

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, Pastor Ernie Harris from New Beginnings Christian Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Hatfield discloses an interest and abstains from voting on Report No. 67 of the Environment and Transportation Standing Committee regarding "Residential Permit Parking Petition for Dougall Avenue and Church Street", as his spouse is an elected trustee of the Greater Essex County District School Board.

Councillor Hatfield discloses an interest and abstains from voting on Item No. 9 being the report of the City Engineer regarding "Bus Bays", as his spouse is an elected trustee of the Greater Essex County District School Board, which is affected by the report.

Councillor Marra discloses an interest and abstains from voting on Communication No. 9 being correspondence from the City of Waterloo regarding "Heads and Beds", as it affects hospitals and he is employed by a hospital.

Minutes

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
That the Minutes of the regular meeting of Council held July 9, 2012, **BE ADOPTED**
as presented.

Carried.

Notice of Proclamations

The 179th Emancipation Anniversary Celebration – July 27 to August 6, 2012

Committee of the Whole

Moved by Councillor Jones, seconded by Councillor Maghnieh,
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:
Nil.
 - (g) consideration of by-laws 79-2012 and 103-2012 through 105-2012 (inclusive).
- Carried.

Communications

Moved by Councillor Jones, seconded by Councillor Payne,
M315-2012 That the following Communication Items 1 to 8 and 11 to 21 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 9 which is to be dealt with at the request for deferrals stage, and Communication No. 10 which is dealt with as follows:

Communication No. 10:

Moved by Councillor Hatfield, seconded by Councillor Sleiman,
M316-2012 That a donation by the City of Windsor in the amount of \$1,000. to the Thunder Bay Disaster Relief Fund to assist in the recovery effort caused by the May 2012 flood disaster **BE APPROVED** and that this **BE CHARGED** to the Budget Stabilization Reserve Fund.

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

APR2012

Item	From	Description
1	Ministry of Municipal Affairs and Housing	Provincial Compensation Framework. Chief Financial Officer & City Treasurer Community Development & Health Commissioner Note & File GP2012
2	Ministry of Transportation	Windsor-Essex Parkway - Ontario Municipal Board Road Closure Process (Second Application). City Planner City Engineer City Solicitor Note & File ST/5710

3	Ministry of Finance	McGuinty Government Committed to Fair Bargaining Practices. Chief Financial Officer & City Treasurer Executive Director, Human Resources Note & File GF2012
4	Association of Municipalities of Ontario (AMO)	Public-Private Partnerships: An Innovative Solution to Public Infrastructure. Chief Financial Officer & City Treasurer Note & File MMA2012
5	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the City of Windsor and Royal Timbers Inc. City Planner City Solicitor Secretary/Treasurer, Committee of Adjustment Note & File ZS/10804
6	Ontario Municipal Board (OMB)	Decision/Order of the Board regarding the appeal of Walter & Lynda Pizzolitto and James & Kathy Chambers, under the <i>Planning Act, R.S.O. 1990</i> for lands at the northwest corner of Cousineau Road and Talbot Road. City Planner City Solicitor Senior Secretary/Council Services Note & File GPL2012
7	Environment & Land Tribunals Ontario – Ontario Municipal Board	Notice of telephone conference to be held Thursday, August 16, 2012 regarding minor variance for lands located at 1587 Windsor Avenue. City Planner City Solicitor Senior Secretary/Council Services Note & File ZB/11182
8	Town of Milton	Response to the City of Windsor's resolution M212-2012 (<i>previously distributed</i>) regarding the closure of OLG Slots at Windsor Raceway. Note & File MB/10895
9	City of Waterloo	Request to support the City of Waterloo's resolution to request the Minister of Finance to increase the "Heads and Beds" rate. Community Development & Health Commissioner COUNCIL DIRECTION REQUESTED GP2012
10	City of Thunder Bay	Request to donate to the Thunder Bay Disaster Relief Fund. Chief Financial Officer & City Treasurer COUNCIL DIRECTION REQUESTED APR2012
11	City of Toronto	City Council – Member Motion – MM23.23 Development of a new long- term federal plan for municipal infrastructure funding. City Engineer Note & File MMF2012

12	Ontario Property and Environmental Rights Alliance	Endangered Species Information Bulletin. Windsor Essex County Environment Committee Committee Coordinator Note & File EI2012
13	Ontario Municipal Employee Retirement Systems (OMERS)	2013 Contribution Rates and Plan Changes. Executive Director, Human Resources Chief Financial Officer & City Treasurer Note & File AS2012
14	Source Water Protection Program Manager	Public Notice – Proposed Source Protection Plan – Essex Region Source Protection Area. City Engineer City Planner Note & File GCE2012
15	W.E. Care for Kids	Request to sponsor the “Arabian Nights” gala to be held on Friday, September 28, 2012. Chief Financial Officer & City Treasurer COUNCIL DIRECTION REQUESTED APR2012
16	Canadian Association of Community Television Users and Stations (CACTUS)	Comment on CBC Application #2012-0509-7. Note & File MC2012
17	Secretary/Treasurer Committee of Adjustment	Consent Authority Agenda Record Hearing to be held on Wednesday, July 25, 2012, Room 409, 400 City Hall Square East, Windsor. Note & File ZC2012
18	Manager of Urban Design	Application of University of Windsor for Site Plan Approval to permit a parking lot for 62 cars located at 401 Sunset Avenue. Note & File ZS/11509
19	Chief Administrative Officer	Senior of the Year Award Recipient – Larry Duffield. Note & File APR2012
20	City Treasurer	CQ46-2008 – City of Toronto, New Taxation Measures. Note & File AF2012
21	City Engineer	Malden Park/Closed Malden Road (Western) Landfill Gas Mitigation. Note & File EI/10588

Carried.

Councillor Marra discloses an interest and abstains from voting on Communication No. 9.

Consent Agenda

Moved by Councillor Sleiman, seconded by Councillor Valentinis,

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

- Item 2 Downtown Windsor Business Improvement Association (DWBIA) for the DWBIA Summer Block Series – Temporary Road Closures, Ouellette Avenue between University Avenue and Park Street, August 3-5; August 10-12 and August 17-19, 2012
- Item 4 Vacant Land on Langlois Avenue, R.P. 1246, Part Lot 18 (Part 10, Plan 12R-321), northeast corner of Langlois Avenue and North Service Road, to be offered For Sale to both abutting owners
- Item 5 City-owned Vacant Lot on St. Luke Road between 1034 St. Luke and 1042 St. Luke – to be offered For Sale
- Item 6 Part-Lot Control By-law Exemption Request, Equity Trust & Value Incorporated, 1908, 1912, 1914, 1918, 1920 and 1924 Daytona Avenue, east side of Daytona Avenue, south of Manitoba Street
- Item 7 Part-Lot Control By-law Exemption Request, 882885 Ontario Limited (Fanelli), Blocks 1, 2, 3 and 4, 12M-574 – east and west sides of Indigo Avenue and Tivoli Avenue, south of McHugh Street and West of Cypress Avenue
- Item 8 Banwell Noise Barriers – Project Completion
- Item 9 Bus Bays
- Item 10 Award of Tender No. 50-12 – Demolition of Former Tecumseh/Riverside Water Treatment Plant
- Item 12 “The Value of Investing in Canadian Downtowns Report” proposal from the Downtown Windsor Business Improvement Area (DWBIA)
- Item 13 2013 Federation of Canadian Municipalities (FCM) Sustainable Communities Conference
- Item 14 Municipal Vesting of Residual Properties from the 2010 Property Tax Sale
- Item 15 Right-of-Way Permits, Final Hard Surface Restoration & Private Drain Connection Replacement Rebate Update
- Item 17 City Purchase of Land Required for Improvements to Walker Road from Digby Street/North Service Road East to Foster Avenue

Consent Committee Reports

<i>Environment & Transportation Standing Committee</i>		
No.		Description
1	Report No. 69	Jubilee Park Improvements
2	Report No. 70	Windsor Bicycling Committee minutes of its meeting held May 9, 2012
3	Report No. 71	Windsor Essex County Environment Committee minutes of its meeting held March 29, 2012
4	Report No. 72	Essex Windsor Solid Waste Authority minutes of its meeting held March 6, 2012

<i>Economic Development Standing Committee</i>		
No.		Description
1	Report No. 33	Windsor Business Improvement Area Advisory Committee minutes of its meeting held May 1, 2012
2	Report No. 34	Windsor Heritage Committee Report No. 306 – Low Martin House/ Devonshire Lodge, 2021 Ontario Street, amend designation to remove interior features
3	Report No. 35	Windsor Heritage Committee Report No. 307 – Edith Cavell School, 5955 Ontario Street, Community Heritage Fund for Repointing, Modification to North Entry
4	Report No. 36	Windsor Heritage Committee Report No. 308 – Willistead Manor, 1899 Niagara Street, Amend Heritage Designation
5	Report No. 37	Windsor Heritage Committee Report No. 309 – McDougall Stodgell House, 712 Devonshire Road, Amend Heritage Designation
6	Report No. 38	Windsor Heritage Committee Report No. 310 – Bedford United Church, 3340 Sandwich Street, Amend Heritage Designation

<i>Social Development, Health & Culture Standing Committee</i>		
No.		Description
1	Report No. 91	Parkside Tennis – Use of Reserve Funds

<i>Public Safety Standing Committee</i>		
No.		Description
1	Report No. 30	Windsor Licensing Commission Report No. 149 (Taxi Vehicle – Safety Certificates, Age Limit, Insurance)

Carried.

