

Tuesday, September 6, 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

In the event of the absence of the Mayor, Councillor Sleiman has been Appointed Acting Mayor for the month of September, 2016 in accordance with By-law 189-2014

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 6:00 o'clock p.m.

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3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

4. ADOPTION OF THE MINUTES

4.1. Minutes of the Council Meeting held August 22, 2016

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

That the minutes of the regular meeting of Council held August 22, 2016 **BE ADOPTED** as presented.

Carried.

Agenda Item: SCM 156/2016

5. NOTICE OF PROCLAMATIONS

Recovery Day – September 10, 2016

Suicide Prevention Awareness Week – September 10-16, 2016

National Coaches Week – September 17-26, 2016

Windsor Symphony Orchestra Week – September 18-24, 2016

Flag Raising

Ukrainian Canadian Congress – September 9, 2016

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Payne

Seconded by: Councillor Sleiman

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); and

(g) consideration of by-laws 133-2016 through 144-2016 (inclusive).

Carried.

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7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence - September 6, 2016

Moved by: Councillor Borrelli

Seconded by: Councillor Bortolin

Decision Number: CR548/2016

That the following Correspondence Items 7.1.2 through 7.1.7 and 7.1.9 and 7.1.10 as set forth in the Council Agenda **BE REFERRED** as noted except Correspondence 7.1.1 and 7.1.8 which are dealt with as follows:

Correspondence No. 7.1.1

Moved by: Councillor Gignac

Seconded by: Councillor Francis

Decision No. CR567/2016

That the correspondence from the Rail Safety Programs Promotion Officer at Transport Canada dated August 23, 2016 regarding "Rail Safety – Community Synergy Engagement Request" **BE RECEIVED**; and further,

That the City of Windsor **INDICATE** its interest and willingness to participate in a larger scale joint initiative regarding matters of rail safety, as outlined in that correspondence.

Carried.

Clerk's File: GF2016

Correspondence No. 7.1.8

Moved by: Councillor Gignac

Seconded by: Councillor Kusmierczyk

Decision No.: CR568/2016

WHEREAS, the Great Lakes and St. Lawrence River Basin represents approximately 20% of the world's surface freshwater resource and supports the third largest economy in the world; and

WHEREAS, on December 13, 2005, the Great Lakes Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Quebec signed the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement (the "Agreement"), and the Governors endorsed the companion Great Lakes—St. Lawrence River Basin Water Resources Compact (the "Compact"), which was later approved by the United States Congress and signed by the President, banning new water diversions from the Basin except in communities located in counties straddling the water division line between the Great Lakes-St. Lawrence Basin and other basins; and

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WHEREAS, the City of Waukesha, WI, is located in Waukesha County, a county straddling the basin division line; and

WHEREAS, the City of Waukesha applied to the Wisconsin Department of Natural Resources under the exception for a “Community within a Straddling County” to use Lake Michigan as its source of drinking water (the “Waukesha Application”); and

WHEREAS, the Compact requires proposals for diversions to satisfy seven specific conditions; and

WHEREAS, the Regional Body, after having reached an agreement on a Declaration of Finding and a set of conditions for the application, forwarded its recommendation to the Compact Council, and that all eight Great Lakes states voted in favor of the Waukesha Application; and

WHEREAS, on June 21, 2016, the Compact Council issued its Final Decision approving the Waukesha Application with Conditions; and

WHEREAS, the Waukesha Application does not meet the terms of the Agreement nor the Compact, and the precedent-setting nature of the Final Decision to approve the Application is of great concern to the Mayors of the Great Lakes and St. Lawrence Cities Initiative; and

WHEREAS, the approved service area still contains parts of communities which are not part of the City of Waukesha and which have not demonstrated a need for the water, amounting to a clear violation of the Compact; and

WHEREAS, this broader service area is not a “Community within a Straddling County” as defined and required by the exception conditions in the Agreement and Compact; and

WHEREAS, there are reasonable water supply alternatives to meet the drinking water quantity and quality needs of the City of Waukesha; and

WHEREAS, the impacts of the proposed return flow of water through the Root River to Lake Michigan are likely to have adverse impacts on the ecosystem and to the urban shores of the mouth of the River; and

WHEREAS, the Conditions for Approval were not subject to public comment while debated by the Regional Body and Compact Council despite the Compact’s requirement that all relevant information be available to the public for comment; and

WHEREAS, the Regional Body review process did not provide adequate opportunity for public comment as only one public meeting was held in the City of Waukesha, and that hundreds of public comments against the Application did not appear to be considered during the Regional Body or Compact Council process;

THEREFORE, BE IT RESOLVED, that the City of Windsor, Ontario **AFFIRMS** its commitment to the protection of our water resources by calling on the Governors of Illinois, Indiana, Michigan,

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Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and their representatives on the Compact Council to reconsider their Final Decision to approve the Waukesha Application; and

BE IT FURTHER RESOLVED, that the City of Windsor, Ontario **SUPPORTS** challenges by the Great Lakes and St. Lawrence Cities Initiative to the Compact Council's approval of the Waukesha Application under procedures adopted by the Compact Council, which may include requesting a hearing and initiating judicial review of the Final Decision; and

BE IT FINALLY RESOLVED, that the City of Windsor, Ontario **URGES** the Governors and Premiers of the Regional Body and Compact Council, consistent with good public policy, to reverse its approval of the Waukesha diversion application and ensure that the provisions of the Compact are strictly applied in this and any future application in order to protect the finite water resources of the Great Lakes and St. Lawrence River basin.

Carried.

