

Monday, March 27, 2017
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 6:00 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Francis discloses an interest and abstains from voting on item 10.2 being the report of the Environment, Transportation & Public Safety Standing Committee of its meeting held November 23, 2016 regarding "Taxi Study Report" ; and item 10.3 being the report of the Environment, Transportation & Public Safety Standing Committee of its meeting held November 23, 2016 regarding "Consultant Report – Regulation of Transportation Network Companies Study", as his employer provides a service to local taxi drivers and who would be impacted by these reports.

4. ADOPTION OF THE MINUTES

4.1 Council Minutes March 6, 2017

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

That the Minutes of the regular meeting of Council held March 6, 2017 **BE ADOPTED** as presented.
Carried.

5. NOTICE OF PROCLAMATIONS

“World Down Syndrome Day” – March 21, 2017
“Parkinson Awareness Month” – April 2017

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Marra
Seconded by: Councillor Payne

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 42-2017 through 52-2017 (inclusive).

Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1 Correspondence for the Council Meeting held March 27, 2017

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

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Decision Number: CR168/2017

That the following Communication Items 7.1.1 to 7.1.5, 7.1.7 to 7.1.16, and 7.1.18 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted:

No.	Sender	Subject
7.1.1	Minister of Infrastructure and Communities	Response to letter regarding Council Resolution CR745/2016 (<i>attached</i>) regarding Federal Infrastructure Phase 2 Incrementality Resolution. City Engineer Chief Financial Officer & City Treasurer Note & File MMA2016
7.1.2	Ministry of the Environment and Climate Change	Environmental Compliance Approval for storm and sanitary sewers to be constructed on Fariview Boulevard from Edgar Street to Tranby Boulevard. City Engineer Note & File SW/12766
7.1.3	Ontario Municipal Board	Notice of Appeal by K. Schincariol and J. LaLonde – By-Law 25-2017 (Zoning By-Law Amendment – Royalty Homes, 3118 Northway Avenue) City Planner City Solicitor Note & File ZB/12623
7.1.4	Ontario Municipal Board	Notice of Appeal by R. Mancini and R. Mancini – By-Law 25-2017 (Zoning By-Law Amendment – Royalty Homes, 3118 Northway Avenue) City Planner City Solicitor Note & File ZB/12623
7.1.5	Ontario Municipal Board	Notice of Appeal by B. Ye and Y. Xie – By-Law 25-2017 (Zoning By-Law Amendment – Royalty Homes, 3118 Northway Avenue) City Planner City Solicitor Note & File ZB/12623
7.1.6	Ministry of Education	Update on Pupil Accommodation Reviews and support for education in rural and remote communities Note & File ME2017
7.1.7	Windsor Utilities Commission (WUC)	Summary Report to Municipalities - Schedule 22 (2016 Annual Compliance Report) - Drinking Water System Number 220003421 City Engineer Note & File

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		EI/10108
7.1.8	Standards & Poor Global	2016 S&P Bond Rating for the City of Windsor Chief Financial Officer/City Treasurer Note & File AF2017
7.1.9	Manager of Development Applications	Application of Cierra Meadows Development Ltd. for Zoning Amendment at 0 Guy Street to increase the total lot coverage and front yard coverage. Note & File ZB/12788
7.1.10	Manager of Development Applications	Application of Borys Sozanski for Zoning Amendment at 702 Rankin Avenue to allow a semi detached dwelling to be permitted as an additional use. Note & File ZB/12787
7.1.11	Manager of Urban Design	Site Plan Approval Application, Tania Iacobelli – Baird AE, 2250 Banwell Road to convert a vacant lot into two apartments buildings with a total of 76 units Note & File ZS/12778
7.1.12	Manager of Urban Design	Site Plan Approval Application, Ettore Bonato, 1346 Ottawa Street to build a second floor addition containing a single dwelling onto an existing one-storey hair salon Note & File ZS/12779
7.1.13	Manager of Urban Design	Site Plan Approval Application of Conseil Scolaire Catholique – St. Edmond to permit a parking lot at 1880 Totten Street. Note & File ZS/12792
7.1.14	Manager of Urban Design	Site Plan Approval Application of Conseil Scolaire Catholique – George P Vanier to permit a bus bay at 6200 Edgar Street. Note & File ZS/11832
7.1.15	Manager of Urban Design	Site Plan Approval application of City of Windsor – South Windsor Recreation to permit a parking lot addition at 2555 Pulford Street. Note & File ZS/12218
7.1.16	Manager of Urban Design	Site Plan Approval application of University of Windsor to permit a Science & Innovation Facility at 401 Sunset. Note & File

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No.	Sender	Subject
		ZS/12793
7.1.17	President, Earth Day Network	Invitation to participate in Earth Day Network's 2017 Global Day of Conversion. City Engineer COUNCIL DIRECTION REQUESTED, otherwise Note & File EI/10822
7.1.18	Secretary/Treasurer, Committee of Adjustment	Agenda for Committee of Adjustment meeting to be held Thursday, April 6, 2017 at 3:30 p.m., Council Chambers, 3 rd Floor, Windsor City Hall. Note & File ZC2017

Carried.