Councillor Hatfield discloses an interest and abstains from voting on Item No. 9

Deferrals and/or Referrals and Withdrawals

Item 18 - Response to CQ13-2012 – Preservation of Heritage Trees

At the request of Councillor Dilkens, this matter is being deferred to allow for further consultations with interested parties.

Communication No. 9

Moved by Councillor Jones, seconded by Councillor Maghnieh,
M322-2012 That the correspondence from the City of Waterloo dated July 12, 2012 regarding “Heads and Beds – Payment – in-Lieu” **BE DEFERRED** until such time as CQ11-2012 is responded to for Council’s consideration.

Carried.

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

Presentations & Delegations:

PRESENTATIONS:

2012 Senior of the Year Award Recipient – Larry Duffield

Councillor Ed Sleiman appears before Council to present Larry Duffield with the Ontario Senior of the Year Award, which recognizes the contributions by an individual made after the age of 65, and concludes by providing a brief overview of his many community and volunteer commitments.

DELEGATIONS

Clover Avenue and Osaka Circle Sidewalks

Suzanne Lukassen

Suzanne Lukassen, appears before Council to reiterate that a petition was submitted from the residents on Osaka Circle objecting to the proposed construction of a sidewalk on the street, and concludes by requesting that Council respond accordingly.

Ron Bellaire, Resident of Ward 7

Ron Bellaire, Resident of Ward 7, appears before Council to state that he residents of Clover Avenue deem that sidewalks are not necessary at this time due to the fact that they only have local traffic, and that sidewalks would result in reduced size of their front lawns and concludes by requesting Council postpone the notion of sidewalks until such time as they have access to Wyandotte Street.

ACO/11248 3

(For final disposition of this matter, see Clause **CR159/2012** in Schedule "A" attached hereto.)

**Report No. 70 of the Planning Standing Committee (1710675 Ontario Inc. (GIAN Corp.)
8650 Wyandotte Street East, application to convert a multiple unit residential apartment building from
rental to condominium status****Barney Zimmermann, Resident of Ward 6**

Barney Zimmermann, Resident of Ward 6, appears before Council to state that the question about visitors access to the tenants at 8650 Wyandotte Street East/remains unresolved, as the landlord insists that the installation of a proper intercom and buzzer system will be prohibitively expensive and concludes by stating that if Council decides that this should not be required for the approval of the condominium application, the tenants will have to live with the inconvenience.

Erica Krygsman, Solicitor for the Applicant

Erica Krygsman, Solicitor for the Applicant, appears before Council to request that Council approve the application to convert a multiple unit residential apartment building at 8650 Wyandotte Street East from rental to condominium status, and concludes by stating that the proposed wireless doorbells is a reasonable and acceptable solution as opposed to an alternative intercom/buzzer suggestion, which would cost \$60,000.

Barry Horrobin, Director of Planning & Physical Resources, Windsor Police Services

Barry Horrobin, Director of Planning & Physical Resources, Windsor Police Services appears before Council and is available for questions regarding the application for 8650 Wyandotte Street East to convert a multiple unit, residential apartment building from rental to condominium status.

Moved by Councillor Halberstadt, seconded by Councillor Jones,
M323-2012 That **Report No. 70 of the Planning Standing Committee** of its meeting held June 11, 2012 regarding "1710675 Ontario Inc. (GIAN Corp) 8650 Wyandotte Street East, application to convert a multiple unit residential apartment building from rental to condominium status" **BE ADOPTED** as amended, to reflect the following changes:

- That the original comments from the Diversity and Accessibility Officer, as included in Appendix "A" to the report, **BE DELETED AND REPLACED** with the attached revised comments dated June 29, 2012; and
- That the original comments from Windsor Police Services, as included in Appendix „A" to the report, **BE AUGMENTED** by the attached comments dated July 6, 2012.

Carried.

Appendices

Comments from Diversity and Accessibility Officer

Comments from Windsor Police Services

Map

Report No. 67 of the Environment & Transportation Standing Committee (Residential Permit Parking Petition for Dougall Avenue and Church Street)**Penny Allen, Superintendent of Business, Greater Essex County District School Board**

Penny Allen, Superintendent of Business, Greater Essex County District School Board, appears before Council to speak in opposition to a parking by-law amendment to reflect that residential permit parking will be in effect for Dougall Avenue from Park Street West to Wyandotte Street West and for Church Street from Park Street West to Wyandotte Street West, as there is concern that people who park on these streets and are not residents, may now park in the School Board's parking lots as an alternative; however, they would be amenable for key times for the Board to ensure there is no residential permit parking being Monday to Friday from 6:00 a.m. to 6:00 p.m., and that therefore, residential parking permits would be in effect on Monday to Friday from 6:00 p.m. to 6:00 a.m. and all day on Saturday and Sunday.

Roy Baker, Resident of Ward 3

Roy Baker, Resident of Ward 3, appears before Council to request that the Parking By-law be amended to reflect that residential permit parking be in effect for Dougall Avenue from Park Street West to Wyandotte Street West and for Church Street from Park Street West to Wyandotte Street West, and that any other proposal such as restricting permit parking to Monday to Friday from 6:00 p.m. to 6:00 a.m. and all day on Saturday and Sunday is not viable, as it is during the day where residents encounter parking challenges.

Frank De Gasperis and Helen Lee, Residents of Ward 3

Frank De Gasperis and Helen Lee, residents of Ward 3, appear before Council to speak in support of a parking by-law amendment to reflect that residential permit parking will be in effect for Dougall Avenue from Park Street West to Wyandotte Street West and for Church Street from Park Street West to Wyandotte Street West, and conclude by stating that there is overwhelming support for this by residents, and that the parking problems need to be addressed, which are compounded during bad winter weather.

Moved by Councillor Valentinis, seconded by Councillor Jones,

M317-2012 That **Report No. 67 of the Environment & Transportation Standing Committee** of its meeting held June 27, 2012 regarding Residential Permit Parking Petition for Dougall Avenue and Church Street **BE ADOPTED** as presented, on the condition that City of Windsor display tags are provided to the Greater Essex County District School Board for those using the Church Street parking lots, which would be enforced by the Commissionaires, with the Board being responsible for any towing required.

Carried.

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

CQ10-2012 – Regarding Motorcycle Noise Emission**Jerome Brannagan, Deputy Chief of Operations, Windsor Police Services**

Jerome Brannagan, Deputy Chief of Operations, Windsor Police Services, appears before Council and is available for questions regarding the issue of motorcycle noise emission.

Andy Furlong, Resident of Ward 4

Andy Furlong, Resident of Ward 4, appears before Council to reiterate that the issue of excessive vehicle noise is still a concern, and concludes by requesting Council to pursue alternative to mitigate this.

EI2012 1

(For final disposition of this matter, see Clause **CR157/2012** in Schedule “A” attached hereto.)

Tender 72-12, District Energy Chiller Upgrade**Veronica Friesen, Director, District Energy Windsor (available for questions)**

Veronica Friesen, Director, District Energy Windsor, appears before Council and is available for questions regarding the administrative recommendation for the City of Windsor to act on behalf of Windsor Utilities Commission in conducting a tender for upgrades to District Energy Windsor’s District chiller plant, to be fully funded by Windsor Utilities Commission.

SE/5215 11

(For final disposition of this matter, see Clause **CR167/2012** in Schedule “A” attached hereto.)

Report No. 68 of the Environment & Transportation Standing Committee (By-law Regulations regarding Power Assisted Bicycles (e-bikes))

Mayor Francis leaves the meeting at 8:08 o’clock p.m. and Councillor Payne assumes the Chair.

Nick Stajduhar

Nick Stajduhar, appears before Council to provide background information for Council regarding differences between bikes and e-bikes, so that Council can make an informed decision regarding any by-law regulations for power assisted bicycles (“e-bikes”).