Clerk's File Number: EW/9643

No.	Sender	Subject
7.1.1	Transport Canada	Rail Safety – Community Synergy Engagement Request. City Engineer COUNCIL DIRECTION REQUESTED, otherwise Note & File GF2016
7.1.2	Ministry of the Environment & Climate Change	Environmental Compliance Approval for the construction of storm sewers on Meldrum Road between Tecumseh Road East and Ypres Avenue. City Engineer Note & File SW/12474
7.1.3	Association of Municipalities of Ontario (AMO)	Federal Public Transit Infrastructure Funding Announced in Ontario. City Engineer Chief Financial Officer & City Treasurer Executive Director, Transit Windsor Corporate Leader – Transportation Services Note & File GF2016
7.1.4	Manager of Urban Design	Application of Rosati Development Corp. for Site Plan Approval to permit a day care centre at 315 Cabana Road East.

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No.	Sender	Subject
		Note & File ZS/12637
7.1.5	Town of Tecumseh	Notice of Public Meeting to be held on Tuesday, September 13, 2016 regarding a proposed zoning by-law amendment. City Planner Note & File Z2016
7.1.6	Secretary/Treasurer Committee of Adjustment	Committee of Adjustment agenda for meeting to be held September 8, 2016. Note & File ZC2016
7.1.7	Councillor Paul Borrelli	Highlights & Synopsis of International Making Cities Liveable Conference in Rome, Italy. Note & File ACOC2016
7.1.8	Great Lakes and St. Lawrence Cities Initiative	Request for Resolution Opposing the Approval of the Waukesha Water Diversion Application. COUNCIL DIRECTION REQUESTED, otherwise Note & File EW/9643
7.1.9	Ontario Municipal Board (OMB)	Notice that appeals by the Greek Orthodox Community of Windsor for lands located at 3030, 3050, 3052 & 3072 Walker Road were withdrawn. City Planner City Solicitor Development Applications Clerk Note & File ZO/11613 ZB/11612
7.1.10	Town of Tecumseh	Notice of Open House for New Official Plan Process – Review of Discussion Papers. City Planner Note & File GM2016

Carried.

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8. CONSENT AGENDA

8.1. City Wide - Radio System Tripartite Agreement: City of Windsor, CBSA, WPS

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: CR549/2016

- I. THAT City Council **AUTHORIZE** the Chief Administrative Officer and the City Clerk to sign a tripartite agreement between a) The Corporation of the City of Windsor, b) The Windsor Police Service Board, and c) Her Majesty the Queen, in Right of Canada as Represented by the Minister responsible for the Canada Border Services Agency (CBSA), which will provide CBSA use of the corporate radio system for a fee, as defined within this Report, with the agreement being approved as to form by the City Solicitor, as to technical content by the Chief Information Officer /Executive Director of Information Technology and as to financial content by the Chief Financial Officer/City Treasurer and Corporate Leader Finance & Technology.
- II. THAT the City of Windsor revenues generated via this agreement **BE CREDITED** to the Pay As You Go Radios Reserve Fund (No. 198) to offset any future funding requirements that may be necessary from the City's operating budget to ensure the continued sustainability of the Reserve Fund.
Carried.

Agenda Item: C 148/2016

Clerk's File: MC/9936

8.2. Declaration of Part of 2545 Pillette Road Surplus and Authority to Offer the Improved Property for Sale

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: CR550/2016

- I. That the following improved parcel of land **BE DECLARED** surplus:

- Municipal address:
 - Part of 2545 Pillette Road – the northerly portion of the lands situate on the west side of Pillette Road, south of Grand Marais Road East
- Legal Description:
 - Block A, Registered Plan 1160, Lots 1 to 6, inclusive, Registered Plan 1160, Part Lot 94, Registered Plan 1160 and Part of Block B, Registered Plan 1160, designated as Part 1 on Plan 12R-26667 (the "**Lands**")
- Lot area: 31,534 sq ft (2,929.60 m²)

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- II. That the Manager of Real Estate Services **BE AUTHORIZED** to list for sale on the Multiple Listing Service (“**MLS**”) the improved parcel of land municipally known as part of 2545 Pillette Road, legally described as Block A, Registered Plan 1160, Lots 1 to 6, inclusive, Registered Plan 1160, Part Lot 94, Registered Plan 1160 and Part of Block B, Registered Plan 1160, designated as Part 1 on Plan 12R-26667, at a list price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal of the Lands.

Carried.

Agenda Item: C 152/2016

Clerk's File: APM2016

8.3. Site Plan Application for the Optimist Community Centre at 1075 Ypres Avenue

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: CR551/2016

- I. THAT the application by the City of Windsor (File No.: SPC-017/16) **BE APPROVED** permitting development in accordance with the following drawings:

1. Site Plan: Map No. SPC-017/16 (A101)
2. Exterior Elevations: Map No. SPC-017/16 (A401)
3. Photometric Plan: Map No. SPC-017/16 (ESP-1)

- II THAT the following **BE REQUIRED**, prior to the issuance of a construction permit:

1. General Provisions of the Site Plan Approval:

- i. The following conditions are prerequisites for the construction permit issuance: G-4 (1) Storm Detention Scheme to the satisfaction of the City Engineer, G-7 (2) Lighting Product Specifications, G-11 (2) Fire Route Plan, G-15 (1) Street Opening Permit, G-15 (2) Site Servicing Drawings, and G-18 Lot Grading Plan to the satisfaction of Public Works - Engineering, Fire and Building Departments, and City Planner.

2. Special provisions of the Site Plan Approval:

- i. To install a sanitary sampling manhole at the property line of the subject lands to the satisfaction of the City Engineer if one does not already exist.