7.1.6 Update on Pupil Accommodation Reviews and support for education in rural and remote communities

Moved by: Councillor Marra
 Seconded by: Councillor Bortolin

Decision Number: CR169/2017

That the correspondence from the Ministry of Education dated March 6, 2017 regarding recent public accommodation reviews, **BE RECEIVED**, and further, that this **BE REFERRED** to the City and School Boards Liaison Committee for further review and consideration.

Carried.

Clerk's File: ME2017

7.1.17 Invitation to participate in Earth Day Network's 2017 Global Day of Conversion

Moved by: Councillor Holt
 Seconded by: Councillor Francis

Decision Number: CR170/2017

That the correspondence from the President of Earth Day Network dated March 27, 2017 regarding "Earth Day Network's 2017 Global Day of Conversation" **BE RECEIVED**, and further, that this **BE REFERRED** to the Windsor Essex County Environment Committee (WECEC) for further review and consideration.

Carried.

Clerk's File: EI/10822

8. CONSENT AGENDA

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CR171/2017 AMENDED BY CR260/2017 ADOPTED MAY 8, 2017

8.1 Little River PCP Diesel Generator and Motor Control Centre Upgrades Tender #14-17_Ward 5,6,7,8,9

Moved by: Councillor Bortolin

Seconded by: Councillor Elliott

Decision Number: CR171/2017

- 1) That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low bidder, Vollmer, Inc. in the amount of \$2,830,460.70 √excluding HST√, satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor, and;
- 2) That additional funding totalling \$1,554,400 **BE TRANSFERRED** from the Pollution Control Reserve (Fund 208) to the LRPCP Diesel #1&2/Dist Switchgear project (7141039).

Carried.

Report Number: C 37/2017

Clerk's File: SW/12784

CR172/2017 AMENDED BY CR260/2017 ADOPTED MAY 8, 2017

8.2 Approval of Tender No. 168-16 Diesel Generator Upgrades at Little River Pollution Control Plant and Diesel Generator Purchase at Lou Romano Water Reclamation Plant, Tender No. 169-16 Switchgear Upgrades at Little River PCP and Tender No. 170-16 Motor Control Centre Upgrades at Little River PCP

Moved by: Councillor Bortolin

Seconded by: Councillor Elliott

Decision Number: CR172/2017

- I. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with CF Industrial, Inc. the low bidder for the 3 Diesel Generators, in the amount of \$1,682,500.00 √excluding HST√ satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor, and;
- II. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with Eaton Industries Canada the low bidder for the Switchgear and MCC, in the amount of \$277,884.00 √excluding HST√ and \$218,027.00 √excluding HST√ satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor.

Carried.

Report Number: C 25/2017

Clerk's File: SW/12784

8.3 Sewer Relining Rehabilitation E.C. Row Expressway - RFT 6-17

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR173/2017

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

Tenderer:	Edgewater Sewer Services Inc. 12733 County Road 42 Tecumseh, ON N8N 2L9
Work:	Sewer Relining Rehabilitation E.C. Row Expressway Tender 6-17
Total Tendered Price:	\$1,102,388.13 (excluding HST)
Accounts Charged:	007-5410-9998-14034-7169001 Flood Abatement Measures Project

And, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer (Edgewater Sewer Services Inc.), satisfactory in form to the City Solicitor, in technical content to the City Engineer, and in financial content to the Chief Financial Officer and City Treasurer, for Tender No. 6-17.

II. That **APPROVAL BE GIVEN** to transfer the remaining funding up to \$592,075.00 from the approved 2008, 2009 and 2010 Capital Budget for City Wide Culvert Inspection / Repair (Project ID 7082020) to Project ID 7169001 Class 14034 to fund work under Tender 6-17.
Carried.