Mayor Francis returns to the meeting at 8:12 o’clock p.m., and Councillor Payne returns to his seat at the Council table.

Kim Elliott and Angela Demarse, Ontario Public Interest Research Group

Kim Elliott and Angela Demarse, Ontario Public Interest Research Group (OPIRG), appears before Council to provide comment regarding the recommendation to keep e-bikes off all sidewalks and multi-use trails, supporting it as it relates to sidewalks, but against its inclusion of multi-use trails, suggesting more research is required and that funds be allocated for improved bicycle lanes and a more extensive network of multi-use trails.

Peter Antaya

Peter Antaya appears before Council to suggest there is no need for by-law regulations for e-bikes, as they provide many healthy benefits from an active living perspective.

Kim Tucker

Kim Tucker, appears before Council to suggest that there is no need for by-law regulations for e-bikes at this time, as more research is required as a starting point.

Brian Tucker

Brian Tucker, appears before Council to express concern regarding any proposed by-law regulations for e-bikes at this time, as more research and a legal interpretation is needed, as well as improved infrastructure, and concludes by stating that if you cannot enforce, why bother adopting a by-law.

David Nickerson

David Nickerson appears before Council as someone that sells actual e-bikes, and asks that Council not support proposed by-law regulations for e-bikes, and that until appropriate infrastructure improvements are made, each trail should be given individual consideration for use of e-bikes.

Roger Mariuz

Roger Mariuz appears before Council to express opposition to any proposed by-law regulations for e-bikes, as there are health benefits for using such a device, as he himself has medical issues preventing him from pedaling and thus relies on an e-bike.

Gary Winn

Gary Winn appears before Council to express concerns regarding any proposed by-law regulations for e-bikes, as Council needs to devote more resources towards enhanced infrastructure and to promote a greener footprint.

Kari Gignac, Windsor Bicycling Committee Chairperson

Kari Gignac Windsor Bicycling Committee Chairperson, appears before Council to suggest that it may be premature to implement proposed by-law regulations for e-bikes, as improvements to the trails system need to be made first as well as increased bike lanes on city streets, along with a safety outreach campaign.

Daryl Weber

Daryl Weber appears before Council to provide comment regarding proposed by-law regulations for e-bikes, as attention needs to first be directed towards better roads with bike lanes, to discourage people from riding on sidewalks.

Michael Buck

Michael Buck appears before Council to speak in opposition to any proposed by-law regulations regarding e-bikes on multi-use trails.

Mike Mastromattei

Mike Mastromattei appears before Council to speak in support of proposed by-law regulations regarding power assisted bicycles (e-bikes), and stresses that for this to actually succeed, there must be enforcement by police.

Mayor Francis leaves the meeting at 9:08 o'clock p.m. and Councillor Dilkens assumes the Chair.

Mayor Francis returns to the meeting at 9:21 o'clock p.m. and Councillor Dilkens returns to his seat at the Council table.

Jerome Brannagan, Deputy Chief of Operations, Windsor Police Services

Jerome Brannagan, Deputy Chief of Operations, Windsor Police Services, appears before Council and is available for questions regarding proposed by-law regulations for Power Assisted Bicycle (e-bikes).

Moved by Councillor Hatfield, seconded by Councillor Marra,
That the Traffic Bylaw 9148 **BE AMENDED** as follows:

“Power Assisted Bicycle (e-bike)” shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, c. H-8, as amended.

“Shared Pathway (multi-use trail, trail)” shall mean a separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles and pedestrians (including skaters). Where such a trail or path forms a part of a highway, it is separated from the roadways for motor vehicle traffic by an open space, rumble strip, or barrier.

Part VII, REGULATIONS RE: BICYCLES

25 (1) No person shall ride a bicycle, with a wheel or wheels more than sixty centimetres (60 cm.) in diameter, or a Power Assisted Bicycle (e-bike) upon a sidewalk.

25 (2) No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E.C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road.)

25(2) BiSubject to Section 25C., no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule “R” except:

THAT, the Use, Regulation, and Protection of Parks By Law 200-2002 **BE AMENDED** as follows:

DEFINITIONS 2.1(t) Vehicle includes a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c.H-8*, as may be amended from time to time, and any bicycle, power assisted bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh, or other conveyance of like nature

AND

THAT Windsor Police Services **BE ADVISED** of these by law amendments for enforcement as resources allow and that Administration **BE DIRECTED** to prepare reports regardig:

- (a) costs on widening city trails;
- (b) costs of painting lines and delineating trails;
- (c) costs to install speed limit signs on trails.

The motion is put and is lost.

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

RESULTS OF RECORDED VOTE:

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

Report Number 15995 ST2012 2

M318-2012 Moved by Councillor Jones, seconded by Councillor Marra,
That Traffic Bylaw 9148 **BE AMENDED** as follows:

“Power Assisted Bicycle (e-bike)” shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, c. H-8, as amended.

“Shared Pathway (multi-use trail, trail)” shall mean a separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles and pedestrians (including skaters). Where such a trail or path forms a part of a highway, it is separated from the roadways for motor vehicle traffic by an open space, rumble strip, or barrier.

Part VII, REGULATIONS RE: BICYCLES

25 (1) No person shall ride a bicycle, with a wheel or wheels more than sixty centimetres (60 cm.) in diameter, or a Power Assisted Bicycle (e-bike) upon a sidewalk.

25 (2) No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E.C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road.)

25(2) BiSubject to Section 25C., no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule “R”

THAT, the Use, Regulation, and Protection of Parks By Law 200-2002 **BE AMENDED** as follows:

DEFINITIONS 2.1(t) Vehicle includes a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c.H-8*, as may be amended from time to time, and any bicycle, power assisted bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh, or other conveyance of like nature

AND

THAT Windsor Police Services **BE ADVISED** of these by law amendments for enforcement as resources allow.

Carried.

Moved by Councillor Dilkens, seconded by Councillor Gignac,
That Traffic Bylaw 9148 **BE AMENDED** as follows:

Part VII, REGULATIONS RE: BICYCLES

25 (3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail) unless the electric bicycle is powered by human power alone.

The motion is put and is lost.

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

M319-2012 Moved by Councillor Gignac, seconded by Councillor Jones,
That Traffic Bylaw 9148 **BE AMENDED** as follows:

Part VII, REGULATIONS RE: BICYCLES

25 (3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail) unless such a multi-use trail has been specifically designated by Council to allow for such activity with a set speed limit of 10 km per hour, and further, that Administration **REPORT BACK** to Council on appropriate trails to be considered for such activity.

AND

THAT Windsor Police Services **BE ADVISED** of these by law amendments for enforcement as resources allow.

Carried.

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

RESULTS OF RECORDED VOTE:

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

Report No. 73 of the Environment & Transportation Standing Committee

Moved by Councillor Gignac, seconded by Councillor Valentinis,
M320-2012 That **Report No. 73 of the Environment & Transportation Standing Committee** of its meeting held June 27, 2012 regarding M122-2011 – Bellagio Street Closure Petition **BE RECEIVED** for information.

Carried.
 Councillors Hatfield and Halberstadt voting nay.

Report Number 15901 ACO/11189 4

Moved by Councillor Marra, seconded by Councillor Hatfield,
M321-2012 That Rule 3.5 of the Procedure By-law **BE WAIVED** to extend the meeting beyond 11:00 o'clock p.m. to continue to discuss the remainder of business items.

Carried.

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

Item 16 Expiration of the Food Service Agreement (City Hall Cafeteria) between The Corporation of the City of Windsor and Aversa Food Services (Caterer)

Consideration of Committee Reports

Nil.

By-laws

Moved by Councillor Jones, seconded by Councillor Maghnieh,
 That the following By-laws No. 79-2012 and 103-2012 through 105-2012 (inclusive), be introduced and read a first and second time:

- 79-2012 "A BY-LAW TO AMEND BY-LAW 137-2007, BEING A BY-LAW RESPECTING THE LICENSING AND REGULATING OF PUBLIC VEHICLES"
- 103-2012 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 948, IN THE CITY OF WINDSOR"
- 104-2012 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 12M-574, IN THE CITY OF WINDSOR"
- 105-2012 "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-THIRD DAY OF JULY, 2012".

Carried.

Moved by Councillor Marra, seconded by Councillor Payne,
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 - Nil
- 6) By-laws given first and second readings (as presented)

Carried.

