation of E.C. Row Expressway Westbound at Dougall Avenue Structure – Tender 28-11
Total Tendered Price:	\$1,882,831.86 (excluding HST)
Accounts Charged:	007-5310-1790-02942-7101004

AND THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract, satisfactory in form to the City Solicitor, technical content to the City Engineer, and financial content to the Chief Financial Officer and City Treasurer, with Front Construction for Tender No. 28-11.

- II. THAT **APPROVAL BE GIVEN** to undertake an expenditure of \$1,882,831.86 excluding H.S.T. for the bridge rehabilitation of the E.C. Row Westbound Dougall Avenue structure, to be funded from the approved 2009 and 2010 Capital Budget for E.C. Row Rehabilitation and Bridge Rehabilitation (Project ID No's. 7091023 and 7101004).
- III. THAT **APPROVAL BE GIVEN** to undertake an expenditure of up to an amount of \$142,000.00, plus HST, for the retention of Dillon Consulting Limited, as outlined for site observation and contract administration of Tender No. 28-11, in accordance with their Proposal for Engineering Services dated April 19, 2011 said fee to be in accordance with the most recent Schedule of Fees published by the Professional Engineers of Ontario;

AND FURTHER, THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer.

Carried.

Report Number **15231 SW/11040 C12**

Valentinis
Hatfield

CR162/2011

That City Council **APPROVE** funding in the amount of \$60,000 for the purposes of the Windsor Essex Active Retirement Community Initiative (WEARCI) for 2011, subject to equal contribution by the County of Essex, and that these funds be administered by the Windsor Essex Economic Development Corporation (WEDEC); and

That decisions for WEARCI funding in subsequent years **BE DEFERRED** to budget deliberations in 2012.

Carried.

Report Number **15225 APR/10339 C13**

Valentinis
Hatfield

CR163/2011

I. That **APPROVAL BE GIVEN** to the acquisition of a vacant lot on Rankin Avenue as it sits within the boundaries of the South Cameron Woodlot.

a] **VENDOR:**

John Malac, Lynne Malac, Mirto Lenisa, Anna Lenisa
c/o Mr. John Malac
8658 Riverside Drive East
Windsor, Ontario
N8S 1E9

b] **PROPERTY:**

A vacant 40' x 100' lot located on the east side of Rankin Avenue, south of Kenora Street and described legally as Lot 579, Registered Plan 1325

c] **ACQUISITION PRICE:** \$21,000.00 plus taxes as applicable

d] **TERMS AND CONDITIONS:**

The City agrees to pay reasonable legal fees and disbursements of the Vendor in order to complete the transaction.

ACCOUNT NUMBER: 007-5210-7035104 (Parkland Acquisition)

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

Carried.

Report Number **15238 APM2011 C14**

Valentinis
Hatfield

CR164/2011

That the ***attached*** bi-weekly schedule of City Council meetings and the monthly Standing Committee meetings for the remainder of 2011 and along with “Deadlines for Submissions of Reports Scheduled for Consideration at City Council Meetings” and the “Deadlines for Submissions of Reports Scheduled for Consideration at Standing Committee Meetings” for May 1, 2011 to December 31, 2011

BE APPROVED.

Carried.

Report Number **15246 ACO2011 C15**

Appendices

Schedule of Meetings

Deadline Submissions

Valentinis

Hatfield

CR165/2011

THAT City Council **APPROVE** the revised Travel and Business Expense Policy, attached to this report as Appendix A; and

THAT Administration **BE DIRECTED** to implement the training and communication required to facilitate compliance with the revised policy.

Carried.

Report Number **15237 AF2011 C16**

Appendices

Policy

ADOPTED by Council at its meeting held May 3, 2011 [M114-2011]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
May 3, 2011**

Meeting called to order at: 3:24 p.m.

Members in Attendance:

Mayor E. Francis (arrives at 3:26 p.m.)
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor B. Marra
Councillor P. Hatfield
Councillor J. Gignac
Councillor A. Maghnieh
Councillor E. Sleiman

Members Absent:

Councillor D. Dilkens
Councillor H. Payne

Also in attendance:

H. Reidel, Chief Administrative Officer
R. Warsh, Community Development and Health Commissioner
M. Sonogo, City Engineer
G. Wilkki, City Solicitor
V. Critchley, City Clerk
O. Colucci, Chief Financial Officer
J. Guthrie, Deputy Treasurer Taxation and Financial Projects (Item 3)

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

- 5. Personal Matter – about an identifiable individual**
- 6. Property Matter – security of property of Corporation/disposition of land.**

Motion Carried.

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

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Legal matter – settlement	239(2)(e)
2.	Legal matter - litigation <u>NOTE: See also Item 6 on Regular Agenda. This matter deferred at April 6th Capital Budget meeting. DEFERRED</u>	239(2)(e)(f)
3.	Legal matter – appeals	239(2)(e)
4.	Legal/Property matter – lease update	239(2)(a)
5.	Personal matter – about an identifiable individual – ADDED	239(2)(b)
6.	Property matter – security of property of Corporation/disposition of land - ADDED	239(2)(a)(c)

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Valentinis declares an interest and abstains from voting on Item 6 respecting disposition of land as it involves his employer, St. Clair College.