Report Number: C 39/2017
Clerk's File: SW/12785

8.4 Declaration of the Improved Property Known Municipally as 930 Marion Avenue Surplus and Authority to Sell 930 Marion Avenue (former DeSantis School) - Ward 4

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR167/2017

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

- Municipal address: 930 Marion Avenue – situate on the east side of Marion Avenue, between Niagara Street and Erie Street East

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- Legal Description: Lots 67 to 74, inclusive, Registered Plan 575, Part Lot 66, Registered Plan 575 as in R437701 and Part Lot 75, Registered Plan 575 as in WC25470
 - Approximate Lot size: 464.67' (141.63 m) x irregular
 - Approximate Area: 66,646.8 sq ft (6,191.69 m²)
 - Improvements: two-storey institutional building with approximate total area of 45,942 sq ft (4,268.15m²)
- II. That the Manager of Real Estate Services **BE DIRECTED** to give notice to the Downtown Windsor Community Collaborative (“**DWCC**”) to vacate the Property on or before May 15, 2017.
- III. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the improved parcel of land municipally known as 930 Marion Avenue and legally described as Lots 67 to 74, inclusive, Registered Plan 575, Part Lot 66, Registered Plan 575 as in R437701 and Part Lot 75, Registered Plan 575 as in WC25470, for sale on the Multiple Listing Service at a list price to be determined by the Manager of Real Estate Services.

Carried.

Report Number: C 44/2017
Clerk's File: APM2017

8.5 Declaration of the Vacant Parcel of Land Municipally Known as 0 Tecumseh Road East Surplus and Authority to Offer the Land for Sale - Ward 7

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR174/2017

- I. That the following vacant parcel of land **BE DECLARED** surplus:
- Municipal address:
 - 0 Tecumseh Road East – a rectangular shaped parcel situate on the north side of Tecumseh Road East, opposite Forest Glade Drive
 - Legal Description:
 - Part of Lot 137, Concession 1, designated as Part of Parts 6 and 7 on Plan 12R-6359, to be further described on a new reference plan of survey, Parts 8 and 9 on Plan 12R-6359 and Part 1 on Plan 12R-9483
 - Lot area: approximately 1539.55 m² (16,571.58 sq ft)
- II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcel of land municipally known as part of 0 Tecumseh Road East and legally described as Part of Lot 137, Concession 1, designated as Part of Parts 6 and 7 on Plan 12R-6359, to be further described on a new reference plan of survey, Parts 8 and 9 on Plan 12R-6359

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and Part 1 on Plan 12R-9483, for sale to the abutting property owners at a list price to be determined by the Manager of Real Estate Services or an independent appraisal, as appropriate.

Carried.

Report Number: C 48/2017

Clerk's File: APM2017

8.6 Public Transit Infrastructure Fund and Clean Water Waste Water Fund

Moved by: Councillor Bortolin

Seconded by: Councillor Elliott

Decision Number: CR164/2017

That in the event that written confirmation is received by the City indicating that funding has been approved under the Public Transit Infrastructure Fund (PTIF) or the Clean Water Waste Water Fund (CWWF) in respect of projects submitted by the City, Administration **BE AUTHORIZED** to make any expenditures/purchases that are related to those projects submitted to PTIF or CWWF provided such expenditures/purchases are within previously-approved budget amounts and that they are required to be made prior to the formal public announcements or agreement execution, due to project timelines and;

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to take any such action and sign any such documentation as may be required to effect the recommendation noted above, subject to all documentation being satisfactory in legal form to the City Solicitor, in technical content to the City Engineer for CWWF and the Executive Director of Transit Windsor for PTIF and in financial content to the City Treasurer or,

That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specifications being satisfactory in technical content to the City Engineer for CWWF and the Executive Director of Transit Windsor for PTIF, to the City Solicitor for legal content and in financial content to the City Treasurer and,

That Council **APPROVE** Administration to execute the following project tasks as identified prior to confirmation of Clean Water Wastewater funding to mitigate project risks:

- Mount Carmel - \$175,000 for design engineering
- Pontiac and St Paul Studies - \$500,000 – commence project
- Campbell / University Study - \$400,000 – commence project
- Zoom Condition Data - \$150,000 to camera initial group of assets

And

That Council **APPROVE** the use of \$918,750 in Sewer Surcharge funding from anticipated project surpluses to fund the grant portion of the work stated above should CWWF funding not be awarded and;

That the use of the Sole Sources in CWWF as approved in CR653/2016 **BE CONFIRMED** to execute these tasks.
Carried.

Report Number: C 45/2017
Clerk's File: EI/12678

8.7 Report No. 113 of the Windsor Accessibility Advisory Committee - Purchase of beach access mats and Mobi-Chairs for Sand Point Beach

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR175/2017 SDHC 463

That Report No. 113 of the Windsor Accessibility Advisory Committee indicating that approval be given to an expenditure in the upset amount of \$37,500 for the purchase of beach access mats and for two (2) Mobi-Chairs (amphibious rolling beach wheelchairs) for Sand Point Beach subject to the provisions of the Purchasing By-law 93-2012 and further, that a plaque be erected acknowledging the contribution by the Windsor Accessibility Advisory Committee and City Council **BE APPROVED**.

Carried.