- III THAT in accordance with By-law 11275, Administration **BE AUTHORIZED** to approve future changes to the approved site plan and building elevations.

Carried.

Agenda Item: C 153/2016

Clerk's File: ZS/12591

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8.4. Interim Control By-law for Parking Areas Within Business Improvement Areas (Wards 2, 3, 4, 5 and 6)

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: CR552/2016

THAT Council **AMEND** Interim Control By-laws 126-2015, 127-2015, and 142-2015 to extend the period of time during which they will be in effect for an additional year, and that the City Clerk **GIVE NOTICE** of the amended by-laws within 30 days of the passing thereof.

THAT Council **AMEND** the terms of reference in CR277/2016 to include:

- a) An overview of Official Plan policy and other municipal policy that provides direction with respect to off-street parking areas and built form within BIAs and mainstreet areas;
- b) A review of current Zoning By-law regulations and other municipal by-laws that regulate parking areas and built form within BIAs and mainstreet areas;
- c) Field work to examine parking areas and 'main street' built form within each of the City's BIAs and mainstreet areas;
- d) Consultation with BIAs and affected property owners; and
- e) An analysis of options and recommendations related to off-street parking and mainstreet areas; and

THAT Council **DIRECT** Administration to report back with study recommendations prior to September 8, 2017; and

THAT By-law 136-2016 **BE PASSED** at this meeting of Council.

Carried.

Agenda Item: C 146/2016

Clerk's File: MI2016

8.5. Southwind Subdivision Cost Sharing | Kamloops Street Extension | 3rd Concession Drain Enclosure | Marentette Avenue Improvements

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: CR553/2016

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1. That the conditions of Draft Subdivision Approval contained in Item D of M382-2015 (for SDN/4415 and ZNG/4414) as amended by CR210/2015, **BE FURTHER AMENDED** as follows :

(1) That clause f. **BE DELETED** and the following **BE SUBSTITUTED** therefore:

“ f. The Owner(s) and City agree to cost share and construct the extension of Kamloops Street from the cul-de-sac (west of Calderwood Avenue) to Marentette with 10.4m (34') pavement including bike lanes and sidewalks on both sides as follows:

i) The Owner(s) will be responsible for the extension of Kamloops within the limits of the plan of subdivision. The City will contribute costs associated with upgrading the road from a local to collector road through a Development Charge Credit. The City's costs will be based on a public tender process satisfactory to the City Engineer.

ii) The City will be responsible for the extension of Kamloops from the west limit of the plan of subdivision westerly to Marentette. The Owner(s) will contribute 18% of the total construction costs for this work, including road drainage, a right hand taper lane, and new intersection on Marentette Avenue.

(2) That the following clauses **BE ADDED**:

dd. The Owner(s) agree to contribute 4.26% of the total costs (Construction & Engineering), towards the enclosure of the 3rd Concession Drain, from the west limit of the residential portion of the plan of subdivision, westerly to Marentette, northerly to a new outlet at Foster Avenue.

ee. The Owner(s) agree to gratuitously convey Block 3 (stormwater management facility) on the draft plan of subdivision following the acceptance of the subdivision onto maintenance.”

2. That Council **APPROVE** a Development Charge Credit as the City's contribution towards upgrading Kamloops Street from a local to collector road within the plan of subdivision. The estimated amount of the credit is \$46,915. The actual credit given will be based on the tender results

3. That Council **APPROVE** a gross expenditure in the amount of \$2,991,949, plus estimated recoveries of \$176,517 as the City's share of the costs of the necessary capital improvements identified in Recommendation 1, to be funded as follows:

a. Development Charge Credit – Roads (F#115)	\$ 46,915
b. New Infrastructure Development (ID#7035119)	\$ 413,483
c. Sewer Surcharge Reserve (F#153)	\$ 1,906,534
d. Pre-commitment and first charge to the 2017 Capital Budget (2017 Road Rehabilitation Program - OPS-001-07))	\$ 448,500

4. That Administration **BE AUTHORIZED** to prepare and issue a tender to construct the required infrastructure work on Kamloops Street (west of Southwind Subdivision) and on Marentette Avenue (Phase II), and that subject to the results of the tender falling within the approved budget, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low bidder satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer.
5. That any increases to the 2017 Sewer Surcharge, up to a maximum of \$1,906,534, **BE DIRECTED** towards replenishing the Sewer Surcharge Reserve (F153), as referenced in Recommendation 3.

Carried.

Agenda Item: C 154/2016

Clerk's File: ZB/12244 ZP/12271

8.7. Application for Approval of the Conversion of a Rental Property to Plan of Condominium – 2057458 Ontario Incorporated, 3445 Riverside Drive East - CDM-002/16 [CDM/4650]; Ward 5

Moved by: Councillor Elliott

Seconded by: Councillor Francis

Decision Number: PHED 393 CR555/2016

I THAT the application of 2057458 Ontario Inc. for approval of a draft plan of condominium for a property legally described as Part Blocks B, C and D, Plan 499, City of Windsor known municipally as 3445 Riverside Drive East, to permit the conversion of a 9-storey rental apartment building containing 80 residential dwelling units, to condominium tenure, as shown on the attached Map No. CDM-002/16-1, **BE APPROVED** subject to the following:

- 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 September 6, 2019 (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 to the City Solicitor;

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- E. The owner shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
1. Revised Building Condition Assessment report dated July 4, 2016 prepared by Pinchin Environmental Limited, for 2057458 Ontario Inc. with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner; and
 2. Building Department's Order to Repair dated April 14, 2016 as included in Appendix A of this report.

All corrections and improvements shall be to the satisfaction of the Chief Building Official.

