

Tuesday, June 07, 2016
6:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 10 - Councillor Borrelli
Ward 3 - Councillor Bortolin
Ward 2 - Councillor Elliott
Ward 1 - Councillor Francis
Ward 6 - Councillor Gignac
Ward 4 - Councillor Holt
Ward 7 - Councillor Kusmierczyk
Ward 8 - Councillor Marra
Ward 9 - Councillor Payne
Ward 5 - Councillor Sleiman

1. ORDER OF BUSINESS

2. CALL TO ORDER - Playing of the National Anthem & Moment of Silent Reflection

Following the playing of the Canadian National Anthem and a moment of silent reflection, the Mayor calls the meeting to order at 6:08 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Marra discloses an interest and abstains from voting on Item No. 8.22 being the report of the City Planner regarding "Request by Roman Lys (applicant) to close the north/south alley east of Buckingham Drive, north of Adstoll Avenue", due to his residence being in close proximity to the alley referred to in the report.

Councillor Payne discloses an interest and abstains from voting on Item No. 10.1 being the report of the City Planner regarding "Abar's Island View Hotel, 7880 Riverside Drive East, Request for Demolition", due to his involvement in the BUHDAG application to quash certain bylaws.

4. ADOPTION OF THE MINUTES

4.1. Minutes of the Windsor City Council meeting held May 16, 2016

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

That the Minutes of the regular meeting of Council held May 16, 2016 **BE ADOPTED** as presented.
Carried.

4.2. Minutes of the Special Meeting of Windsor City Council held May 30, 2016

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

That the Minutes of the Special Meeting of Council held May 30, 2016 **BE ADOPTED** as presented.
Carried.

5. Dads Matter Month June 2016

Dads Matter Month June 2016

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Elliott
Seconded by: Councillor Francis

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, referrals and/or withdrawals 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 June 7, 2016; and
- (g) consideration of by-laws 77-2016 through 80-2016 (inclusive).

Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence - June 7, 2016

Moved by: Councillor Gignac
 Seconded by: Councillor Holt

Decision Number: CR352/2016

That the following Communication Items 7.1.1 to 7.1.11 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Ministry of Energy	Request for submissions regarding the next Long-Term Energy Plan. City Engineer Note & File GP2016
7.1.2	Minister of Municipal Affairs & Housing	Request for input regarding Inclusionary Zoning in regards to the Long-Term Affordable Housing Strategy Update. City Planner Executive Director, Housing & Children's Services Note & File GH/6905
7.1.3	Ministry of the Environment & Climate Change	Environmental Compliance Approval for sanitary sewers to be constructed on County Road 42. Note & File SW2016
7.1.4	Ministry of the Environment & Climate Change	Environmental Compliance Approval for sanitary and storm sewers to be constructed on St. John Street. Note & File SW/12559
7.1.5	Environment & Land Tribunals – Ontario Municipal Board	Notice of Hearing regarding 395 Neal Blvd. City Planner City Solicitor Note & File ZC2016
7.1.6	Ontario Municipal Board	Decision regarding Land Compensation for lands located between Riverside Drive and University Avenue. City Planner City Solicitor Note & File ZB/3520

Minutes

City Council

Tuesday, June 07, 2016

Page 4 of 29

7.1.7	Manager of Urban Design	Application of Southwood Community Church for Site Plan Approval to permit an addition to the Church at 2001 Spring Garden Road. Note & File ZS/12567
7.1.8	Manager of Urban Design	Application of Cavalier Tool Mfg. Ltd. for Site Plan Approval to permit an addition at 3450 Wheelton. Note & File ZS/12074
7.1.9	Manager of Urban Design	Application of Windsor Poirier Inc. c/o Poirier Electric for Site Plan Approval to permit a Wendy's at Tecumseh & Ouellette Avenue 55 Tecumseh Road West. Note & File ZS/12577
7.1.10	Secretary/Treasurer, Committee of Adjustment	Committee of Adjustment Agenda for meeting to be held Thursday, June 16, 2016. Note & File ZC2016
7.1.11	Office of the Mayor, City of Windsor	Letter to Minister of the Environment & Climate Change regarding the Windsor Hum. Note & File EI2016

Carried.

8. CONSENT AGENDA

8.1. RFP 66-16 - IMPROVEMENT OF EXISTING SANITARY SEWERS – OJIBWAY

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR353/2016

I. THAT the following successful proponent **BE ACCEPTED**:

PROPONENT: LIQUI-FORCE SERVICES (ONTARIO) INC.
RFP NO.: 66-16
TOTAL FIXED ALL INCLUSIVE LUMP SUM PRICE: \$989,500.00 (plus non recoverable HST)
ACCOUNT CHARGED: 007-5410-9998-02942-7141018

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

Carried.