Notices of Motion

Moved by Councillor Marra, seconded by Councillor Hatfield,
M324-2012 THAT Rule 13.9 of the City of Windsor Procedural By-law with respect to notice of all new motions **BE WAIVED** to introduce a motion for consideration without prior notice regarding the 2012 Olympic and Paralympic Games.

Carried.

Moved by Councillor Hatfield, seconded by Councillor Maghnieh
M325-2012 **WHEREAS** the City of Windsor wishes to provide recognition in the community for local athletes participating in the Olympic Games; and

WHEREAS Melissa Bishop, Virginia McLachlan, Amanda Reason, Mary Spencer and David Tremblay have been chosen to represent Canada at the 2012 Olympic and Paralympic Games to be held in London, England;

THEREFORE be it resolved that the City of Windsor **UNDERTAKE AN EXPENDITURE** not to exceed \$7,500 for the printing of banners, which will feature the names and images of our athletes, and that such banners be erected throughout the City of Windsor.

Carried.

Clerk's Note: √(The City Treasurer notes that this is to **BE FUNDED** from the Budget Stabilization Reserve Fund). √

APR2012

Moved by Councillor Marra, seconded by Councillor Sleiman,
M326-2012 THAT Rule 13.9 of the City of Windsor Procedural By-law with respect to notice of all new motions **BE WAIVED** to introduce a motion for consideration without prior notice.
Carried

Moved by Councillor Marra, seconded by Councillor Sleiman,
M327-2012 **WHEREAS** an issue has arisen regarding the Erie Wildlife at Malden Park as it pertains to the bonding;
THEREFORE BE IT RESOLVED that Administration **BE DIRECTED** to negotiate security, satisfactory in form to the CAO and City Solicitor.
Carried.

Third Reading of By-laws

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
That the following By-laws No. 79-2012 and 103-2012 through 105-2012 (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

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M331-2012 That the petition presented by Councillor Dilkens from residents on Centre Lake Drive regarding proposed parking changes to Centre Lake Drive and Cranston Court **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the Executive Director of Operations for the purpose of an examination of the requested works or undertakings; and further that a report **BE PROVIDED** consistent with the direction provided.

Carried.

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

ACO/11248

Council Questions

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
M328-2012 That the following Council Question by Councillor Jones **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ16-2012

Asks that the Mayor be requested to meet with Peter Wares, Windsor Essex Community Health Care Centre Board President, Teresa Piruzza, Member of Provincial Parliament, and Ronna Warsh, Community Development & Health Commissioner to resurrect negotiations with the Windsor Essex Community Health Care Centre as it pertains to the College Avenue Community Centre Property.

APM2012

Carried.

Adjournment

Moved by Councillor Jones, seconded by Councillor Maghnieh,
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 11:12 o'clock p.m.

MAYOR**CITY CLERK****THIS IS A DRAFT COPY****DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES**

Halberstadt
Dilkens

CR157/2012

That City Council **RECEIVE FOR INFORMATION** the report of the Chief Building Official dated April 12, 2012 entitled "CQ10-2012 – Regarding Motorcycle Noise Emission" as it relates to noise emissions from the operation of motor vehicles and motorcycles.

Carried.

Report Number **15881 EI2012 1**

Sleiman
Valentinis

CR158/2012

That the request from the Downtown Windsor Business Improvement Association (DWBIA) to amend CR #15940 to close Ouellette Avenue between University Avenue and Park Street, July 20 - July 22, 2012, and July 27 - July 29, 2012, to August 10 – August 12, 2012 and August 17 – August 19, 2012

BE APPROVED; and further

That the request from the DWBIA to close Ouellette Avenue between University Avenue and Park Street August 3 – August 5, 2012 **BE APPROVED.**

Carried.

Report Number **16034 SAS2012 C2**

Gignac
Valentinis

CR159/2012

- I) That the report from the City Engineer regarding sidewalk construction on Clover Avenue between Beverly Glen Street and Little River Blvd and Osaka Circle, north of Ducharme Street, **BE ACCEPTED** as information and **BE NOTED AND FILED;** and
- II) That no action **BE TAKEN** on the petitions by the residents of Clover Avenue and Osaka Circle.
- III) That the petitioners **BE INSTRUCTED** to make application on or before August 13, 2012 to the Planning Department should they choose to proceed with an amendment to the Official Plan to delete the requirement for sidewalks on one side of all residential roads, specifically for Clover Avenue from Beverly Glen Street to Little River Blvd and for Osaka Circle from Ducharme Street to Osaka Circle, failing receipt of which, construction of said sidewalks will proceed.

Carried.

Councillor Payne voting nay.

Report Number **16018 ACO/11248 3**

Sleiman
Valentinis

CR160/2012

- I. That the report prepared by the Property Coordinator and Property Supervisor with respect to notification of all real property to be sold **BE RECEIVED** for information.
- II. That the Property Coordinator and Property Supervisor **BE AUTHORIZED** to offer the City-owned vacant 13.19" X 148" X 40.22" X 150.45" irregular shaped parcel of land (less the lands required by Public Works to be retained for an approximate 15" X 15" corner cutoff) situated on the east side of Langlois Avenue, legally described as Part of Lot 18, Registered Plan 1246, designated as Part of Part 10, Plan 12R-321 and to be further described on a reference plan of survey to both abutting owners (2968 Langlois Avenue and 1070 North Service Road) and report back to Council in the event that an offer or offers are received.
- III. That in the event that Recommendation # 2 is approved by City Council and the remnant parcel is sold to one of the abutting property owners the City Solicitor **BE DIRECTED** to prepare a by-law to declare the approximate 15" X 15" corner cut-off a public highway known as the North Service Road.

Carried.

Report Number **15942 APM2012 C4**

Sleiman
Valentinis

CR161/2012

That the report prepared by the Property Coordinator and Property Supervisor with respect to notification of the following real property to be sold **BE RECEIVED** for information:

- Vacant land on the east side of St Luke Road legally described as Lot 26, Registered Plan 627.

Carried.

Report Number **15973 APM2012 C5**

Sleiman
Valentinis

CR162/2012

- I That the application of Equity Trust & Value Incorporated for part-lot control exemption for the lands known municipally as 1908, 1912, 1914, 1918, 1920 and 1924 Daytona Avenue and legally described as Part of Lots 29 and 30 and Part Closed Alley, Plan 948, now designated as Parts 1 to 4 inclusive, Reference Plan 12R-20254 and Part of Lots 30 to 33, inclusive, and Part Closed Alley Plan 948, now designated as Parts 1 to 8 inclusive, Reference Plan 12R-20371, as identified on attached Map No. PLC-004/12-2, to allow the severance of 6 semi-detached dwelling units, **BE APPROVED** for a period of one year.
- II That By-law 103-2012 **BE ENACTED**.

Carried.

Report Number **16033 ZPLC2012 C6**

Appendices

Map No. PLC-004/12-2

Sleiman
Valentinis

CR163/2012

I That the application of 882885 Ontario Limited (Fanelli) for part-lot control exemption for the lands legally described as Blocks 1 to 4, inclusive, Plan 12M-574, located on the east and west sides of Indigo Avenue and Tivoli Avenue, west of Cypress Avenue and south of McHugh Street, as identified on attached Map No. PLC-005/12-2, to allow the creation of 40 lots for 38 townhomes and two (2) semi-detached dwelling units, **BE APPROVED** for a period of three years.

II That By-law 104-2012 **BE ENACTED**.

Carried.

Report Number **16040 ZPLC2012 C7**

Appendices
Map No. PLC-005/12-2

Sleiman
Valentinis

CR164/2012

I THAT the report on completion of the Banwell Noise Barriers Project dated July 6, 2012 **BE RECEIVED** for information; and

II. THAT **APPROVAL BE GIVEN** to establish a new reserve account called Maintenance Reserve for Noise Barriers and to transfer the balance of the project in surplus (Project ID # 7081016) to a reserve for maintenance of noise barriers.

Carried.

Report Number **16043 SW2012 C8**

Sleiman
Valentinis

CR165/2012

That Council **APPROVE** the expenditure of \$100,000.00 currently in placeholder for the construction of Bus Bays at various schools throughout the City of Windsor as identified by the school boards, to be transferred to Bus Bay Program (Project ID# 7119001). The bus bays to be competed will follow the recommendation of the priority of the four school boards.

Carried.

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

Report Number **16011 SW2012 C9**

Sleiman
Valentinis

CR166/2012

I. That the following lowest compliant tender **BE ACCEPTED**:

TENDERER: Priestly Demolition Inc.
3200 Lloydtown-Aurora Road
Kettleby, Ontario L0G 1J0

TENDER NO.: 50-12

TOTAL TENDER PRICE: \$433,710 (excluding HST)

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

- II.** That **APPROVAL BE GIVEN** to undertake a total project expenditure of \$681,824 (excluding recoverable HST), for the demolition of the former Tecumseh/Riverside Water Treatment Plant, to **BE FUNDED** from Project ID# 7103001.