- F. The owner shall agree to comply with and address any requirements identified in the Public Works Department – Engineering - Development, Projects & Right-of-Way April 18, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the City Engineer or designate:
1. Removal of the existing asphalt driveway approaches on Riverside Drive West and Erskine Street and reconstruction in such width and location as approved by the City Engineer, including provision of straight flare driveway approaches and termination of raised curbs so that the raised curbs do not extend into the driveway approaches, outside the subject property;
 2. Both driveway approaches shall be of concrete and in compliance with City of Windsor Standard Engineering Drawing AS-204; and
 3. Apply for street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches prior to commencement of any construction on the public highway.
- G. The owner shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services' April 15, 2016 comments (in Appendix A), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services:
1. Installation of locks of higher security (i.e. Medeco, Primus) with a key design that is patent protected and where unauthorized key duplication is restricted, on all ground level exterior doors of the building, as well as on the door accessing the stairwell leading to the underground garage, on the west side of the property, and that these doors be kept locked;
 2. Installation of a robust self-closing door mechanism on the door at the bottom of the stairwell accessing the underground parking garage on the west side of the property to ensure the door closes and latches effectively;
 3. Trimming and thinning the trees hiding the address sign on the east side of the driveway on Riverside Drive East;
 4. Removal of all names of residents appearing on the building resident directory panel;
 5. Installation of a lock on the laundry room window and modification of the frame to allow the window to be opened a maximum of four (4) inches;

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6. Installation of a lock on the storage shed on the west side near the garden area;
 7. Repair and maintenance in proper working order, of the overhead vehicular door leading to the underground parking garage and setting the closing time delay on the door opener to not exceed 20-25 seconds; and
 8. Provision of a certificate, prepared by a qualified lighting consultant/engineer, verifying that, as per Section 1.34 (c) of Windsor Property Standards By-law 147-2011, that parking garages and parking structures shall be adequately lighted at all times, so that the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux (five foot-candle) at floor level over the entire floor area with a minimum level of 11 lux (one foot-candle) at any location on the floor (this shall include parking garage isles, parking spots, staircases and public corridors/exits);
- H. The owner shall agree to submit a photometric plan to the Corporation's Landscape Architect and the Director of Planning & Physical Resources, Windsor Police Services for approval, prior to final approval and registration of the condominium plan. The photometric plan shall be prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.) in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, showing all anticipated lighting improvements, including replacement of existing fixtures that are not of "Full Cut-Off" type. The photometric plan shall include any manufacturer product data sheets and verification that any proposed fixtures are 'Full Cut-Off', with the following minimum and maximum illumination levels measured in foot-candles (fc):
- a. uncovered parking areas - 0.5 min./4.0 max;
 - b. walkways - 0.5 min./2.0 max;
 - c. building entrances - 3.5 min./8.0 max;
 - d. loading and outdoor garbage storage areas - 1.0 min./2.5 max.; and
 - e. after hours lighting (11:00pm to 5:00am) - 0.5min./2.0max.
- I. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's April 14, 2016 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:
1. Submission of a detailed Arborist's Report, showing the location of all existing trees on the property with a trunk diameter of at least 250 mm and indicating their size, species, and an evaluation of tree health, prepared by any one of the following professionals: Arborist (ISA certified) or Registered Professional Forester (RPF); and
 2. Any required landscape improvements shall be based on the results of the Arborist's Report.
- J. The owner shall agree to address the requirements identified in the Diversity and Accessibility Officer's April 29, 2016 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Diversity and Accessibility Officer and the Chief Building Official:
1. Provision of a minimum of 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one shall be off of a primary parking area;

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- a. Every barrier-free entrance shall be equipped with a power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code;
 - b. If a barrier-free entrance incorporates a vestibule, a door leading from the vestibule into the floor area shall be equipped with a power door operator; and
 - c. If there are steps (or a step up - curb) at a barrier free entrance, a ramp or curb cut must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer and City Engineer.
2. If there are more than 2 entrances then the additional entrances shall have signage that directs individuals to the location of a nearby accessible entrance.
 3. Installation of signage at any non-accessible entrances that directs persons to an accessible entrance.
- K. The owner shall agree to provide 1 Type 'A' (3.5m x 5.5m) and 1 Type 'B' (2.5m x 5.5m) accessible parking space, as per By-law 8600, as close as possible to the main entrance or secondary entrance, designated with appropriate signage and access aisles that meet the specifications as set out in the Integrated Accessibility Standards (s.80.23) under the AODA, 9 visitor parking spaces designated with appropriate signage and a bicycle rack facility accommodating a minimum of 5 bicycles at a visible and safe location near an entrance to the building. All improvements are to be to the satisfaction of the City Engineer, Diversity and Accessibility Officer and Chief Building Official;
- L. 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. The owner is advised that they will be entitled to once a week collection from the City and if further collections are needed, there is a fee;
- II** That the owner shall either remove the existing landscaping encroaching into the Riverside Drive right-of-way or enter into an Encroachment Agreement with the City, to the satisfaction of the City Engineer and Chief Building Official, to allow this encroachment.
- III** Final approval of the plan of condominium shall not be considered until all of the required works or undertakings identified in "**Recommendation I and II**" of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Carried.

Agenda Item: S 136/2016
Clerk's File: ZP/12485

8.8. 3177-3181 Sandwich Street - Heritage Alteration Permit for Front Wall (Sandwich HCD)

Moved by: Councillor Elliott
Seconded by: Councillor Francis

Decision Number: PHED 394 CR556/2016

That any modifications to the front wall of 3177-3181 Sandwich Street that require Council approval according to the Sandwich Heritage Conservation District Plan **BE DELEGATED** to the Heritage Planner as to expedite the approval process and remedy the wall's structural issues.