8.2. Awarding the Equipment, Construction, and Installation of Combined Heat and Power Systems at WFCU Centre and Huron Lodge LTC Facility Wards 1 and 7

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR354/2016

That consistent with the provisions contained within RFPs #168-15 and #169-15, and in accordance with Purchasing Bylaw 93-2012 and amendments thereto, the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to execute and sign agreements with GAL Power Systems Toronto Ltd. for a 400 kW generator set at Huron Lodge Long Term Care Facility, for a total cost not to exceed \$1,116,082 (exclusive of HST), and Total Power Ltd. for a 800 kW generator set at WFCU Centre, for a total cost not to exceed \$1,274,000 (exclusive of HST); subject to approval in legal content to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the Senior Manager of Asset Planning; and

That consistent with the provisions contained in tender #100-16 and in accordance with Purchasing Bylaw 93-2012 and amendments thereto, the tender submitted by Vollmer Inc., for the construction / installation of a CHP system at both the WFCU Centre and Huron Lodge LTC Facility **BE ACCEPTED**, and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute and sign a contract for a total cost not to exceed \$1,422,000 (exclusive of HST), with Vollmer Inc. satisfactory in technical content to the Senior Manager of Asset Planning, in financial content to the Chief Financial Officer / City Treasurer, and in legal content to the City Solicitor; and

That consistent with CR 51/2015 and CR144/2015, Council **APPROVE** the total net expenditure of \$3,348,332 (exclusive of HST) for the purchase and installation of the two CHP systems to be funded by a portion of the project savings estimated to be \$631,000 annually; and

THAT Council **APPROVE** the establishment of a capital reserve fund dedicated to the minor and major overhauls of the CHP systems for the WFCU Centre and Huron Lodge funded by an annual transfer from operating budget savings in the amount of \$60,000 and \$30,000 respectively; and

That Council **APPROVE** the establishment of a capital improvement reserve fund for the WFCU Centre funded by an annual transfer from operating budget savings in amount of \$50,000; and

That Council **DIRECT** Administration to report back annually as to the ongoing financial and operational progress of the two CHP systems; and

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign, as may be required, agreements and contracts with Provincial Governments and its affiliated agencies as well as EnWin Utilities; such documents to be satisfactory in form to the City Solicitor; in technical content to the Senior Manager of Asset Planning; and in financial content to the Chief Financial Officer and City Treasurer.

Carried.

Report Number: C 83/2016
Clerk's File: APM/12308 8.2

8.3. WFCU Centre Spectator Arena LED Lighting Conversion - Awarding of RFP #80-16 Ward 7

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR355/2016

That consistent with the provisions contained in RFP #80-16 and in accordance with the Purchasing By-law 93-2012 and amendments hereto, the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to execute an agreement with Dynamic Energy Services Inc. to provide the complete design, supply, and installation of television broadcast quality LED lighting solution in the main 6500 seat spectator arena of the WFCU Centre at a total cost not to exceed \$366,000 (exclusive of HST) subject to approval in legal content to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Senior Manager of Asset Planning; and

That Council **APPROVE** the net project cost in the amount of \$238,967 to be funded by an annual transfer from the WFCU Centre operating budget from the annual savings estimated to be \$32,593.
Carried.

Report Number: S 95/2016
Clerk's File: SR/12127 8.3

8.4. Interim Control By-law Exemption-Parking Area for 3141 Sandwich Street

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR356/2016

That an exemption from the Interim Control By-law 126-2015, **BE GRANTED** to Assisted Living Southwestern Ontario located at 3141 Sandwich Street to alter and provide additional parking to the existing parking area, on condition that the Sandwich Heritage Conservation District Plan policies and Olde Sandwich Towne Community Improvement Plan, and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines be incorporated into this development.

Carried.

Report Number: C 103/2016
Clerk's File: ACO2016 8.4

8.5. Windsor Public Library Postage Meter Rental and Corporate Leasing Policy Amendment-City Wide

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR357/2016

That the Windsor Public Library **BE AUTHORIZED** to enter into a 60 month postage meter rental with Francotyp-Postalia Canada Inc. through Kelcom operating as Windsor Copier Inc. for a total of \$1,800 plus taxes, in accordance with the City's Purchasing Bylaw and as approved by the Chairman of the Windsor Public Library Board; and

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

That the City's Corporate Leasing Policy **BE AMENDED** to exempt office equipment rentals and leases considered to be financially immaterial, which may include certain mailing equipment, postage meter rentals, fax machines, and individual photocopier leases (CR218/2015), from the requirement to be reported to and approved by Council, as long as such procurement adheres to the City's Purchasing Bylaw, is submitted to the Office of the City Treasurer for review and approval prior to procurement, and provided that sufficient funding is available and provided within the respective budget(s) as approved by City Council.