Carried.

Report Number 16045 SW/11511 C10

Marra
Sleiman

CR167/2012

- I.** That Administration **BE AUTHORIZED** to act on behalf of Windsor Utilities Commission in conducting a tender for upgrades to District Energy Windsor's district chiller plant, to be fully funded by Windsor Utilities Commission; and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an agreement and indemnification with Windsor Utilities Commission in respect of all work conducted by the City on its behalf, satisfactory in form and content to the City Solicitor; and,
- II.** That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an agreement with the successful bidder, satisfactory in legal content to the City Solicitor, in financial content to the City Treasurer and in technical content to District Energy Windsor/Windsor Utilities Commission provided that the cost falls within the Windsor Utilities Commission budget for this initiative as may be amended by Windsor Utilities Commission from time to time; and,
- III.** That Administration **BE AUTHORIZED** to purchase an air-cooled chiller as specified by District Energy Windsor/Windsor Utilities Commission engineering consultants for installation in the upgraded District Energy Windsor district chiller plant in accordance with the Purchasing Bylaw, to be fully funded by Windsor Utilities Commission, provided the cost falls within the DE project budget as may be amended by Windsor Utilities Commission from time to time; and,
- IV.** That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an assignment agreement between the City and EllisDon Corporation/DeAngelis Construction Inc. (acting in joint venture) assigning the contract for the upgrade of the District Energy Windsor district chiller plant to EllisDon Corporation/DeAngelis Construction Inc. (acting in joint venture), satisfactory in legal content to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Project Manager; and,
- V.** That Administration **BE AUTHORIZED** to carry out any other ancillary matters necessary or contemplated to bring effect to the Windsor Utilities Commission resolution of June 19, 2012; and,
- VI.** That Administration **REPORT** on the outcome of this process upon completion.

Carried.

At the request of Councillor Hatfield a **recorded vote** is taken:

RESULTS OF RECORDED VOTE:

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

Report Number **16038 SE/5215 11**

Sleiman
Valentinis

CR168/2012

- I. THAT the request made by the Downtown Windsor Business Improvement Area to partner in the Canadian Urban Institute (CUI) project “The Value Of Investing In Canadian Downtowns” by sharing the project cost and staff resources **BE APPROVED**.
- II. THAT the City Planner **BE AUTHORIZED** to forward payment of \$5,000 from capital account 7011022 (City Centre Revitalization Program) to the Canadian Urban Institute.

Carried.

Report Number **15919 MI/9444 C12**

Sleiman
Valentinis

CR169/2012

That City Council **AUTHORIZE** the City Clerk and Chief Administrative Officer to sign the Agreement between the Federation of Canadian Municipalities (FCM) and the City of Windsor and the County of Essex relative to the FCM Sustainable Communities Conference and Trade Show to be held in the City of Windsor from February 13-15, 2013 (attached), satisfactory in form to the City Solicitor and financial content to the City Treasurer and Chief Financial Officer.

Carried.

Report Number **16039 AT/9992 C13**

Sleiman
Valentinis

CR170/2012

THAT City Council **AUTHORIZE** that the following properties be vested in the name of the Municipality;

- 1785 University W., PLAN 520 LOT 1 W PT LOT 2; CORNER; 3695.00SF 45.00FR, Roll # 050-050-02400.

- 1202 Laurendeau Ave., PLAN 666; LOTS 139 & 140 & PT CLOSED ALLEY; IRREG; CORNER, Roll # 010-170-11000.
- 1777 University W., PLAN 520 E PT LOT 2; 21X20.95R X80.08X80.91; 1687.00SF 21.00FR, Roll # 050-050-02200.
- 629 Chatham St. E., PLAN 126 E PT LOT 7; E PT LOT 8 BLK 8; 0.05AC 53.08FR 43.00D, Roll # 030-070-05500.
- 641 Chatham St. E., PLAN 126 S PT LOT 7 BLK 8; REAR BLDG; 1486.24SF 53.08FR 28.00D, Roll # 030-070-05400.
- 673 Caron Ave., PLAN 282; LOT 41 TO LOT 44; S PT LOT 40 N PT LOT 45; RP 12R13526; PART 2, Roll # 040-250-00400.
- 0 Church St., PLAN 435 E PT LOT 383 TO;E PT LOT 390;REAR;12500.00SF 250.00FR 50.00D, Roll # 040-470-04800.
- 1573 McDougall, CON 1; PT LOT 85; RP 12R19364; PART 1, Roll # 030-480-11810.

THAT City Council **AUTHORIZE** the City Treasurer/designate to remove from the tax roll property taxes in the amount of \$1,252,149 plus any additional levies or penalties that may be added from the date of this report until the date of actual write-off.

Carried.

Report Number **16047 AF2012 C14**

Sleiman
Valentinis

CR171/2012

1. That City Council **ENDORSE** Administration's direction to have ALL final restoration of hard surfaces within the City right-of-way completed under a municipal restoration program and that the full restoration costs and administration fee **BE RECOVERED** through the revised permit process; and,
2. That Council **APPROVE** the increase in the „City Share of Private Drain Connection Replacement Cost Rebate (Max)“ to \$2,000 (Max) and updating of the 2012 User Fee Schedule accordingly.

Carried.

Report Number **16008 SW2012 C15**

Valentinis
Marra

CR172/2012

That the report of the City Solicitor dated June 25, 2012 entitled “Expiration of the Food Service Agreement (City Hall Cafeteria) between the Corporation of the City of Windsor and Aversa Food Services (Caterer) **BE DEFERRED** a minimum of 30 days, to allow for Administration to meet with the current caterer, to determine if the menu can be adjusted so as to allow for the discontinuation of use of the deep fryer due to a Fire Code Violation with the commercial cooking equipment exhaust vent, and that the Fire Department **BE REQUESTED** to postpone enforcement of the violations during this 30 day period; and that the results of these discussions **BE FORWARDED** to Council as part of final deliberations on the report.

Carried.

Councillors Gignac and Dilkens voting nay.

Report Number 16032 APM2012 16

Sleiman
Valentinis

CR173/2012

- I. That **APPROVAL BE GIVEN** to the acquisition of the property described in the Private and Confidential memo for improvements to Walker Road From Digby Street/North Service Road East to Foster Avenue:
- a] **VENDOR:** See Private and Confidential memo.
 - b] **PROPERTY:** See Private and Confidential memo.
 - c] **PURCHASE PRICE:** See Private and Confidential memo
 - d] **CONDITIONS:**
 - 1. This transaction shall be completed within 14 days after City Council approval.
 - 2. The City agrees to pay all reasonable legal fees, disbursements, restoration costs and other miscellaneous costs related to this transaction.
- 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 in financial content to the Chief Financial Officer and City Treasurer and that the transaction **BE COMPLETED** electronically pursuant to By-Law 366-2003.

Carried.

Report Number 16050 SW/10859 C17

Dilkens
Marra

CR174/2012

That the report of the City Solicitor dated July 11, 2012 entitled "Response to CQ13-2012 – preservation of heritage trees" **BE DEFERRED** to allow for further consultation with interested parties.

Carried.

Report Number 16052 MBA2012 18

STANDING COMMITTEE RESOLUTIONS

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M329-2012 That **Report No. 69 of the Environment & Transportation Standing Committee** of its meeting held June 27, 2012 regarding Jubilee Park Improvements **BE ADOPTED** as presented.

Carried.

Report Number 15734 SR2012 4

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M330-2012 That **Report No. 70 of the Environment & Transportation Standing Committee** of its meeting held June 27, 2012 regarding Minutes of the Windsor Bicycling Committee meeting held May 9, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M332-2012 That **Report No. 71 of the Environment & Transportation Standing Committee** of its meeting held June 27, 2012 regarding Minutes of the Windsor-Essex County Environment Committee meeting held March 29, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M333-2012 That **Report No. 72 of the Environment & Transportation Standing Committee** of its meeting held June 27, 2012 regarding Minutes of the Essex-Windsor Solid Waste Authority meeting held March 6, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M334-2012 That **Report No. 33 of the Economic Development Standing Committee** of its meeting held July 4, 2012 regarding Minutes of the Windsor Business Improvement Area Advisory Committee meeting held May 1, 2012 **BE ADOPTED** as presented.

Carried.

MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M335-2012 That **Report No. 34 of the Economic Development Standing Committee** of its meeting held July 4, 2012 regarding Report No. 306 of the Windsor Heritage Committee (Low-Martin House/Devonshire Lodge, 2021 Ontario Street, Amend Designation to Remove Interior Features) **BE ADOPTED** as presented.

Carried.

Report Number 16003 MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M336-2012 That **Report No. 35 of the Economic Development Standing Committee** of its meeting held July 4, 2012 regarding Report No. 307 of the Windsor Heritage Committee (Edith Cavell School, 5955 Ontario Street, Community Heritage Fund for Repointing; Modification to North Entry) **BE ADOPTED** as presented.

Carried.

Report Number 16003 MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M337-2012 That **Report No. 36 of the Economic Development Standing Committee** of its meeting held July 4, 2012 regarding Report No. 308 of the Windsor Heritage Committee (Willistead Manor, 1899 Niagara Street, Amend Heritage Designation) **BE ADOPTED** as presented.

Carried.

Report Number 16000 MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M338-2012 That **Report No. 37 of the Economic Development Standing Committee** of its meeting held July 4, 2012 regarding Report No. 309 of the Windsor Heritage Committee (McDougall Stodgell House, 712 Devonshire Road, Amend Heritage Designation) **BE ADOPTED** as presented with the following **amendment to page 6 of 13**, Section “Exterior features that contribute to the architectural value of the McDougall-Stodgell House include”, first solid bullet, fourth hollow bullet, should read:

- Multi pane (6/1) double hung windows.

Carried.

Report Number 15999 MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M339-2012 That **Report No. 38 of the Economic Development Standing Committee** of its meeting held July 4, 2012 regarding Report No. 310 of the Windsor Heritage Committee (Bedford United Church, 3340 Sandwich Street, Amend Heritage Designation) **BE ADOPTED** as presented.

Carried.

Report Number 15998 MB2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M340-2012 That **Report No. 30 of the Public Safety Standing Committee** of its meeting held July 18, 2012 regarding Report No. 149 of the Windsor Licensing Commission (Taxi Vehicle – Safety Certificates, Age Limited, Insurance) **BE ADOPTED** as presented.

Carried.

Report Number 16044 ACL2012

Moved by Councillor Sleiman, seconded by Councillor Valentinis,
M341-2012 That **Report No. 91 of the Social Development, Health & Culture Standing Committee** of its meeting held July 11, 2012 regarding “ Parkside Tennis – Use of Reserve Funds” **BE ADOPTED** as presented.

Carried.

Report Number 15980 APM2012 2

Adopted by Council at its meeting held July 23, 2012

as presented, on the condition that City of Windsor display tags are provided to the Greater Essex County District School Board for those using the Church Street parking lots, which would be enforced by the Commissionaires, with the Board being responsible for any towing required.

[M317-2012]

/AA

Windsor, Ontario July 23 2012

**REPORT NO. 67 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012**

Present: **Councillor Hatfield, Chair**
 Councillor Halberstadt
 Councillor Payne
 Councillor Sleiman

Regrets: **Councillor Valentinis**

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Sleiman, seconded by Councillor Halberstadt,

THAT CR1377/95 BE WAIVED and that the Parking By-law 9023 **BE AMENDED** as listed and attached in Appendix "A" of this report to reflect that residential permit parking will be in effect for Dougall Avenue from Park Street West to Wyandotte Street West and for Church Street from Park Street West to Wyandotte Street West and further, that the City Solicitor prepare the necessary documents to amend the by-law, and further

Carried.

Clerk's Note: The report authored by the City Engineer dated June 13, 2012 entitled "Residential Permit Parking Petition for Dougall Avenue and Church Street" is *attached as background information.*

Livelihood 15937, ST2012

CHAIRPERSON

DEPUTY CLERK

That Traffic Bylaw 9148 BE AMENDED as adopted by Council
at its meeting held July 23, 2012 by
M318-2012 and M319-2012

/AA
Windsor, Ontario July 23 2012

REPORT NO. 68 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012

Present: Councillor Hatfield, Chair
Councillor Halberstadt
Councillor Payne
Councillor Sleiman

Regrets: Councillor Valentinis

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Payne, seconded by Councillor Sleiman,
THAT Traffic Bylaw 9148 **BE AMENDED** as follows:

“Power Assisted Bicycle (e-bike)” shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, c. H-8, as amended.

“Shared Pathway (multi-use trail, trail)” shall mean a separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles and pedestrians (including skaters). Where such a trail or path forms a part of a highway, it is separated from the roadways for motor vehicle traffic by an open space, rumble strip, or barrier.

Part VII, REGULATIONS RE: BICYCLES

25 (1) No person shall ride a bicycle, with a wheel or wheels more than sixty centimetres (60 cm.) in diameter, or a Power Assisted Bicycle (e-bike) upon a sidewalk.

25 (2) No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E.C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road.)

25(2)Bi Subject to Section 25C., no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule “R” except:

25 (3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail).

THAT, the Use, Regulation, and Protection of Parks By Law 200-2002 **BE AMENDED** as follows:

DEFINITIONS 2.1(t) Vehicle includes a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c.H-8*, as may be amended from time to time, and any bicycle, power

assisted bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh, or other conveyance of like nature

AND

THAT Windsor Police Services **BE ADVISED** of these by law amendments for enforcement as resources allow.

Carried.

Clerk's Note: The report authored by the City Engineer dated May 12, 2012 entitled "By-law Regulations RE: Power Assisted Bicycles (e-bikes)" is *attached* as background information.

Livelihood 15995, ST2012

CHAIRPERSON

DEPUTY CLERK

Adopted by Council at its meeting held July 23, 2012 [M329-2012]

/AA

Windsor, Ontario July 23 2012

REPORT NO. 69 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012

Present: Councillor Hatfield, Chair
Councillor Halberstadt
Councillor Payne
Councillor Sleiman

Regrets: Councillor Valentinis

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Sleiman, seconded by Councillor Payne,

THAT Council **APPROVE** the attached concept plan designed by Parks and Facilities for Walkerville Jubilee Park. (See Appendix A) and;

THAT Council **DIRECT** Parks and Facilities to prepare plans and specifications based on the design in Appendix A, to the satisfaction of the Executive Director of Parks and Facilities and;

THAT Council **DIRECT** Parks and Facilities to construct the improvements as outlined in Appendix A subject to funding being received from Walkerville BIA in the amount of \$15,000 and Ward funds identified in Capital Budget in 2010 Capital Project 7031109-Neighbourhood Park Redevelopment in the amount of \$6,000 and;

THAT Council **ACCEPT** funds for improvements to Walkerville Jubilee Park from the Walkerville BIA in the amount of \$15,000 (see Appendix B) and;

THAT additional funding for park improvements **BE APPROVED** under the 2012 Capital budget line item PFO-014-12 "Partnerships" in the amount of \$21,000. This capital budget item has been created for community initiatives looking for matching dollars.

Carried.

Clerk's Note: The report authored by the Executive Director of Parks and Facilities dated January 23, 2012 entitled "Jubilee Park Improvements" is *attached* as background information.

Livelihood 15734, SR2012

CHAIRPERSON

DEPUTY CLERK

Adopted by Council at its meeting held July 23, 2012 [M330-2012]

/AA

Windsor, Ontario July 23 2012

REPORT NO. 70 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012

Present: **Councillor Hatfield, Chair**
 Councillor Halberstadt
 Councillor Payne
 Councillor Sleiman

Regrets: **Councillor Valentinis**

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Halberstadt, seconded by Councillor Sleiman,
THAT the minutes of the Windsor Bicycling Committee meeting held May 9, 2012 **BE**
RECEIVED for information.
Carried.

Clerk's Note: The minutes of the Windsor Bicycling Committee meeting held May 9, 2012 are
attached as background information.

CHAIRPERSON

DEPUTY CLERK

Adopted by Council at its meeting held July 23, 2012 [M332-2012]

/AA

Windsor, Ontario July 23 2012

REPORT NO. 71 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012

Present: **Councillor Hatfield, Chair**
 Councillor Halberstadt
 Councillor Payne
 Councillor Sleiman

Regrets: **Councillor Valentinis**

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Halberstadt, seconded by Councillor Payne,
THAT the minutes of the Windsor-Essex County Environment Committee meeting held March
29, 2012 **BE RECEIVED** for information.
Carried.

Clerk's Note: The minutes of the Windsor-Essex County Environment Committee meeting held
March 29, 2012 are *attached* as background information.