Report Number: SCM 40/2017
Clerk's File: MB2017

8.8 On Care For Cure Inc. Dragon Boat Races July 9, 2017 Sandpoint Beach - Ward 7

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR176/2017 SDHC 464

That the request from On Care For Cure Inc. to host the Dragon Boat Races event July 9, 2017, at Sandpoint Beach, and further, a request for a temporary road closure of Riverside Drive East between Martinique Drive and Clover Avenue **BE APPROVED** subject to the terms and conditions of the Special Event Agreement; and,

That Administration **RE REQUESTED** to have discussions with the organizing committee of On Care for Cure Inc. Dragon Boat Races to determine whether something visible can be erected on site at Sandpoint Beach in commemoration of the event.

Carried.

Report Number: S 36/2017
Clerk's File: SR/12765

CR177/2017 AMENDED BY CR609/2017 ADOPTED October 2, 2017

**8.9 P2 Productions Inc. Caribbean Fest July 28 and July 29, 2017 Riverfront Festival Plaza
- Ward #3**

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR177/2017

That the request from P2 Productions Inc. to host the Caribbean Fest event July 28 and July 29, 2017 , **BE APPROVED** subject to the terms and conditions of the Special Event Agreement; and further,

That the request from P2 Productions Inc. for approval of designation as 'Significant Event Status' for the purpose of applying for their liquor services **BE APPROVED**.
Carried.

Report Number: S 35/2017
Clerk's File: SR/12764

8.10 Earth Hour Celebration 2017_City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR178/2017

That the Report of the City Engineer dated February 3, 2017 entitled Earth Hour Celebration 2017 **BE RECEIVED** for information, and further,

That Administration **BE DIRECTED** to quantify the energy savings realized from participating in Earth Hour, and that this **BE REPORTED** back to Council.
Carried.

Report Number: S 29/2017
Clerk's File: APR2017

11.1 Amendment to CR 50/17 to correct the HST component - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Elliott

Decision Number: CR181/2017

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That City Council **APPROVE** the amendment to resolution CR50/2017 to delete the word “inclusive of non-recoverable HST”, and replace with “excluding HST”.

Carried.

Report Number: C 62/2017

Clerk’s File: AS/12461

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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

10.1 Rotary Centennial Plaza Project Riverfront Civic Terrace Ward 3

Janet Kelly representing the Rotary Club of Windsor (1918), and Stefan Fediuk, Parks Design and Development

Janet Kelly representing the Rotary Club of Windsor (1918), and Stefan Fediuk, Parks Design and Development, appear before Council to speak in support of the proposed concept for the Rotary Centennial Plaza Project, and conclude by providing an overview of this initiative, including the Civic Terrace and Festival Plaza, the collaboration between the City of Windsor and Rotary, the concept plan, the time capsule, features such as shade trellis, tables with umbrellas, benches and swing benches.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council to provide comment regarding the proposed concept for the Rotary Centennial Plaza Project, suggesting this is an innovative plan that should be supported, and suggests that Council consider incorporating a green pathway, and to use soft lighting versus bright lighting.

Moved by: Councillor Gignac

Seconded by: Councillor Sleiman

Decision Number: CR179/2017

- I. That the proposed concept for the Rotary Centennial Plaza Project as prepared by the Parks Department in collaboration with The Rotary Club of Windsor (1918) **BE APPROVED**; and further,
- II. That funds for the City’s portion of the work **BE ALLOCATED** from the \$2.3 million allotment from the 2014 enhanced capital funding for the Central Riverfront Implementation Plan Project; and further,

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- III. That **AUTHORIZATION** be given to the City Solicitor or designate to develop an Agreement between the Corporation of the City of Windsor and The Rotary Club of Windsor (1918) for the Rotary Centennial Plaza Project to include: scope of work, installation of plaza, trellis, seating, lighting, site works, commemorative elements and civic amenities, each partner's obligations and responsibilities, the transfer of ownership of the plaza and all elements listed, and other rights to City of Windsor and the development of a Maintenance Agreement to provide funding on an annual basis over a ten year term to be utilized for future maintenance and repairs; and further,
- IV. That the CAO and the City Clerk **BE AUTHORIZED** to sign the Agreement, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the Executive Director of Recreation and Culture and the CLT of Parks and Recreation.

Carried.

Report Number: C 23/2017
Clerk's File: APM/4691

10.2 Taxi Study Report AND

10.3 Consultant Report - "Regulation of Transportation Network Companies Study" - City Wide

Dr. James Cooper, Consultant, Taxi Research Partners Ltd.

Dr. James Cooper, Consultant, Taxi Research Partners Ltd., appears before Council to provide an overview of the proposed "regulation of transportation network companies", including an overview of the study undertaken, approaches to regulation, state of the industry in Windsor, benefits and difficulties of the emerging market structure, options, assessment and recommendations, conclusions in brief, the regulation of transportation network companies, the regulation of taxis, and the regulation of livery vehicles.