Carried.

Report Number: C 106/2016
Clerk's File: AE2016 8.5

8.6. Utility Cut Restoration - Concrete & Catchbasin Repairs - Tender No. 30-16 - City Wide

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR358/2016

I. THAT Council **ACCEPT** the following tenders for the Utility Cut Restoration – Concrete & Catchbasin Repairs, of the three (3) lowest prequalified bidders as per Tender No. 30-16; and

Minutes

City Council

Tuesday, June 07, 2016

Page 8 of 29

	Tenderer	Total Tendered Price (Excluding HST)
1.	Nasci Trucking Ltd./ Nasci Construction Services Ltd. 5140 Dumouchelle Street Windsor, Ontario	\$565,605.00
2.	Pierascenzi Construction Limited 7405 Broderick Road Lasalle, Ontario, N9H 1W7	\$591,125.00
3.	Giorgi Bros (1994) Inc. 2751 Temple Drive Windsor, Ontario, N8W 5E5	\$615,775.00

II. That the Purchasing Manager **BE AUTHORIZED** to issue a contract purchase order to each contractor listed above, for the provision of concrete and catchbasin repairs, to the upset limits stated above (excluding HST), satisfactory in financial content to the City Treasurer, and in technical content to the City Engineer.

Carried.

Report Number: C 94/2016

Clerk's File: SR2016 8.6

8.7. Replacement of Turner Road at Grand Marais Drain Culvert - Tender No. 5-16 - Ward 10

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR359/2016

I. THAT **APPROVAL BE GIVEN** to undertake an expenditure of \$970,948 (Excluding HST), \$988,036.69 including non-refundable HST, for the replacement of Turner Road Bridge with \$500,000 funded from the 2014 Bridge Rehabilitation Program 7141047, \$333,036.69 funded from the 2016 Bridge Rehabilitation Program 7161028, and \$155,000.00 funded from the Grand Marais Drain Project 7082003.

II. THAT **APPROVAL BE GIVEN** to transfer \$500,000.00 from Project ID 7141047 and to transfer \$155,000.00 from the Grand Marais Drain Project Project ID 7082003 into the 2016 Bridge Rehabilitation Program Project ID 7161028 to fund Tender 5-16.

Carried.

Report Number: C 98/2016

Clerk's File: SW/12573 8.7

8.8. Fairbairn Cemetery - City Wide

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR360/2016

That the Parks Department **EXERCISE** option c) as previously reported to Council in report #17861, that:

“the Parks Department manage this cemetery and arrange for the maintenance of the cemetery to be conducted by a third party contractor, all in accordance with the provisions of the Purchasing By-law”;
and further,

That the quote as submitted by Canadian Funeral & Cemetery Supply **BE ACCEPTED** for maintaining the grounds and providing customer service in terms of point of contact regarding burials, opening and closing of graves, receive documentation at the Fairbairn cemetery on the day of service; and further,

That the CAO and City Clerk **BE AUTHORIZED** to sign an agreement satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks, and in financial content to the City Treasurer.

Carried.

Report Number: C 108/2016
Clerk's File: APM/12574 8.8

8.9. Minutes of the Executive Committee and Board of Directors, Willistead Manor, Inc. held April 14, 2016

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR361/2016 SDHC 393

That the minutes of the Executive Committee and Board of Directors, Willistead Manor, Inc. meeting held April 14, 2016 **BE RECEIVED** for information.

Carried.

Report Number: SCM 57/2016
Clerk's File: MB2016 8.9

8.10. Healthy Kids Community Challenge Update

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR362/2016 SDHC 392

THAT the report of the Manager of Social Policy and Planning **BE RECEIVED** for information; and further,

THAT the Manager of Social Policy and Planning **BE AUTHORIZED**, throughout the duration of the Healthy Kids Community Challenge and any subsequent extensions, to take such actions required to implement, operationalize and manage the program and projects as approved through the appropriate governance structure and satisfactory to the Commissioner of Community Development and Health Services; and further;

THAT the Manager of Social Policy and Planning **BE AUTHORIZED** to allocate funds in the approved budget between different program components and program recipients, agencies and organizations to ensure compliance with program rules and criteria and/or to enable full take-up of program funds; and further;

THAT the Community Development and Health Commissioner or her authorized designate **BE AUTHORIZED** to develop, execute, sign, amend, and terminate necessary program agreements and documents provided they comply with the governing program requirements and are in a form satisfactory to the City Solicitor, and satisfactory in financial content to the City Treasurer ;and further;

THAT the Community Development and Health Commissioner or her authorized designate **BE AUTHORIZED** to acquire resources and partners to deliver the Healthy Kids Community Challenge, at a cost not to exceed the provincial funds provided by the Ministry of Health and Long Term Care and third parties.