Carried.

Agenda Item: S 137/2016
Clerk's File: MBA/10319 &
MBA/9191

8.9. Harris House, 1380 Ypres Avenue- Request for Heritage Designation (Ward 4)

Moved by: Councillor Elliott
Seconded by: Councillor Francis

Decision Number: PHED 395 CR557/2016

THAT the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Harris House, at 1380 Ypres Avenue, in accordance with Part IV of the *Ontario Heritage Act* for the reasons attached in Appendix 'A'.

Carried.

Agenda Item: S 138/2016
Clerk's File: MBA/12615

8.10. Request under the Alley Closing Subsidy Program (ACSP) to close an alley system located between Randolph Ave. And California Ave., south of Grove and north of Girardot St.; File No.: SAA/4390 Ward 2

Moved by: Councillor Elliott
Seconded by: - Councillor Francis

Decision Number: PHED 396 CR558/2016

- I. THAT the alley system having the width of 6.10m (20ft), located between Randolph Ave. And California Ave., south of Grove and north of Girardot St., as shown on Drawing CC-1690 **attached** hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the alley system having the width of 6.10m (20ft), located between Randolph Ave. And California Ave., south of Grove and north of Girardot St., as shown on Drawing CC-1690 **attached** hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:

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- 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, MNSi, COGECO CONNEXION, and Enwin Utilities Ltd (Hydro)
- ii. Conveyance Cost **BE SET** as follows:
 - Abutting properties zoned RD 1.2:
 1. \$1.00 plus alley subsidy cost of \$99.00 **during** the alley subsidy program;
 2. \$1.00 plus alley subsidy cost of \$99.00 **after** the expiration of the alley subsidy program
- III. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1690, **attached** hereto as Appendix "A"
- IV. That The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s)
- VI. 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
- VII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003
- VIII. If the existing alley approaches become obsolete after the alley closure, the City shall remove existing alley approaches in the future when budget funds exist. Alternatively should property owners that abut the approaches to the closed alley wish to retain the alley approaches as driveways, permits from Public Works shall **BE REQUIRED**.

Carried.

Agenda Item: S 144/2016
Clerk's File: SAA2016 ZP/12482

9. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

11.1. Proposed expropriation of lands for the Riverside Drive Vista Project from William Vander Linden Legal File EXP 8597

Moved by: Councillor Gignac
Seconded by: Councillor Payne

Decision Number: CR539/2016

That the report of the City Solicitor dated August 22, 2016 entitled "Proposed expropriation of lands for the Riverside Drive Vista Project from William Vander Linden" **BE DEFERRED** to the

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September 19, 2016 meeting of Council, as Administration has identified that a resolution of this matter may be possible within the next two weeks.

Carried.

Clerk's File: SW/8516

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

11.4. Civic Terrace – Rotary 1918 Plaza Proposal

Janet Kelly, Chair, Legacy Committee, & Maureen Lucas, Chair, Centennial Committee, Rotary Club of Windsor (1918)

Janet Kelly, Chair, Legacy Committee, & Maureen Lucas, Chair, Centennial Committee, Rotary Club of Windsor (1918) appear before Council and are available for questions regarding their request for a "Rotary Plaza" located at the Civic Terrace on the central waterfront, which would celebrate the one hundredth anniversary for the Windsor Rotary Club (1918).

Mike Tessier, resident of Ward 9

Mike Tessier, resident of Ward 9 appears before Council to speak in support of the Rotary Club of Windsor (1918)'s request for a "Rotary Plaza" located at the Civic Terrace on the central waterfront, which would celebrate the one hundredth anniversary for the Windsor Rotary Club (1918), and concludes by asking Council to give consideration to putting measures in place to deter graffiti which unfortunately could happen to signature projects such as this.

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Gignac

Decision Number: CR564/2016

That the request by the Windsor Rotary Club(1918) for a "Rotary Plaza" located at the Civic Terrace on the central waterfront **BE APPROVED IN PRINCIPLE**; and further

That Administration **BE DIRECTED** to report back to City Council with an implementation plan, schedule and funding for final approval.

Carried.

Agenda Item: C 156/2016

Clerk's File No.: APM/4691

8.6. Proposed Draft Plan of Subdivision, Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1, City of Windsor SDN 001/16 (ZNG/4649- Ward 7

Chris Brouillard-Coyle and Sydney Brouillard-Coyle, residents of Ward 7

Chris Brouillard-Coyle and Sydney Brouillard-Coyle, residents of Ward 7 appear before Council to provide comment regarding the “proposed Draft Plan of Subdivision, Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1”, stressing that Council needs to ensure that nature is preserved, and express concern regarding the bald eagles that are residing in the subject area, suggesting that they be allowed to remain in their current location as opposed to being endangered.

Shatha Alys, resident of Ward 7

Shatha Alys, resident of Ward 7 appears before Council to provide comment regarding the “proposed Draft Plan of Subdivision, Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1”, expressing concern regarding the proposed development, as bald eagles have lived in that subject area for at least 17 years and they are unique to Windsor and should not be subject to endangerment due to this development.

Rick Spencer, Agent & Stephen Valente, Applicant

Rick Spencer, Agent and Stephen Valente, Applicant appear before Council to provide comment regarding the “proposed Draft Plan of Subdivision, Between Little River Road and Riverside Drive, west of Bellagio (Chateau Avenue extension), Part of Lots 142 and 143, Concession 1”, stressing that the site was reviewed by the Ministry of Natural Resources and Forestry (MNRF) through the proponent-driven Species at Risk screening process and that the MNRF as well as the Essex Region Conservation Authority (ERCA) both indicate no objection to the proposed development.