Mayor Dilkens leaves the meeting at 6:58 o'clock p.m. and Councillor Elliott assumes the Chair.

Mayor Dilkens returns to the meeting at 7:01 o'clock p.m. and Councillor Elliott returns to his seat at the Council table.

Chris Schafer, Uber Public Policy Manager – Canada

Chris Schafer, Uber Public Policy Manager – Canada, appears before Council to provide comment regarding the proposed "regulation of transportation network companies", expressing support for Uber bylaws in Windsor, and provides a breakdown of policy issues in terms of those regulated in other Ontario municipalities, and concludes by providing a response on behalf of Uber to the submissions presented by Vets Cab.

Samir Gharib, Vets Cab driver

Samir Gharib, Vets Cab driver, appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, including an overview of the taxi industry and process it follows, as well a summary of the restrictions the city has imposed on them, and concludes by suggesting that the taxi community has served the needs of the city and that their livelihood needs to be protected.

Marwan Abouzeeni, Chairperson Unifor Local 195, Vets Cab

Marwan Abouzeeni, Chairperson Unifor Local 195, Vets Cab appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, suggesting that appropriate workplace protections are not being applied to Uber and that Uber needs to have restrictions and conditions imposed, such as a requirement to have cameras in their vehicles, and concludes by suggesting that Uber is too de-regulated and that there needs to be a level playing field and that the taxi industry has proudly served the city of Windsor.

Walter Bezzina, General Manager, Vets Cab

Walter Bezzina, General Manager, Vets Cab, appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, proposing 5 keys areas that would offer a level playing field including: restricted hours whereby an uber driver licence grants them the right to drive up to 20 hours per week; licensing condition whereby uber drivers apply in person at the city’s licensing department and provide vulnerable sector check; vehicle safety whereby cars must submit a current MTO safety certificate including a city-issued vehicle standard inspection checklist; vehicle identification whereby a City of Windsor-issued vehicle decal is visible to the riding public and enforcement officials; and in-car camera whereby in-car cameras must be mandatory on all vehicles offering public transportation service.

Brian Hogan, President, Windsor & District Labour Council

Brian Hogan, President, Windsor & District Labour Council appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stressing the importance of a fair and just society, suggesting that Uber is breaking laws and that the taxi drivers have been Windsor’s ambassadors and deserve to be treated fairly.

John Toth, 1st Vice President, Unifor Local 195

John Toth, 1st Vice President, Unifor Local 195 appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stressing the importance of a level playing field that is fair and as an example states that in-car cameras should be required in all uber vehicles.

Dave Budnaruk, Health & Safety Representative, Vets Cab

Dave Budnaruk, Health & Safety Representative, Vets Cab appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stressing that all by-laws need to be enforced for all entities to ensure safety for drivers and consumers and concludes by suggesting that a requirement for cameras in vehicles would be a positive step forward in that it would serve as a safety measure.

Aman Khan, Vets Cab driver

Aman Khan, Vets Cab driver appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stating opposition to Uber and concludes by suggesting that the issuance of plates needs to be addressed and resolved by Council.

Ramzi Haddad, Vets Cab driver

Ramzi Haddad, Vets Cab driver appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stating opposition to Uber and concludes by asking why have by-laws in place if the City won’t enforce them.

Myron Shulgan, Solicitor representing taxi plate holders

Myron Shulgan, Solicitor representing taxi plate holders appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stating that it is unfair for the City to change the regulations simply because Uber does not want to follow the rules of the game and that special exemptions should not be granted to them.

Jessie Simonetti, representing CUPE Council

Jessie Simonetti, representing CUPE Council appears before City Council to provide comment regarding the proposed “regulation of transportation network companies”, stating that it is unfair for the City to open the door to lax standards and thus create an unfair/uneven playing field, at the detriment of the taxi industry.

Mohammad Kashash, plate holder, Vets Cab driver

Mohammad Kashash, plate holder, Vets Cab driver appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stating that rules and regulations should be respected and Uber should have to abide by the by-laws in place.

Imad Alhasan, plate holder, Vets Cab driver

Imad Alhasan, plate holder, Vets Cab driver appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, suggesting that Uber needs to follow the by-laws, thus creating a fair level playing field for everyone.

Patrick Hannon

Patrick Hannon appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, requesting that Council maintain a level playing field for all parties, as regulations are put in place to protect the public, and protective measures such as the requirement for in-car cameras serve as a valuable health and safety tool, and concludes by

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suggesting that certain segments of the population such as seniors might not be able to afford devices with data packages and apps to access transportation services.