Carried.

Report Number: S 66/2016
Clerk's File: SS/11852 8.10

8.11. Report No. 97 of the Board of Directors, Willistead Manor Inc. of the meeting held April 14, 2016 (Annual Report Financials)

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR363/2016 SDHC 394

That Report No. 97 of the Board of Directors, Willistead Manor Inc. of the meeting held April 14, 2016 regarding Annual Report Financials **BE APPROVED** as presented.

Carried.

Report Number: SCM 58/2016
Clerk's File: MB2016 8.11

Minutes

City Council

Tuesday, June 07, 2016

Page 11 of 29

8.12. Windsor Accessibility Advisory Committee - Report No. 107 - Request for funding for the purchase of a Hoyer Power Advance Power Lift at the Windsor International Aquatic Training Centre

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR364/2016 SDHC 397

That Report No. 107 of the Windsor Accessibility Advisory Committee of the meeting held March 29, 2016 regarding a request for funding for the purchase of a Hoyer Power Advance Power Lift at the Windsor International Aquatic Training Centre **BE APPROVED** as presented.

Carried.

Report Number: SCM 53/2016

Clerk's File: MB2016 8.12

8.13. Windsor Accessibility Advisory Committee Report No 108 (washroom improvements to Jackson Park location)

CR365/2016 AMENDED BY CAO3594 APPROVED JULY 18, 2016

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR365/2016 SDHC 398

That Report No. 108 of the Windsor Accessibility Advisory Committee of the meeting held March 29, 2016 regarding washroom improvements to Jackson Park location **BE APPROVED** as presented.

Carried.

Report Number: SCM 54/2016

Clerk's File: MB2016 8.13

8.14. Minutes of the Committee of Management for Huron Lodge Long Term Care Home meeting held March 4, 2016

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR366/2016 SDHC 400

That the minutes of the Committee of Management for Huron Lodge Long Term Care Home meeting of March 4, 2016 **BE RECEIVED** as presented.

Carried.

Report Number: SCM 56/2016

Clerk's File: MB2016 8.14

8.15. Update on Round 1 of Arts Culture and Heritage Funding City Wide in 2016

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR367/2016 SDHC 401

THAT the report from the Manager of Cultural Affairs regarding the update on the Round 1 of funding of the Arts, Culture and Heritage Fund in 2016 **BE RECEIVED**.

Carried.

Report Number: S 87/2016
Clerk's File: SR2016 8.15

8.16. Update on the Windsor Essex Local Immigration Partnership- City Wide

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR368/2016 SDHC 402

THAT the report of the Community Development and Health Commissioner dated April 13, 2016 entitled "Update on the Windsor Essex Local Immigration Partnership—city wide" **BE ACCEPTED** by the Standing Committee for Social Development, Health and Culture for information.

Carried.

Report Number: S 86/2016
Clerk's File: SS/10673 8.16

8.17. Windsor Accessibility Advisory Committee Report No. 106 - Funding request accessible service counter at Reaume Park

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR369/2016 SDHC 396

That Report No. 106 of the Windsor Accessibility Advisory Committee of the meeting held March 29, 2016 regarding funding request for accessible service counter at Reaume Park **BE APPROVED** as presented.

Carried.

Report Number: SCM 52/2016
Clerk's File: MB2016 8.17

8.18. Report No. 98 of the Board of Directors, Willistead Manor Inc. of its meeting held April 14, 2016 (Resignation of board member)

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR370/2016 SDHC 395

That Report No. 98 of the Board of Directors, Willistead Manor Inc. of the meeting held April 14, 2016 regarding Resignation of Board Member **BE APPROVED** as presented.

Carried.

Report Number: SCM 59/2016
Clerk's File: MB2016 8.18

8.19. Request to close part of Belleview Avenue, south of Wyandotte Street East- KEK Investments Inc. - 3255 Wyandotte Street East- SAS/4627; Ward 5

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR371/2016 PHED 377

- I. That the 15.2 metre (50 ft) wide Belleview Avenue right-of-way south of Wyandotte Street East, abutting 825 Belleview Avenue, 3191 Wyandotte Street East and 3255 Wyandotte Street East, shown as PART1 & PART 2 on Drawing No. CC-1688 attached hereto as Appendix "A", **BE CLOSED AND CONVEYED** to KEK Investments Inc subject to the following:
 - i. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - A. Bell Canada, Enwin Utilities Ltd (Hydro), The Windsor Utilities Commission (Water) and Union Gas Ltd.
- II. That the remnant 3.289 metre (10 ft) wide north/south alley south of Wyandotte Street East, with three sides abutting 3255 Wyandotte Street East, shown as PART 3 on Drawing No. CC-1688 attached hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- III. That the remnant 3.289 metre (10 ft) wide north/south alley south of Wyandotte Street East, with three sides abutting 3255 Wyandotte Street East, shown as PART 3 on Drawing No. CC-1688 attached hereto as Appendix "A", **BE CLOSED AND CONVEYED** to KEK Investments Inc.;
- IV. THAT Conveyance Cost **BE SET** as follows:

Minutes

City Council

Tuesday, June 07, 2016

Page 14 of 29

- For lands abutting properties zoned MD1.2- \$2.50 per square foot without easements and \$1.25 per square foot with easements plus deed preparation costs and survey costs.
- V. THAT an easement for the sewer in the closed Belleview Avenue right of way **BE RESERVED** in favour of The Corporation of the City of Windsor.
- VI. THAT the applicant **BE REQUESTED** to submit an application to amend the approved site plan (SPC-032-15) attached hereto as Appendix "B" so as to address driveway access and sidewalk requirements resulting from the above closures, to the satisfaction of the City Engineer.
- VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1688, attached hereto as Appendix "A".
- VIII. THAT The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice.
- IX. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- X. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- XI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Appendices

Drawing No. CC-1688

Site Plan SPC-032-15

Report Number: S 82/2016

Clerk's File: ZS/12365 8.19

8.20. ZNG/4634 Z-004/16 Rezoning Application 3021 Walker Road – Brisson Sales Inc Requesting a site specific provision to permit a retail store - Ward 10

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR372/2016 PHED 374

- I. That an amendment to Zoning By-law 8600 **BE APPROVED**, amending the zoning for Part of Lot 31, Plan 868, (Part 2, Plan 12R-5650), City of Windsor, (Municipally known as 3021 Walker Road) from Residential District (RD) 3.1 and Residential District (RD) 2.2 to (Holding) Residential District (H)RD 3.1 with special provisions to add the following permitted use:

"A Retail Store within the existing main building."

Minutes

City Council

Tuesday, June 07, 2016

Page 15 of 29

- II. That the minimum lot frontage, maximum building height, minimum front yard, rear yard and side yard widths shall be as existing;
- III. That a change of use to permit retail use of the main building be a development for site plan control purposes;
- IV. That the Hold symbol **BE REMOVED** from the site when the following requirements are met:
 - i.) The applicant applies to remove the hold provision;
 - ii.) A site plan agreement is registered on the title of the property,
- V. That the Planning Department **UNDERTAKE** a land use study for the Walker Road Corridor between the E.C. Row Expressway and Grand Marais Road East, with the goal to determine if the current land use designations and zoning categories are appropriate for the area.

Carried.

Report Number: S 88/2016
Clerk's File: ZB/12456 8.20

8.21. Economic Revitalization Community Improvement Plan (CIP) Application made by Cavalier Tool & Manufacturing Ltd for 3450 Wheelton Drive (Ward 9)

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR373/2016 PHED 378

That the request made by Cavalier Tool and Manufacturing Limited to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development located at 3450 Wheelton Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and

That, Administration **BE DIRECTED** to prepare an agreement between the City and Cavalier Tool and Manufacturing Limited to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner as to technical content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

That, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement.

Carried.

Report Number: S 85/2016
Clerk's File: SPL/10759 8.21

8.23. Minutes of the International Relations Committee meeting held April 7, 2016

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR375/2016 PHED 380

That the minutes of the International Relations Committee of its meeting held April 7, 2016
BE RECEIVED for information.

Carried.

Report Number: SCM 65/2016
Clerk's File: MB2016 8.23

8.24. Minutes of the Windsor BIA Advisory Committee of its meeting held March 3, 2016

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR376/2016 PHED 381

That the minutes of the Windsor BIA Advisory Committee of its meeting held March 3, 2016
BE RECEIVED for information.

Carried.

Report Number: SCM 64/2016
Clerk's File: MB2016 8.24

11.1. Request for temporary relief of By-law 6356--A By-law to Regulate the Use of Archery Ranges and the Discharge of Arrows from any Class of Bows

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: CR378/2016

That City Council **APPROVE** the request of the 2016 Canadian Outdoor Archery Championship Organizing Committee for temporary relief of By-law 6356 regarding the discharge of firearms within the City of Windsor from Friday July 29, 2016 to Monday, August 1, 2016, subject to the applicant selecting a responsible person in charge (commonly referred to as a "Range Safety Officer") to inspect equipment and that the ranges are cleared of persons and obstruction prior to the archery activities.

Carried.