Discussion on the items of business. (Items 1, 2(deferred), 3, 4, 6 and 5)

**Verbal Motion is presented by Councillor Valentinis, seconded by Councillor Gignac,
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 May 3, 2011 directly to Council for consideration at the next Regular Meeting.**

1. That the confidential report from the Senior Legal Counsel and City Solicitor respecting a legal matter – settlement **BE NOTED AND FILED**.
2. That the recommendation contained in the in-camera report from the Risk Management Supervisor, Manager of Purchasing and Risk Management, City Solicitor and Chief Financial Officer and City Treasurer respecting a legal matter - litigation **BE DEFERRED**.
3. 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 - appeals **BE APPROVED**.
4. That the confidential report from the City Solicitor and Chief Financial Officer and City Treasurer respecting a legal/property matter – lease update **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.
Councillors Gignac and Jones voting nay.
5. That the confidential verbal report from the Mayor **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.
Councillors Halberstadt, Hatfield and Payne voting nay.
6. That the confidential verbal report from the Mayor **BE RECEIVED** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.
Councillor Valentinis declares an interest and abstains from voting.

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Gignac,
That the special meeting of council held May 3, 2011 BE ADJOURNED.
(Time: 4:27 p.m.)
Motion Carried.**

ADOPTED by Council at its meeting held May 3, 2011 [M115-2011]

SV/bm

Windsor, Ontario, May 3, 2011

REPORT OF THE STRIKING COMMITTEE
of its meeting held
May 3, 2011

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

ABSENT: Councillor D. Dilkens

Declarations of Pecuniary Interest:

Councillor Sleiman discloses an interest during consideration of appointments to the Committee of Adjustment as his brother is an applicant.

Councillor Payne discloses an interest on the Town and Gown Committee as he is a landlord around the University area.

The Mayor discloses an interest during consideration of appointments to the EnWin Energy Board as one of the applicants is a friend of his.

Your Committee submits the following recommendations:

(1) That the resignation of Councillor Sleiman on the *Public Safety Standing Committee* **BE ACCEPTED** and further that Councillor Payne **BE APPOINTED** to the Committee to replace Councillor Sleiman.

(2) That the attached list (Appendix A) of citizen appointments to various Agencies, Boards and Commissions **BE APPROVED**, and further that all citizen appointments will be at the pleasure of Council, for the 2011-2014 term, or until successors are appointed.

- (3) That consideration of appointments to the *Audit Committee* **BE DEFERRED** pending a report on governance review.
- (4) That consideration of citizen appointments to the *Diversity Committee* **BE DEFERRED** pending a report from the Diversity Officer on the composition and structure of the Committee.
- (5) That consideration of citizen appointments to the *Housing Advisory Committee* **BE DEFERRED** pending a report from the Community Development and Health Commissioner on structural options for the Committee.
- (6) That consideration of citizen appointments to the *International Relations Committee* **BE DEFERRED** to allow Councillor Dilkens to be in attendance.
- (7) That the resignation of Councillor Gignac on the *Windsor Licensing Commission* **BE ACCEPTED** and further that Councillors Magnieh and Sleiman **BE APPOINTED** to the Commission.
- (8) That consideration of citizen appointments to the *Mayor's Youth Advisory Committee* **BE DEFERRED** to permit the Mayor an opportunity to review the list of applicants and prepare a recommendation for Council's consideration.
- (9) That consideration of citizen appointments to the *Property Standards Committee* **BE DEFERRED** for further information.
- (10) That consideration of citizen appointments to the *Seniors Advisory Committee* **BE DEFERRED**.
- (11) That Councillor Maghnieh **BE APPOINTED** to the *Transit Windsor Board of Directors*.

CHAIR

CITY CLERK

Appendix A

AGENCIES, BOARDS AND COMMISSIONS - CITIZEN APPOINTMENTS

<u>NAME OF Agency, Board, Commission</u>	<u>APPOINTEES</u>
Planning Standing Committee	Merrill Baker Barbara Bjarneson Cheryl Cross-Leal
Committee of Adjustment	Jeff Dottor Robert Hayes Tom McMahan James Molnar Mike Sleiman (Councillor Sleiman discloses an interest and abstains from voting on this item)
Community Public Art Advisory Committee	Justin Langlois Leisha Nazarewich Terri Lawrence-Taylor
Court of Revision Re Local Improvements	Stephane Beaudin Roger Marentette Michael Peris
EnWin Energy	Nancy Creighton Nicholas Dzudz Abe Taqtaq Kulveer Virk Max Zalev, EnWin (The Mayor discloses an interest and abstains from voting on this item)
EnWin Utilities	Keith Andrews Martin Komsa Douglas Lawson Vic Neufeld
Windsor Licensing Commission	Jack Fathers
Roseland Golf Club Board of Directors	Duane Bear Philip Haddad
Windsor Police Service Board	Toni Scislowski

NAME OF Agency, Board, Commission**APPOINTEES**

Windsor Public Library Board

Alex Cameron
Mary Dagenais
Lorena Shepley

Windsor Utilities Commission

Jim Drummond
Garnet Fenn
Rocco Lucente
Egidio Sovran