Jay Abddoulrahmanpour, Canadian Checker Cab

Jay Abddoulrahmanpour, Canadian Checker Cab appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, stating support for the taxi cab community, and suggests that for the past year, the city has failed to enforce the subject by-laws, thus giving Uber unfair and unlimited powers, and concludes by requesting that Council consider issuing an additional 20 plates in order for the taxi industry to stay in business.

Misbahol Mishu Kabir, plate holder, Vets Cab driver

Misbahol Mishu Kabir, plate holder, Vets Cab driver, appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, to state simply that Uber should be compelled to comply with all city by-laws and regulations and thus maintain a fair and level playing field for everyone.

Gerry Farnham, President of Unifor Local 195

Gerry Farnham, President of Unifor Local 195, appears before Council to provide comment regarding the proposed “regulation of transportation network companies”, suggesting that Uber currently has an unfair playing field as it is similar enough to the taxi cab industry and should be adhering to the subject by-laws and regulations, which should be enforced upon them, and concludes by suggesting that the idea of opening more plates up to the taxi industry would not help in this situation.

Moved by: Councillor Gignac

Seconded by: Councillor Bortolin

That in accordance with Section 3.5 of the Procedure By-law, the time of the meeting **BE EXTENDED** beyond 11:00 o'clock p.m. to permit the continuation of the agenda.

Carried unanimously at 10:55 o'clock p.m.

Moved by: Councillor Gignac

Seconded by: Councillor Elliott

Decision Number: CR180/2017 ETPS 446

1. THAT the report of the City Clerk/Licence Commissioner dated November 8, 2016, entitled “Regulation of Transportation Network Companies Study – Final Review and Recommendations” **BE RECEIVED**;
2. THAT the following recommendations **BE ADOPTED**:
 - I. That in order to regulate TNCs, By-law 137-2007 be amended to allow for the following:

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- a. A new licensing category for TNCs which will include all services provided by the TNC via the TNC Application available over smart phones and that the TNC be obliged to provide the City with formal notice when new service types are offered under the umbrella of the TNC App;
- b. All TNCs must obtain a licence from the City to operate and pay an annual licensing fee based on the number of vehicles which they operate/dispatch together with a fee per trip taken by TNC vehicles. The fees shall be set in an amount which will allow the municipality to achieve full cost recovery for the administration and enforcement of the licensing regime for TNCs;
- c. TNCs be bound to provide operational data, such as background record checks of drivers, vehicle inspection records, trip sheets and proof of insurance;
- d. TNCs be required to maintain a complaints system to be made available to the City;
- e. TNCs be required to provide their own internal arbitration system for driver behaviour (except where this is in contravention or over ridden by existing legislation);
- f. TNCs be held liable for any falsification, misrepresentation or erroneous statements made in any application to which it is a party or acting as a representative and to be subject to fines and potential suspension or removal of rights for any breaches in this regard;
- g. No limit to be placed on the number of TNC vehicles that may operate in Windsor;
- h. TNC Vehicles may not accept cash payments;
- i. TNC Vehicles may not accept street hail fares and may not pick up at any taxi stand;
- j. TNC Vehicle drivers be required to pass criminal record checks and have an acceptable insurance policy. These documents may be collected and maintained by the TNC, subject to “ at-will” inspection by the City;
- k. TNC drivers be required to produce and display their TNC documentation stored on the TNC app upon demand by any officer authorized to enforce the by-law;
- l. TNC Drivers be required to undertake a training course, which may be provided by a third party such as the TNC, specific to the handling of passengers, sensitivity towards diversity and accessibility and providing assistance to passengers;
- m. TNC Vehicles be required to be tested and certified for safety to the standard currently existing in the By-law, on an annual basis, which may be undertaken by a third party such as the TNC. The documents verifying this requirement may be collected and maintained by the TNC, subject to “ at-will” inspection by the City;
- n. TNC Vehicles must prominently display signage indicating that it is a TNC company and the name of the company, which may be in the form a removable decal;
- o. TNC Drivers be required to maintain accurate trip records and make these available to the City, police or other law enforcement agency upon demand;

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- p. With respect to pricing, that the TNC be allowed to determine the pricing level based on market conditions provided that the price for each trip is published, transparent and accepted by the Passenger prior to the trip being made.