Report Number: C 115/2016
Clerk's File: AB2016 11.1

9. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

10. PRESENTATIONS AND DELEGATIONS (5 Minute maximum per delegate)

8.22. Request by Roman Lys (applicant) to close the north/south alley east of Buckingham Drive, north of Adstoll Avenue; SAA/4616; Ward No. 8

Request by Roman Lys (applicant) to close the north/south alley east of Buckingham Drive, north of Adstoll Avenue (S 83/2016)

Roman Lys, applicant

Roman Lys, applicant, appears before Council expressing concern regarding the recommendation of the administrative report pertaining to his request to close the north/south alley east of Buckingham Drive, north of Adstoll Avenue, suggesting that as a compromise, he be granted permission to install a gate inside the alley at his property line, unlocked so it would be easy to open from both directions for sewer cleaning purposes if needed, so that it would deter vandals and loiterers from using the alley in a negative manner.

Moved by: Councillor Francis

Seconded by: Councillor Kusmierczyk

Decision Number: CR374/2016 PHED 379

That the request to close the 4.267 meters (14.0 feet) wide north/south alley east of Buckingham Drive, north of Adstoll Avenue, as shown on Drawing No. CC-1686 (attached hereto as Appendix 'A'), **BE DENIED** for the following reason:

- To ensure that the subject alley remains accessible for maintenance and servicing of the existing municipal sewer running through the entire length of the subject alley;

and further,

That the encroachment fee **BE WAIVED** to allow for an unlocked gate to be installed at the owner's expense (Roman Lys), inside the north/south alley east of Buckingham Drive, at the north limit of Adstoll Avenue right-of-way, to allow for sewer cleaning purposes if needed.

Carried.

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

Appendices

Drawing No. CC-1686

Report Number: S 83/2016
Clerk's File: SAA2016 8.22

Minutes

City Council

Tuesday, June 07, 2016

Page 18 of 29

10.1. Abar's Island View Hotel, 7880 Riverside Drive East - Request for Demolition (Ward 6)

Abar's Island View Hotel, 7880 Riverside Drive East - Request for Demolition

Darren Thorne, Ward 4 Resident

Darren Thorne, Ward 4 Resident, appears before Council in favour of the recommendation of the Planning, Heritage and Economic Development Standing Committee to authorize the Clerk to issue a Notice of Intention to Designate Abar's Island View Tavern, 7880 Riverside Drive East, and concludes by providing details about the property including some history as well as potential ideas for the long term use of this subject property.

Michael Samhat, Todd White, Jason Crawford, and Daniel Onifer representing Crown Enterprises Inc.

Michael Samhat, Todd White, Jason Crawford, and Daniel Onifer, representing Crown Enterprises Inc., appear before Council to speak in support of allowing demolition of Abar's Island View Hotel, 7880 Riverside Drive East, providing a current state of the existing property, and proposed property enhancements that would benefit the citizens of Windsor.

Moved by: Councillor Holt

Seconded by: Councillor Francis

THAT the Clerk **BE AUTHORIZED** to issue a Notice of Intention to Designate Abar's Island View Tavern, 7880 Riverside Drive East.

The motion is **put** and is **lost**.

Aye Votes: Councillors Holt and Francis

Nay Votes: Councillors Gignac, Borrelli, Bortolin, Elliott, Kusmierczyk, Marra and Sleiman

Abstain: Councillor Payne

Absent: None

Moved by: Councillor Gignac

Seconded by: Councillor Kusmierczyk

Decision Number: CR377/2016

- I. THAT City Council **RECEIVE** this report for information, thus allowing demolition of Abar's Island View Hotel, 7880 Riverside Drive East, a property listed on the Windsor Municipal Heritage Register subject to:

Minutes

City Council

Tuesday, June 07, 2016

Page 19 of 29

- a) A site plan **BE SUBMITTED** to ensure that the Riverside Drive Vista project requirements move forward in a timely manner;
- b) THAT Administration **BE ALLOWED** to enter the building and retrieve any artifact(s) commemorating the building which would be deemed appropriate for inclusion in the museum, without disrupting the proposed demolition schedule;
- c) That the property owner **AGREE** to install a commemorative plaque stating the significance of the property/building; and
- d) That administration **RECEIVE ACKNOWLEDGEMENT** that the demolition will take place expediently (in the form of letter of credit or any kind of form of security agreeable between the parties in terms of the completion of the proposed enhancements such as the fencing and the plaque).

Carried.

Councillors Francis and Holt voting nay.

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

Report Number: S 84/2016
Clerk's File: MB2016 10.1

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

12. CONSIDERATION OF COMMITTEE REPORTS

Moved by: Councillor Borrelli

Seconded by: Councillor Bortolin

Decision Number: CR379/2016

That the **Report of the special In-camera** meeting held June 7, 2016 **BE ADOPTED** as presented.