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Marra

Decision Number: PHED 392 CR554/2016

THAT the application of 1473511 Ontario Ltd. for Draft Plan of Subdivision approval of Part of Lots 142 and 143, Concession 1, City of Windsor; **BE APPROVED** on the following basis:

- That this approval applies to the draft plan of subdivision, as shown on the attached Map No. SDN-001/16, which will facilitate the construction of single unit, detached dwellings.
- A. That the Draft Plan Approval shall lapse on September 6, 2019 (3 years from the date of approval).
 - B. That this approval applies to the draft plan of subdivision presented on plan identified as project #15-475 Sheet No.1, Revision 3 dated February 29, 2016 prepared by RC Spencer Associates INC, showing 55 lots for single unit detached dwellings, two blocks for future development and one road allowance.
 - C. That prior to the execution and registration of a Subdivision Agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for

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approval of the City Planner, final draft M-Plans which shall include the names of all road allowances within the plan, as approved by the Corporation.

D. That the owner enter into a subdivision agreement with the Corporation of the City of Windsor, such agreement to provide for the following matters:

a. The owner shall agree to include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

b. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

i. 22.0m right-of-way for Chateau Avenue (Street A) between Beverley Glen Street East and Wyandotte Street East

ii. 20.0m right-of-way for Beverly Glen Street

iii. 20.0m right of way for Chateau Avenue/Court north of Wyandotte Street East;

c. The Owner(s) agrees to gratuitously convey, prior to the issuance of a building permit, the following blocks:

i. 2.8m road widening on north and south sides of Wyandotte Street East to match existing 30m Wyandotte Street ROW to the east.

ii. 4.6m x 4.6m corner cut offs on all corners of the intersections of Wyandotte Street East and Chateau Avenue, Beverly Glen Street and Chateau Avenue and Little River Boulevard and Chateau Avenue, in accordance with City of Windsor Standard AS-230;

iii. A 0.3 m reserve on all lots and blocks with side yard flanking Wyandotte Street East, Beverley Glen Street East and Little River Boulevard,

d. The Owner(s) shall comply with all the following requirements relating to sidewalks:

i. Sidewalk shall be constructed:

1. on both sides of Chateau Avenue, between Little River Boulevard and Wyandotte Street East,

2. on the east side of Chateau Avenue, north of Wyandotte Street East

to the satisfaction of the City Engineer and the City Planner;

e. The Owner(s) agree to retain a Consulting Engineer to undertake a sightline analysis of the following intersections:

i. Wyandotte Street East and Chateau Avenue,

ii. Beverley Glen Street East and Chateau Avenue, and,

iii. Little River Boulevard and Chateau Avenue;

The sight line analysis shall be prepared to the satisfaction of the City Engineer.

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-
- f. The Owner(s) agree that any mitigation resulting from the site line analysis that requires alteration of the Plan of Subdivision shall be completed prior to registration of the Final Plan of Subdivision to the satisfaction of the City Engineer.
 - g. The Owner(s) agree that changes in radius or alignment of the proposed Beverly Glen Street ROW to align with the existing portion of Beverley Glen Street (to the west at Pearson Avenue) that requires alteration of the Plan of Subdivision shall be completed prior to registration of the Final Plan of Subdivision to the satisfaction of the City Engineer.
 - h. The Owner(s) agree to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
 - i. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
 - ii The study shall be finalized to the satisfaction of the City Engineer.
 - i. The Owner(s) agree to
 - i convey to the Corporation 5% of the lands to be developed for residential uses for park purposes to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of a construction permit. The parkland conveyed shall be 2 (two) 10.93m x 21.75m blocks abutting the Ganatchio Trail, and
 - ii to provide the balance as cash in lieu of parkland as permitted in Section 51.1 of the *Planning Act* to the satisfaction of the Executive Director of Parks and the City Planner;
 - j The owner agrees to pay the corporation its share of the costs as determined by the City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced prior to the issuance of a construction permit.
 - k In the event the Owner(s) is required to oversize any services, to service other lands, The Owner agrees that any oversizing costs to be paid by the Corporation to the Owner shall be based on cost-sharing and tender process satisfactory to the City Engineer. Any cost-sharing agreed to will be subject to the approval by the Corporation's City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.
 - l. The Owner(s) agree to:
 - i. undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

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- ii. install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
- iii. obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities;

And,

NOTES TO DRAFT APPROVAL (File: SDN-001/16)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. Required agreements with the Municipality will be prepared by the City Solicitor.
4. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.
5. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.
6. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.
7. Where agency conditions are required to be included in the City's Subdivision Agreement, the applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.

THAT the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*, and;

THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision, and;

THAT prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied, and;

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THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor;

And further,

THAT Administration **BE DIRECTED** to explore potentially establishing with community partners alternate nesting sites or re-establishing nesting sites on Peche Island to perhaps provide accommodation for the eagles nests and for eagles in the future.

Carried.

Agenda Item: S 142/2016

Clerk's File: ZP/12482

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.2. Request for Council Direction - Full Service Concession Operation RFP Family Aquatic Complex - City Wide

Moved by: Councillor Gignac

Seconded by: Councillor Sleiman

Decision Number: CR559/2016

That City Council **APPROVE** the issuance of a Request for Proposals (RFP) for a full service food and beverage operation for the concession operation that would also include as an option the inclusion of liquor licensing approval acquired by the successful proponent through the Alcohol and Gaming Commission of Ontario (AGCO), at the Windsor International Aquatic and Training Centre (WIATC) including Adventure Bay Family Water Park and other secured areas as needed; and further,

That administration **BE DIRECTED** to provide a floor plan to Council showing designated areas within the Water Park where alcohol would be allowed for consumption.