II. That the following recommendations **BE INSTITUTED** with respect to taxis:

- a. No changes be made to the current number of taxis licensed in the City of Windsor;
- b. Existing requirements for the driver training course be maintained but that the requirement for separate proof of English language proficiency, over and above successful completion of the training course, be eliminated;
- c. That taxicab brokers be allowed to surcharge or offer a discount at the end of any fare measured on the taxicab meter provided that their rates are displayed in the taxicab and filed previously with the Licence Commissioner;
- d. That a taxi licensing fee review be conducted;
- e. That the age of the vehicles for both x class vehicles, and taxi cabs **MOVE** from 8 years to 10 years old across the board and the requirement for MTO safety inspections be as follows: annual inspection for a vehicle that is up to 5 years old; and semi-annually for vehicles 6 to 10 years old, across the board; and
- f. That Administration be directed to work with the taxi industry to revise the requirements for the type of security cameras that must be installed in taxi vehicles in order to meet the needs of the industry;
- g. Administration be directed to enter discussions with the taxi industry on the use of soft meters;
- h. That the restrictions in place for transferring taxi plates should be changed to allow a taxi driver with one year experience to be eligible to hold a plate;
- i. That the current allowable term for the lease of a taxi plate be amended to 5 years from the current 2 years; and
- j. That Administration be directed to enter discussions with the industry stakeholders regarding the treatment of accessible taxicab plates and to report back regarding any recommended amendments to the by-law in this regard.

III. That with respect to the standard for background checks, the same requirement **BE PUT IN PLACE** for TNC, Taxi and Livery drivers, being:

- a. The current vulnerable sector check (That a vulnerable sector police record check **BE REQUIRED** for TNC, Taxi and Livery drivers to be completed in the municipality in which the driver resides in);

3. THAT Administration **DRAFT** the amendments necessary to By-law 137-2007 in order to effect the recommendations listed in item 2 for final approval by City Council; and,

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4. That the regulatory regime for TNC's **BE REVIEWED** after twelve months of operation and that any required amendments be brought to City Council for consideration (including whether it's an adjustment in the licensing fee structure and/or one that would apply to cameras being suggested as a result of the data collected); and further,
5. That the transport of Special needs students to **BE DELIVERED** by taxi cabs only; and,
6. That Administration **BE DIRECTED** to work with the taxi industry and to bring a report to Council directly with recommendations regarding the release of additional plates to the industry; and,
7. That a provision **BE INCLUDED** in the by-law that would allow the taxi cab industry to also collect driver information with respect to licensing and to submit to the city subject to any necessary audit requirements.

Carried.

Councillor Francis discloses an interest and abstains from voting on items 10.2 and 10.3.

At the request of Councillor Gignac a recorded vote is taken on this matter.

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

Nay votes: Councillor Holt.

Abstain: Councillor Francis.

Absent: None

Moved by: Councillor Marra

Seconded by: Councillor Borrelli

That any vehicles licensed through the newly-adopted TNC regulations also **INCLUDE** a stipulation that requires in-car security cameras.

Moved by: Councillor Elliott

Seconded by: Councillor Sleiman

That the following proposed motion by Councillor Marra put forward at the March 27, 2017 meeting of Council **BE DEFERRED** for 12 months to allow for data to be collected and reported to Council:

That any vehicles licensed through the newly-adopted TNC regulations also **INCLUDE** a stipulation that require in-car cameras.

The motion is **put** and is **lost** due to an equality of votes.

Aye votes: Councillors Elliott, Sleiman, Gignac, Payne and Mayor Dilkens.

Nay votes: Councillors Holt, Kusmierczyk, Marra, Borrelli and Bortolin.

Abstain: Councillor Francis

Absent: None.

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Moved by: Councillor Marra
Seconded by: Councillor Borrelli

That any vehicles licensed through the newly-adopted TNC regulations also INCLUDE a stipulation that requires in-car security cameras.

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

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

Aye votes: Councillors Marra, Borrelli, Bortolin and Holt,
Nay votes: Councillors Gignac, Elliott, Sleiman, Payne, Kusmierczyk and Mayor Dilkens.
Abstain: Councillor Francis.
Absent: None.

Report Number: S 201/2016
Clerk's File: ACL/12378 10.2

Report Number: S 170/2016
Clerk's File: ACL/12378 10.3

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None.

12. CONSIDERATION OF COMMITTEE REPORTS

12.1 Report of the Special In-Camera Meeting March 27, 2017

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

Decision Number: CR185/2017

That the **Report of the Special in-camera** meeting held March 27, 2017 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2017

12.2 Report of the Striking Committee Meeting March 27, 2017

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Moved by: Councillor Holt

Seconded by: Councillor Kusmierczyk

Decision Number: CR182/2017

That the **Report of the Striking Committee** meeting held March 27, 2017 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2017

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Marra

Seconded by: Councillor Payne

That the following By-laws No. 42-2017 through 52-2017 (inclusive) be introduced and read a first and second time:

42-2017 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS TECUMSEH ROAD EAST, IN THE CITY OF WINDSOR, authorized by CR68/2017, adopted February 6, 2017

43-2017 A BY-LAW TO FURTHER AMEND BY-LAW 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES, authorized by CAO3846, approved February 24, 2017