Carried.

ACO2016

Moved by: Councillor Borrelli

Seconded by: Councillor Bortolin

Decision Number: CR380/2016

That the **Report of the Striking Committee** meeting held June 7, 2016 **BE ADOPTED** as presented.

Carried.

ACO2016

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Elliott
Seconded by: Councillor Francis

That the following By-laws No. 77-2016 through 80-2016 (inclusive) be introduced and read a first and second time:

77-2016 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 12M-608, IN THE CITY OF WINDSOR", authorized by By-Law 139-2013, passed August 26, 2013

78-2016 " A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"", (See Item 8.20)

79-2016 "A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 867, IN THE CITY OF WINDSOR", authorized by By-Law 139-2013, passed August 26, 2013

80-2016 "A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SEVENTH DAY OF JUNE, 2016
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Gignac
Seconded by: Councillor Holt

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 presented)**
- 2 Consent Agenda (as amended)**
- 3 Items Deferred**
Items Referred
- 4 Consideration of the Balance of Business Items**
- 5 Committee Reports (as presented)**
- 6 By-laws given first and second readings (as presented).**

Carried.

15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

That the following By-laws No. 77-2016 through 80-2016 (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.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. CQ22-2016 Free Admission to Windsor Museums

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

Decision Number: CR381/2016

Assigned to Community Development & Health Commissioner

That the following Council Question by Councillor Borrelli **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:

CQ22-2016 Asks in view of the importance of local education, family cultural experience enhancement and Windsor's tourism initiative, it is being asked that the viability of a "free admission day" be normalized into the weekly schedules of Windsor museums and that this be brought forth during budget deliberations.

Carried.

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

18.2. CQ 23-2016 Use of drones in public parks

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

Decision Number: CR382/2016
Assigned to City Solicitor

That the following Council Question by Councillor Kusmierczyk **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:

CQ23-2016 Asks that Administration report back on what regulations – if any – exist relating to the use of aerial drones in public parks, and I would like that report to include best practises from other municipalities as well as a recommendation for the City of Windsor.

Carried.

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

SR2016 18.2

18.3. CQ 24-2016 Road Quality and Performance

Moved by: Councillor Borrelli
Seconded by: Councillor Bortolin

Decision Number: CR383/2016
Assigned to City Engineer

That the following Council Question by Councillor Kusmierczyk **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:

CQ24-2016 Asks due to the fact that Dr. Simon Hesp, Professor of Asphalt Science and Engineering at Queen's University met with our City Engineer and staff last week to discuss best practices related to road quality and performance:

- a. I request that Administration provide a report back to Council on that meeting including the take-aways.
- b. I would also like the report to discuss Refined Engine Oil Bottoms or REOB for short – this is asphalt that contains additives such as motor oil – and for Reclaimed Asphalt Pavement.

Minutes

City Council

Tuesday, June 07, 2016

Page 23 of 29

- i. A growing number of cities across Ontario – including Toronto – are banning the use of additives such as motor oil and REOB from their road construction.
- ii. The City of Windsor has no regulations on motor oil and REOB – what is our position both present and future on the use of additives or REOB?
- iii. To provide an update on the role our staff has played both locally and provincially in reviewing asphalt specifications and best practises including the Ontario Hot Mix Producers Association – Asphalt Pavement Task Force and the Ontario Provincial Standard Specification (OPSS) Planning Committee.

Carried.

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

SW2016 18.3

18.4. CQ 25-2016 Quality Assurance for road construction

Moved by: Councillor Borrelli

Seconded by: Councillor Bortolin

Decision Number: CR384/2016

Assigned to City Engineer

That the following Council Question by Councillor Kusmierczyk **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:

CQ25-2016 Asks on the issue of roads, I would like Administration to report back on best practices for spending on Quality Assurance for road construction:

- a. What percent of our road budget we currently spend on Quality Assurance?
- b. What does Administration recommend as a target for spending on Quality Assurance for the City of Windsor?

Carried.

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

SW2016 18.4

21. ADJOURNMENT

Moved by: Councillor Elliott
Seconded by: Councillor Francis

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Carried.

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

Accordingly, the meeting is adjourned at 7:50 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held June 7, 2016 [CR379/2016]
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
June 7, 2016

Meeting called to order at: 5:15 p.m.