Carried.

At the request of Councillor Kusmierczyk, a recorded vote is taken.

Aye votes: Councillors Elliott, Sleiman, Francis, Payne, Holt, Marra, Borrelli, Gignac, Bortolin and Mayor Dilkens.

Nay votes: Councillor Kusmierczyk

Absent: None.

Abstain: None.

Agenda Item: S 148/2016

Clerk's File: SR/11026

11.3. Proposed 2016 Enhanced Capital Budget – Specific Project Consideration and Approval

Decision Number: CR562/2016

Moved by: Councillor Francis
Seconded by: Councillor Gignac

I. THAT City Council **AUTHORIZE** Administration to move forward with project 5 (North Talbot EA Engineering and SW Lakes Entrance Reconstruction) highlighted in Appendix A from the 2016 Enhanced Capital Projects approved per Council Resolution B68-2015, and

II. THAT project 5 highlighted in Appendix A be approved and have the portion of the \$4,500,000 in funding allocated as identified in Appendix A; and

III. THAT, in order to proceed with construction of project 5 listed in Appendix “A” herein, the City Engineer **BE AUTHORIZED** to proceed with the Award of Tenders to the low bidders, subject to the tenders meeting project specifications and being within the approved budget and subject to the terms and conditions of the City’s Purchasing By-law 93-2012 (as amended); and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign contracts with the low Tenderers, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and

IV. THAT the City Engineer **BE REQUIRED** to provide a reconciliation report to Council once project 5 listed in Appendix “A” has been completed.

Carried.

Councillors Kusmierczyk, Holt and Payne voting nay.

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

Moved by: Councillor Sleiman
Seconded by: Councillor Francis

Decision Number: CR560/2016

I. THAT City Council **AUTHORIZE** Administration to move forward with project 2 (Devon Drive Reconstruction – South Service Rd. to Sydney) highlighted in Appendix A from the 2016 Enhanced Capital Projects approved per Council Resolution B68-2015, and

II. THAT project 2 highlighted in Appendix A be approved and have the portion of the \$4,500,000 in funding allocated as identified in Appendix A; and

III. THAT, in order to proceed with construction of project 2 listed in Appendix “A” (4) herein, the City Engineer **BE AUTHORIZED** to proceed with the Award of Tenders to the low bidders, subject to the tenders meeting project specifications and being within the approved budget and subject to the terms and conditions of the City’s Purchasing By-law 93-2012 (as amended); and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign contracts with

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the low Tenderers, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and

IV. THAT the City Engineer **BE REQUIRED** to provide a reconciliation report to Council once project 2 listed in Appendix "A" has been completed.

Carried.

Councillor Holt voting nay on this matter.

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

Moved by: Councillor Gignac

Seconded by: Councillor Sleiman

Decision Number: CR561/2016

I. THAT City Council **AUTHORIZE** Administration to move forward with project 4 (North Service Road Reconstruction) highlighted in Appendix A from the 2016 Enhanced Capital Projects approved per Council Resolution B68-2015, and

II. THAT project 4 highlighted in Appendix A be approved and have the portion of the \$4,500,000 in funding allocated as identified in Appendix A; and

III. THAT, in order to proceed with construction of project 4 listed in Appendix "A" herein, the City Engineer **BE AUTHORIZED** to proceed with the Award of Tenders to the low bidders, subject to the tenders meeting project specifications and being within the approved budget and subject to the terms and conditions of the City's Purchasing By-law 93-2012 (as amended); and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign contracts with the low Tenderers, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and

IV. THAT the City Engineer **BE REQUIRED** to provide a reconciliation report to Council once project 4 listed in Appendix "A" has been completed.

Carried.

Councillors Holt and Payne voting nay on this matter.

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

Moved by: Councillor Gignac

Seconded by: Councillor Elliott

Decision Number: CR563/2016

I. THAT City Council **AUTHORIZE** Administration to move forward with project 8 (Wyandotte Mill and Pave – Watson to Riverdale) highlighted in Appendix A from the 2016 Enhanced Capital Projects approved per Council Resolution B68-2015, and

II. THAT project 8 highlighted in Appendix A be approved and have the portion of the \$4,500,000 in funding allocated as identified in Appendix A; and

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III. THAT, in order to proceed with construction of project 8 listed in Appendix "A" herein, the City Engineer **BE AUTHORIZED** to proceed with the Award of Tenders to the low bidders, subject to the tenders meeting project specifications and being within the approved budget and subject to the terms and conditions of the City's Purchasing By-law 93-2012 (as amended); and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign contracts with the low Tenderers, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and

IV. THAT the City Engineer **BE REQUIRED** to provide a reconciliation report to Council once project 8 listed in Appendix "A" has been completed.

Carried.

Councillors Holt and Bortolin voting nay on this matter.

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

Agenda Item: C 141/2016

Clerk's File: AFB/12131

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. SPECIAL MEETING OF COUNCIL – IN CAMERA August 22, 2016

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Borrelli

Decision Number: CR565/2016

THAT the **Report of the Special In-Camera** meeting held September 6, 2016 **BE ADOPTED** as presented.

Carried.