44-2017 A BY-LAW TO RESCIND THE APPOINTMENT OF NATASHA COUVILLON AS DEPUTY CITY TREASURER, authorized by CR87/2017, adopted February 21, 2017

45-2017 A BY-LAW TO AMEND BY-LAW NUMBER 208-2008, BEING A BY-LAW TO DELEGATE TO ADMINISTRATION THE AUTHORITY TO PROCESS, MAKE DECISIONS ON, AND TO EXECUTE AGREEMENTS FOR CERTAIN MATTERS, authorized by CR88/2017, adopted February 21, 2017

46-2017 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS TECUMSEH ROAD EAST, IN THE CITY OF WINDSOR, authorized by CR76/2011, adopted February 28, 2011

47-2017 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", authorized by CR127/2017, adopted March 6, 2017

48-2017 A BY-LAW TO AMEND BY-LAW NUMBER 392-2002, BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF FEES AND CHARGES, authorized by B27-2017, adopted January 23, 2017

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49-2017 A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF PLANNING APPLICATIONS, authorized by B27-2017, adopted January 23, 2017

50-2017 A BY-LAW TO AMEND BY-LAW 179-2008, BEING A BY-LAW RESPECTING THE ISSUANCE OF VARIOUS PERMITS AND THE SCHEDULING OF INSPECTIONS, authorized by B27-2017, adopted January 23, 2017

51-2017 A BY-LAW TO AUTHORIZE THE CORPORATION OF THE CITY OF WINDSOR TO ENTER INTO EXTENSION AGREEMENTS AND FOR THE CHIEF ADMINISTRATIVE OFFICER AND CLERK TO EXECUTE SUCH AGREEMENTS, authorized by M41-2012, adopted January 23, 2012

52-2017 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS SPECIAL MEETING HELD ON THE TWENTY-SEVENTH DAY OF MARCH, 2017
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Sleiman
Seconded by: Councillor Borrelli

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) Communication Items (as amended)
- 2) Consent Agenda (as amended)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (as amended)
- 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 Bortolin
Seconded by: Councillor Elliott

That the following By-laws No. 42-2017 through 52-2017 (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

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR183/2017

That the petition presented by Councillor Elliott from the residents of Lena Avenue and surrounding areas, asking for action on an empty house at 1167 Lena Avenue **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the Chief Building Official for the purpose of an examination of the requested works or undertakings; and further, that a report **BE PROVIDED** consistent with the direction provided.

Carried.

Clerk's File: ACO/12746

18. QUESTION PERIOD

18.1 CQ14-2017

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

Decision Number: CR165/2017

That the following Council Question by Councillor Marra **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:

CQ14-2017:

Assigned to Community Development & Health Commissioner

Asks Administration to prepare an information report regarding the sanctuary City movement across Canada. The report should examine the experiences in other cities, such as, Toronto; Vancouver; Hamilton; London and Montreal. I am requesting that Administration consult with stakeholder agencies and service providers in Windsor-Essex such as the Multi Cultural Council; The New Canadian Centre of Excellence and Windsor-Essex Local Immigration Partnership (and others as deemed appropriate).

*Please note Ryerson University Study on Toronto Sanctuary City Experience published February 2017.

Carried.

Clerk's File: GM2017

18.2 CQ15-2017

Moved by: Councillor Holt
Seconded by: Councillor Kusmierczyk

Decision Number: CR166/2017

That the following Council Question by Councillor Elliott **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:

CQ15-2017:

Assigned to City Engineer

Asks Administration what can be done to alleviate the truck traffic on College Avenue from Huron Line to Prince Road and also from Bloomfield Street. There are no truck signs posted on College at Prince; however trucks are frequently using these corridors through our community more and more.

Carried.

Clerk's File: SW2017

21. ADJOURNMENT

Moved by: Councillor Marra
Seconded by: Councillor Payne

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

Accordingly, the meeting is adjourned at 11:58 o'clock p.m.

Carried.

Mayor

City Clerk

Adopted by Council at its meeting held March 27, 2017 (CR182/2017)

VC/bm

Windsor, Ontario, March 27, 2017

REPORT OF THE STRIKING COMMITTEE
of its meeting held
March 27, 2017

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

Also in attendance:

O. Colucci, Chief Administrative Officer
M. Winterton, City Engineer and Corporate Leader Environmental Protection and Transportation
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public 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
C. Brown, CEO for YQG and WDTC/Corporate Leader of Transportation Services

Declarations of Pecuniary Interest:

None declared.

Your Committee submits the following recommendation:

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(1) That consideration of a replacement for Simon Chamely (Suzanne Stiers unable to accept appointment) on the Planning, Heritage and Economic Development Standing Committee (heritage matters only) **BE RECEIVED** and that no appointment to replace him be made at this time.

CHAIR

CITY CLERK