Members in Attendance:

Mayor D. Dilkens
Councillor F. Francis
Councillor J. Elliott
Councillor C. Holt
Councillor R. Bortolin
Councillor B. Marra
Councillor J. Gignac
Councillor P. Borrelli
Councillor H. Payne
Councillor E. Sleiman
Councillor I. Kusmierczyk

Also in attendance:

O. Colucci, Chief Administrative Officer
J. Payne, Community Development and Health Commissioner and
Corporate Leader Social Development, Health, Recreation and Culture
M. Winterton, City Engineer and Corporate Leader Environmental Protection and
Transportation
S. Vlachodimos, Deputy Clerk and Senior Manager of Council Services
J. Mancina, Chief Financial Officer/City Treasurer and Corporate Leader
Finance and Technology
S. Askin-Hager, City Solicitor and Corporate Leader Economic
Development and Public Safety
C. Brown, CEO for YQG and WDTTC/Corporate Leader of Transportation
Services
F. Scarfone, Manager of Real Estate Services (Item 1)

**Verbal Motion is presented by Councillor Francis, seconded by Councillor Elliott,
that Rule 3.3 (c) of the *Procedure By-law, 98-2011*, BE WAIVED to add the following Agenda
items:**

- 2. Legal matter – litigation update**
- 3. Legal matter - litigation**

Minutes

City Council

Tuesday, June 07, 2016

Page 26 of 29

Motion Carried.

Verbal Motion is presented by Councillor Gignac, seconded by Councillor Francis, to move in Camera for discussion of the following item(s), as amended:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Property matter – sale of land	2 3 9 (2) (c)
2.	Legal matter – litigation update – verbal report – ADDED	2 3 9 (2) (e)
3.	Legal matter – litigation – verbal report – ADDED	2 3 9 (2) (e)

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Sleiman declares a conflict and abstains from voting on Item 1 as his brother is involved with the sale of this land.

Councillors Bortolin, Marra and Elliott all disclose an interest and abstain from voting on Item 2 as they have been involved with entities that have participated in charitable gaming.

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

Councillor Sleiman leaves the meeting at 5:18 p.m. and returns at 5:25 p.m.

Councillors Bortolin, Marra and Elliott leave the meeting at 5:47 p.m. and return at 5:55 p.m.

Verbal Motion is presented by Councillor Francis, seconded by Councillor Payne, to move back into public session.

Motion Carried.

Minutes

City Council

Tuesday, June 07, 2016

Page 27 of 29

**Moved by Councillor Gignac, seconded by Councillor Francis,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held June 7, 2016 directly to Council for consideration at the next Regular Meeting.**

1. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – sale of land **BE APPROVED.**

2. That the verbal report from the City Solicitor and Corporate Leader Economic Development and Public Safety respecting a legal matter – litigation update **BE RECEIVED** and further that the City Solicitor **BE AUTHORIZED** to proceed on the verbal direction of Council.

3. That the verbal report from the City Solicitor and Corporate Leader Economic Development and Public Safety respecting a legal matter – litigation **BE RECEIVED FOR INFORMATION.**

Motion Carried.

**Moved by Councillor Gignac, seconded by Councillor Francis,
That the special meeting of council held June 7, 2016 BE ADJOURNED.**

(Time: 5:56 p.m.)

Motion Carried.

Adopted by Council at its meeting held June 7, 2016 [CR380/2016]

SV/bm

Windsor, Ontario, June 20, 2016

REPORT OF THE STRIKING COMMITTEE
of its meeting held

June 7, 2016

PRESENT: Mayor D. Dilkens
Councillor F. Francis
Councillor J. Gignac
Councillor J. Elliott
Councillor H. Payne
Councillor I. Kusmierczyk
Councillor E. Sleiman
Councillor R. Bortolin
Councillor C. Holt
Councillor B. Marra
Councillor P. Borrelli

Also in attendance:

O. Colucci, Chief Administrative Officer
J. Payne, Community Development and Health Commissioner and
Corporate Leader Social Development, Health, Recreation and Culture
M. Winterton, City Engineer and Corporate Leader Environmental Protection and
Transportation
S. Vlachodimos, Deputy Clerk and Senior Manager of Council Services
J. Mancina, Chief Financial Officer/City Treasurer and Corporate Leader Finance and
Technology
S. Askin-Hager, City Solicitor and Corporate Leader Economic Development and Public
Safety
C. Brown, CEO for YQG and WDTG/Corporate Leader of Transportation Services

Declarations of Pecuniary Interest:

None declared.

Your Committee submits the following recommendations:

(1) That the resignation of Marion Frances Cabral on the *Transit Windsor Advisory Committee* **BE ACCEPTED** and that Sarah Cipkar **BE APPOINTED** to fill the vacancy on the Committee, for the term expiring November 30, 2018.

(2) That Sophia Chisholm **BE APPOINTED** to the *Windsor Police Services Board* for the term expiring November 30, 2018 to fill the vacancy of Thomas Clark, resigned.

CHAIR

CITY CLERK