CHAIRPERSON

DEPUTY CLERK

Adopted by Council at its meeting held July 23, 2012 [M333-2012]

/AA

Windsor, Ontario July 23 2012

**REPORT NO. 72 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012**

Present: **Councillor Hatfield, Chair
Councillor Halberstadt
Councillor Payne
Councillor Sleiman**

Regrets: **Councillor Valentinis**

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Sleiman, seconded by Councillor Halberstadt,
THAT the minutes of the Essex-Windsor Solid Waste Authority meeting held March 6, 2012 **BE RECEIVED** for information.
Carried.

Clerk's Note: The minutes of the Essex-Windsor Solid Waste Authority meeting held March 6, 2012 are *attached* as background information.

CHAIRPERSON

DEPUTY CLERK

**BE RECEIVED for information
as adopted by Council at its meeting held July 23, 2012 [M320-2012]**

/AA

Windsor, Ontario July 23 2012

**REPORT NO. 73 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012**

Present: Councillor Hatfield, Chair
Councillor Halberstadt
Councillor Payne
Councillor Sleiman

Regrets: Councillor Valentinis

That the following recommendations of the Environment and Transportation Standing Committee
BE APPROVED:

Moved by Councillor Payne, seconded by Councillor Sleiman,

THAT the report of the City Engineer dated June 14, 2012 entitled “M122-2011 – Bellagio Street Closure Petition” **BE RECEIVED** for information; and further

THAT Administration **BE DIRECTED** to proceed with the purchase and installation of speed cushions on Bellagio Street, and that Administration provide details as to the cost and where the speed cushions will be installed on the street.

Carried.

Clerk’s Note: The report authored by the City Engineer dated June 14, 2012 entitled “M122-2011 – Bellagio Street Closure Petition” is *attached* as background information.

LIVELINK 15901, ACO/11189

CHAIRPERSON

DEPUTY CLERK

Adopted by Council at its meeting held July 23, 2012 [M334-2012]

/RB

Windsor, Ontario, July 23, 2012

REPORT NO. 33 of the
ECONOMIC DEVELOPMENT
STANDING COMMITTEE
of its meeting held July 4, 2012

Present: **Councillor Dilkens, Chair**
 Councillor Marra
 Councillor Payne
 Councillor Sleiman
 Councillor Valentinis

That the following recommendation of the Economic Development Standing Committee **BE APPROVED** as follows:

Moved by Councillor Payne, seconded by Councillor Sleiman,
THAT the minutes of the Windsor Business Improvement Area Advisory Committee meeting held May 1, 2012 **BE RECEIVED** for information.
Carried.

Clerk's Note: The minutes of the Windsor Business Improvement Area Advisory Committee meeting held May 1, 2012 are attached as background information.

CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held July 23, 2012 [M335-2012]

/RB

Windsor, Ontario, July 23, 2012

REPORT NO. 34 of the
ECONOMIC DEVELOPMENT
STANDING COMMITTEE
of its meeting held July 4, 2012

Present: **Councillor Dilkens, Chair**
 Councillor Marra
 Councillor Payne
 Councillor Sleiman
 Councillor Valentinis

That the following recommendation of the Economic Development Standing Committee
BE APPROVED as follows:

Moved by Councillor Payne, seconded by Councillor Sleiman,
THAT the designation of the Low-Martin House/Devonshire Lodge, 2021 Ontario Street
BE AMENDED to remove the interior features and to maintain the exterior features that
contribute to the architectural, historic and contextual value of the Low Martin house.
Carried.

Clerk's Note: The revised report of the Heritage Planner dated June 20, 2012 entitled "Low-Martin House/Devonshire Lodge, 2021 Ontario Street, Amend Designation to Remove Interior Features" and Report No. 306 of the Windsor Heritage Committee are attached as background information.

Livelinek #16003

CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held July 23, 2012 [M336-2012]

/RB

Windsor, Ontario, July 23, 2012

REPORT NO. 35 of the
ECONOMIC DEVELOPMENT
STANDING COMMITTEE
of its meeting held July 4, 2012

Present:

Councillor Dilkens, Chair
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

That the following recommendation of the Economic Development Standing Committee **BE APPROVED** as follows:

Moved by Councillor Payne, seconded by Councillor Sleiman,

I. That the request by Essex Condominium Corporation 98 for a grant for an upset amount of \$10,845 from the Community Heritage Fund, for repointing of brick and other masonry at Edith Cavell School, 5955 Ontario Street, **BE APPROVED**, provided that funds up to the approved amount will be disbursed when work is complete, according to the submitted design, and work receipts produced. The Chief Building Official and City Planner will determine if work is according to the submitted design, applicable codes and historic standards.

II. That modification of a heritage feature **BE APPROVED**: Remove the awning over the front (north) entryway.

Carried.

Clerk's Note: The report of the Heritage Planner dated June 7, 2012 entitled "Edith Cavell School, 5955 Ontario Street, Community Heritage Fund for Repointing; Modification to North Entry" and Report No. 307 of the Windsor Heritage Committee are attached as background information.

Liveline #16002

CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held July 23, 2012 [M337-2012]

/RB

Windsor, Ontario, July 23, 2012

REPORT NO. 36 of the
ECONOMIC DEVELOPMENT
STANDING COMMITTEE
of its meeting held July 4, 2012

Present:

Councillor Dilkens, Chair
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

That the following recommendation of the Economic Development Standing Committee
BE APPROVED as follows:

Moved by Councillor Payne, seconded by Councillor Sleiman,

THAT the heritage designation by-law for Willistead Manor, and its associated grounds and secondary buildings and structures **BE AMENDED** to include a description of the attached heritage features.

Carried.

Clerk's Note: The report of the Heritage Planner dated June 7, 2012 entitled "Willistead Manor, 1899 Niagara Street, Amend Heritage Designation" and Report No. 308 of the Windsor Heritage Committee are attached as background information.

Liveline #16000

CHAIRPERSON

DEPUTY CITY CLERK

BE ADOPTED as presented **with the following amendment to page 6 of 13.**

Section “Exterior features that contribute to the architectural value of the McDougall-Stodgell House include”, first solid bullet, fourth hollow bullet, should read:

○ Multi pane (6/1) double hung windows

by Council at its meeting held July 23, 2012 [M338-2012]

/RB

Windsor, Ontario, July 23, 2012

REPORT NO. 37 of the
ECONOMIC DEVELOPMENT
STANDING COMMITTEE
of its meeting held July 4, 2012

Present:

Councillor Dilkens, Chair
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

That the following recommendation of the Economic Development Standing Committee **BE APPROVED** as follows:

Moved by Councillor Payne, seconded by Councillor Sleiman,

THAT the heritage designation by-law for the McDougall-Stodgell House, 712 Devonshire Road **BE AMENDED** by changing a general list of heritage features (Appendix A) to a more detail description (Appendix B).

Carried.

Clerk’s Note: The report of the Heritage Planner dated June 7, 2012 entitled “McDougall Stodgell House, 712 Devonshire Road, Amend Heritage Designation” and Report No. 309 of the Windsor Heritage Committee are **attached** as background information.

Livelinek #15999

CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held July 23, 2012 [M339-2012]
/RB
Windsor, Ontario, July 23, 2012

REPORT NO. 38 of the
ECONOMIC DEVELOPMENT
STANDING COMMITTEE
of its meeting held July 4, 2012

Present: **Councillor Dilkens, Chair**
 Councillor Marra
 Councillor Payne
 Councillor Sleiman
 Councillor Valentinis

That the following recommendation of the Economic Development Standing Committee
BE APPROVED as follows:

Moved by Councillor Payne, seconded by Councillor Sleiman,
THAT the heritage designation by-law for the Bedford United Church, 3340 Sandwich
Street **BE AMENDED** by changing a general list of heritage features (Appendix A) to a more
detailed description (Appendix B).
Carried.

Clerk's Note: The report of the Heritage Planner dated May 29, 2012 entitled "Bedford United Church,
3340 Sandwich Street, Amend Heritage Designation" and Report No. 310 of the Windsor Heritage
Committee are **attached** as background information.

Livelinek #15998

CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held July 23, 2012 [M341-2012]

AA/
Windsor, Ontario, July 23, 2012

REPORT NO. 91 of the
**SOCIAL DEVELOPMENT,
HEALTH & CULTURE STANDING COMMITTEE**
of its meeting held July 11, 2012

Present: Councillor Ed Sleiman, Vice Chair
Councillor Percy Hatfield
Councillor Hilary Payne

Regrets: Councillor Ron Jones
Councillor Alan Halberstadt

That the following recommendation of the Social Development, Health and Culture Standing Committee **BE APPROVED** as follows:

Moved by Councillor Hatfield, seconded by Councillor Payne,
THAT City Council **APPROVE** the transfer of capital reserve funds in the amount of \$15,000.00 from the Tennis Facility Jackson Park reserve account #1780 to fund improvements for the Parkside Tennis Club.