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

Agenda Item: SCM 157/2016

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Payne

Seconded by: Councillor Sleiman

THAT the following by-laws No. 133-2016 through 144-2016 (inclusive) be introduced and read a first and second time:

133-2016 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS PEPPERVINE STREET, IN THE CITY OF WINDSOR, authorized by CR27/2011, adopted February 28, 2011

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134-2016 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS FIRGROVE DRIVE, IN THE CITY OF WINDSOR, authorized by CR27/2011, adopted February 28, 2011

135-2016 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS MONTICELLO STREET, IN THE CITY OF WINDSOR, authorized by CR76/2011, adopted February 28, 2011

136-2016 A BY-LAW TO AMEND BY-LAWS 126-2015, 127-2015 AND 142-2015, BEING INTERIM CONTROL BY-LAWS CONCERNING PUBLIC PARKING AREAS, PARKING AREAS AND PARKING GARAGES WITHIN BUSINESS IMPROVEMENT AREAS (See Item 8.4)

137-2016 A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 811 DEVONSHIRE ROAD, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, authorized by CR436/2016, adopted July 4, 2016

138-2016 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS MARENTETTE AVENUE, IN THE CITY OF WINDSOR, adopted by CAO3377, approved June 8, 2016

139-2016 A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 793 DEVONSHIRE ROAD, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED, authorized by CR435/2016, adopted July 4, 2016

140-2016 A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE NORTH/SOUTH ALLEY HAVING A WIDTH OF 4.27 METRES (14 FOOT), LOCATED BETWEEN CHANDLER ROAD AND ALEXIS ROAD, SOUTH OF MAYFAIR PARK AND NORTH OF ST. JULIEN AVENUE, CITY OF WINDSOR, authorized by M406-2015, adopted October 5, 2015

141-2016 A BY-LAW TO CLOSE AND STOP UP AND CONVEY, THE NORTH/SOUTH ALLEY HAVING A WIDTH OF 4.27 METRE (14 FOOT), LOCATED BETWEEN CHANDLER ROAD AND ALEXIS ROAD, SOUTH OF MAYFAIR PARK AND NORTH OF ST. JULIEN AVENUE, CITY OF WINDSOR, authorized by M406-2015, adopted October 5, 2015

142-2016 A BY-LAW TO CONVEY, THE SOUTHERLY 1.22 METRE (4 FOOT) PORTION OF THE NORTH/SOUTH ALLEY, LOCATED BETWEEN CHANDLER ROAD AND ALEXIS ROAD, SOUTH OF MAYFAIR PARK AND NORTH OF ST. JULIEN AVENUE, CITY OF WINDSOR, authorized by M406-2015, adopted October 5, 2015

143-2016 A BY-LAW TO REPEAL BY-LAW NUMBER 108-2007 BEING A BY-LAW TO CLOSE AND STOP UP AND CONVEY, THE 4.27 METRE (14 FOOT) WIDE EAST/WEST ALLEY BETWEEN RIVERSIDE DRIVE EAST AND PLEASANT PLACE WESTERLY FROM PILLETTE

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ROAD FOR A DISTANCE OF 74.2 METRES (243.5 FEET), CITY OF WINDSOR, authorized by CR240/2008, adopted June 9, 2008

144-2016 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SIXTH DAY OF SEPTEMBER, 2016

Carried.

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

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Borrelli

Seconded by: Councillor Rino Bortolin

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

Carried.

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

15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Elliott

Seconded by: Councillor Francis

That the following By-laws No. 133-2016 through 144-2016 (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.

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

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. Schedule P1-Pet shops in By-law 395/2004

Moved by: Councillor Kusmierczyk
Seconded by: Councillor Holt

Decision Number: CR566/2016

Assigned to City Clerk

That the following Council Question by Councillor Payne **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.

CQ40-2016

Asks for a report on the desirability of updating the attached Schedule PI-Pet shops in By-law 395/2004, using the attached Toronto By-law 1184 – Article 20 – Pet shops dated July 2016 as a template in order to provide the necessary degree of enforcement to ensure the safety and welfare of animals being kept for sale in Windsor pet shops.

Carried.

Councillors Borrelli and Marra were absent from the meeting when the vote was taken on this matter.

Clerk's File: ACLC2016

19. STATEMENTS BY MEMBERS

20. UPCOMING MEETINGS

21. ADJOURNMENT

Moved by: Councillor Payne
Seconded by: Councillor Sleiman

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 8:38 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held September 6, 2016 (CR565/2016)
VC/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
September 6, 2016

Meeting called to order at: 5:30 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 H. Payne
Councillor E. Sleiman
Councillor I. Kusmierczyk

Members Absent:

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
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader
Engagement and Human Resources
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

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

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Property matter – disposition of property	2 3 9 (2) (c)
2.	Personal matter – negotiations	2 3 9 (2) (d)
3.	Personal matter – about an identifiable individual	2 3 9 (2) (b)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

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

Verbal Motion is presented by Councillor Elliott, seconded by Councillor Sleiman, to move back into public session.

Motion Carried.

Moved by Councillor Francis, seconded by Councillor Payne,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 6, 2016 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the City Solicitor and Corporate Leader Economic Development and Public Safety respecting a property matter – disposition of property **BE APPROVED.**

2. That the in-camera report from the Manager of Employee Relations, Executive Director of Human Resources and the City Clerk/Licence Commissioner and Corporate Leader

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Public Engagement and Human Services respecting a personal matter – negotiations **BE RECEIVED** and further that Administration **BE AUTHORIZED TO PROCEED** on the verbal direction of Council.

3. That the in-camera report from the Executive Director of Human Resources, City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Services and City Solicitor and Corporate Leader Economic Development and Public Safety respecting a personal matter about an identifiable individual **BE RECEIVED FOR INFORMATION**.

Motion Carried.

**Moved by Councillor Marra, seconded by Councillor Kusmierczyk,
That the special meeting of council held September 6, 2016 BE ADJOURNED.**

(Time: 5:39 p.m.)

Motion Carried.