Carried.

Clerk's Note: The report authored by the Executive Director of Recreation & Culture dated June 1, 2012 entitled "Parkside Tennis – Use of Reserve Funds" is *attached* as background information.

LIVELINK #15980, APM2012

VICE CHAIRPERSON

DEPUTY CITY CLERK

Adopted by Council at its meeting held July 23, 2012 [M340-2012]

/AA

Windsor, Ontario July 23, 2012

REPORT NO. 30 of the
PUBLIC SAFETY STANDING COMMITTEE
of its meeting held July 18, 2012

Present: **Councillor Dilkens**
 Councillor Gignac
 Councillor Ron Jones, Chair

Absent: **Councillor Payne**

That the following recommendation of the Public Safety Standing Committee
BE APPROVED as follows:

Moved by Councillor Gignac, seconded by Councillor Dilkens

- I.** THAT Public Vehicle Licensing By-Law 137-2007, Schedule 5 **BE AMENDED**
by:
- deleting Section 4.1 (e)
 - deleting Section 14.2
 - deleting Section 14.1 (a) and REPLACING it with the following: “(a) at Vehicle Standards Inspection Lane. The safety standards certificate shall be dated no more than 36 days prior to the date of an inspection.”
 - adding the following definition to Part I: “Vehicle Standards Inspection Lane” means an inspection period, the dates and times as established by the Licence Commissioner, during which inspectors or compliance officers examine vehicles to ensure compliance with this By-Law.”; and further

- II.** THAT Public Vehicle Licensing By-Law 137-2007, Schedule 5 **BE AMENDED**
by deleting:

“14.9 No vehicle more than seven (7) years old shall be used as a taxicab in the City. By example, August 31, 2009 means the model year is 2009. By further example, a current taxicab vehicle that is more than seven (7) years old on August 31, 2009 i.e. 2002 or older taxicabs would have to be taken out of service. (**Added By-law 152-2010 dated September 27, 2010**)”

And replacing it with:

“14.9 No vehicle more than 8 years old shall be used as a taxicab in the City. By example, August 31, 2012 means the model year is 2012. By further example, a current taxicab vehicle that is more than 8 years old on August 31, 2012 i.e. 2004 or older taxicabs would have to be taken out of service.”; and further

THAT plate holders who have replaced 2005 vehicles based on current by-law requirements, specific to Section 14.9 of 137-2007, from January 1, 2012 to June 22, 2012 **BE ALLOWED** 1 extra year on those particular vehicles. By example, if the replacement vehicle was a 2010, that vehicle would not have to come off the road by August 31, 2018 as it would be granted an extension to August 31, 2019 (as long as it meets the vehicle standards of the by-law).

III. THAT, Public Vehicle Licensing By-Law 137-2007, Schedule 5 **BE AMENDED** by deleting:

“17.1 (b) for each taxicab or taxicab wheelchair accessible vehicle, liability coverage in the amount of not less than THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;”

And replacing it with:

“17.1 (b) for each taxicab or taxicab wheelchair accessible vehicle, automobile liability coverage in the amount of not less than TWO MILLION DOLLARS for personal injury or property damage arising out of any one accident or occurrence;”; and further

IV. THAT By-law 79-2012 *attached* as Appendix B **BE ADOPTED** by Council at the time of consideration.

Carried.

Clerk’s Note: Report No. 149 of the Windsor Licensing Commission (Taxi Vehicle – Safety Certificates, Age Limit, Insurance) is attached as background information.

Livelihood #16044

CHAIRPERSON

DEPUTY CITY CLERK

BE ADOPTED AS AMENDED by M323-2012
by Council at its meeting held July 23, 2012
DEFERRED to July 23, 2012 Council meeting
to allow for Windsor Police Services to be in attendance
as adopted by Council at its meeting held July 9, 2012 [M286-2012]
/AA
Windsor, Ontario July 23, 2012

REPORT NO. 70 of the
PLANNING STANDING COMMITTEE
of its meeting held June 11, 2012

Present:

Councillor Bill Marra, Chair
Councillor Joanne Gignac
Councillor Alan Halberstadt
Councillor Percy Hatfield
Councillor Ed Sleiman
Barbara Bjarneson
Cheryl Cross-Leal

Regrets: **Merrill Baker**

That the following recommendations of the Planning Standing Committee **BE APPROVED** as follows:

Moved by Ms. Bjarneson, seconded by Councillor Hatfield

I That the application of 1710675 Ontario Inc. (GIAN Corp.) for approval of a draft plan of condominium for a property legally described as Lots 104 to 108, Plan 1564, City of Windsor at 8650 Wyandotte Street East to permit the conversion of a 3-storey apartment building containing 36 residential dwelling units from rental to condominium status, as shown on the attached Map No. CDM-002/08-2, **BE APPROVED** subject to:

- A. The owner shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. That the draft plan approval shall lapse on July 23, 2015 (3 years from the date of approval);
- C. Existing tenants shall be given a right of first-refusal to purchase the dwelling unit they presently occupy;
- D. In the event that existing tenants do not exercise their option to purchase their dwelling unit, they shall be offered a life time non-transferable lease which shall be registered on title and binding on all subsequent owners. Such lease shall be satisfactory in form and content to the City Solicitor;

- E. The owner shall agree to remedy all site/building defects and deficiencies as contained in the:
1. Building Condition Assessment report prepared by AMEC Earth & Environmental, dated May 20, 2008 with all corrections and improvements to be cleared as completed by a Professional Engineer retained by the owner;
 2. Building Department's Order to Repair dated November 28, 2008, as attached as Appendix „A“ of this report;
 3. Works Department - Engineering and Corporate Projects comments listed in Appendix „A“ of this report;
 4. Works Department – Transportation Planning comments listed in Appendix „A“ of this report;
 5. Work Order issued by the Windsor Fire and Rescue Services on June 21, 2007, identifying Fire Code deficiencies listed in Appendix „A“ of this report;
 6. Diversity and Accessibility Officer - comments listed in Appendix „A“ of this report;

All corrections and improvements shall be to the satisfaction of the Fire Chief, Chief Building Official and the City Engineer and Diversity and Accessibility Officer.

- F. The owner shall agree to remedy all safety and security deficiencies, save and except Recommendation 2, as identified in the report of the Windsor Police Service dated December 30, 2008, attached as Appendix „A“. All corrections and improvements shall be to the satisfaction of the Chief of Police;
- G. The owner shall agree to provide a minimum of 36 on-site parking spaces including 7 designated visitor parking spaces, a minimum of 1 handicap parking space and a bicycle rack facility accommodating a minimum of 3 bicycles. All improvements are to be to the satisfaction of the General Manager of Public Works and Chief Building Official;
- H. The owner agrees to address the requirements and deficiencies identified in the report from the Planning Department's Landscape Architect, dated November 27, 2008, as attached as Appendix „A“, and to submit a photometric plan. The photometric plan will be reviewed in consultation with Windsor Police Services and will be to the satisfaction of both the Landscape Architect and the Director of Planning for Windsor Police Services.

- I. All landscaping improvements will be to the satisfaction of the Planning Department's Landscape Architect and to the satisfaction of the Manager of Development.
- J. The owner shall agree to provide adequate storage space for appropriate and approved garbage, recycling and yard waste containers, in compliance with municipal by-laws to the satisfaction of the Manager of Environmental Services and Chief Building Official.
- K. The owner shall provide a letter of credit/bonding, if required, to the satisfaction of the City Solicitor to guarantee work required under paragraphs A, and E thru J, inclusive.

II That the owner shall submit an application to close the alley at the rear of the property and acquire it in order to provide adequate room for manoeuvring and reconfiguration of parking spaces, to the satisfaction of the General Manager of Public Works, Manager of Development, and Chief Building Official;

III That the owner shall remove the row of parking spaces encroaching on the Isack Drive right-of-way and submit an application to enter into an Encroachment Agreement with the City in order to provide adequate room for reconfiguration of the existing parking spaces on the west side of the building and on the Wyandotte Street East right-of-way, to the satisfaction of the General Manager of Public Works, Manager of Development, and Chief Building Official;

IV Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in „1. Recommendations I, II and III“ of this report, have been completed to the satisfaction of the respective departments and an amended Condominium Agreement has been registered against the subject lands.

Carried.

Clerk's Note: The report authored by the City Planner dated May 25, 2012 entitled "1710675 Ontario Inc. (GIAN Corp.) 8650 Wyandotte Street" are **attached** as background information.

Livelihood # 15967, ZP/11332

CHAIRPERSON

DEPUTY CITY CLERK