

# CITY OF WINDSOR MINUTES 01/21/2019

## City Council Meeting

Date: Monday, January 21, 2019

Time: 6:00 o'clock p.m.

### **Members Present:**

#### **Mayor**

Mayor Dilkens

#### **Councillors**

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Councillor Kusmierczyk

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

## **1. ORDER OF BUSINESS**

### **2. CALL TO ORDER - Playing of the National Anthem**

Following the playing of the Canadian National Anthem, the Mayor calls the meeting to order at 6:03 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 7.1.8. being the communication pertaining to Site Plan Approval for Windsor Family Credit Union, as the subject applicant employs a family member.

### **4. ADOPTION OF THE MINUTES**

#### **4.1. Adoption of the Windsor City Council meeting minutes held January 7, 2019**

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

That the minutes of the meeting of Council held January 7, 2019 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 7/2019

#### **4.2. Adoption of the 2018-2022 Windsor City Council Orientation Planning and Development Services meeting minutes held January 7, 2019**

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

That the minutes of the 2018-2022 Windsor City Council Orientation Planning and Development Services meeting held January 7, 2019 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 8/2019

## **5. NOTICE OF PROCLAMATIONS**

“Employee Mentoring Month” – January 2019  
“Black History Month” – February 2019  
“Eating Disorder Awareness Week” – February 1 – 7, 2019

### **Flag Raising:**

“Black History Month” – February 1, 2019

## **6. COMMITTEE OF THE WHOLE**

Moved by: Councillor Holt  
Seconded by: Councillor Kaschak

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-law 7-2019 through 19-2019 (inclusive).
- Carried.

## **7. COMMUNICATIONS INFORMATION PACKAGE**

### **7.1. Correspondence Monday, January 21, 2019**

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

Decision Number: CR13/2019

That the following Communication Items 7.1.1 through 7.1.9 inclusive as set forth in the Council Agenda **BE REFERRED** as noted:

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No.	Sender	Subject
7.1.1	Ontario Ministry of the Environment, Conservation and Parks	Minister's Annual Report on Drinking Water in 2018, showcasing how Ontario is taking action to protect drinking water and water resources.  City Engineer Senior Manager Pollution Control / Deputy City Engineer (A) EI/10108 Note & File
7.1.2	Ontario Energy Board	The Ontario Energy Board approved the amalgamation of Enbridge Gas Distribution Inc. and Union Gas Limited in August 2018. The companies have amalgamated to form Enbridge Gas Inc. Enbridge Gas Inc. has applied to raise its natural gas rates effective January 1, 2019.  MU2019 Note & File
7.1.3	City Planner / Executive Director	Application for Zoning Amendment, Chris Taylor Auto Sales Limited, Application to amend Zoning By-Law 8600 to expand the existing business and allow for redevelopment of the subject site, 4200 Tecumseh Rd. E. & 1986 Rossini Blvd.  ZB/13379 Note & File
7.1.4	Manager of Urban Design	Application for Site Plan Approval, Ray Pittao, New Building, 4096 Walker – 0 Division  ZS/13389 Note & File
7.1.5	Manager of Urban Design	Application for Site Plan Approval, BASF Canada Inc. c/o Jeff Klevering, New Paint Testing Facility, 845 Wyandotte W.  ZS/13388 Note & File
7.1.6	Manager of Urban Design	Application for Site Plan Approval, 2041924 ONT LIMITED, New Building 9275 Tecumseh Rd. E.  ZS/13392 Note & File
7.1.7	Manager of Urban Design	Application for Site Plan Approval, Windsor Essex Community Housing Corporation, New 145 Unit Residential Development, 0 & 3100 Meadowbrook  ZS/13391 Note & File

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No.	Sender	Subject
7.1.8	Manager of Urban Design	Application for Site Plan Approval, Windsor Family Credit Union, Renovation of Existing Office Spaces & Addition, 3085 Marentette  ZS/13390 Note & File
7.1.9	Committee of Adjustment/Consent Authority Agenda Record	Applications heard by the Committee of Adjustment/Consent Authority, afternoon of Thursday, January 24, 2019, 350 City Hall Square West, Room 204, Windsor, Ontario  ZC2019 Note & File

Carried.

Councillor Francis discloses an interest and abstains from voting on Item 7.1.8.

Report Number: CMC 1/2019

**7.2. Time Spent in Open and In-Camera Council Meetings and Committee Meetings for the period of January 1, 2018 to December 31, 2018**

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

Decision Number: CR14/2019

That the report of the City Clerk dated December 31, 2018 respecting "Time Spent in Open and In Camera Council meetings and Committee meetings for the period of the January 1, 2018 to December 31, 2018" **BE RECEIVED** for information.

Carried.

Report Number: CM 39/2018  
Clerk's File: ACO/9512

**7.3. Building Division Transitioning to Digital-Only Permits**

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

Decision Number: CR15/2019

That the update provided by the City Solicitor and Chief Building Official regarding the Building Division transitioning to digital-only permits **BE RECEIVED** for information.

Carried.

#### **7.4. 2018 Financial Statement Audit Planning**

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

Decision Number: CR16/2019  
That City Council **RECEIVE FOR INFORMATION** the 2018 KPMG Audit Planning Report for the year ending December 31, 2018.  
Carried.

Report Number: C 224/2018  
Clerk's File: AF/11247

#### **7.5. Windsor Canada Utilities Ltd. 3rd Quarter 2018 Financial Statements - City Wide**

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

Decision Number: CR17/2019  
That City Council **RECEIVE** for information, the Windsor Canada Utilities Ltd. 3<sup>rd</sup> Quarter 2018 Financial Statements.  
Carried.

Report Number: C 3/2019  
Clerk's File: AF/11247

#### **7.6. Your Quick Gateway (Windsor) Inc. 3rd Quarter 2018 Financial Statements - City Wide**

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

Decision Number: CR18/2019  
That City Council **RECEIVE** for information, the Your Quick Gateway (Windsor) Inc. 3<sup>rd</sup> Quarter 2018 Financial Statements.  
Carried.

## **8. CONSENT AGENDA**

### **8.3. Extension of Contract for Linen Laundry Services for 2nd One Year Term - Huron Lodge - City Wide**

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

Decision Number: CR21/2019

That Council **APPROVE** the extension of an agreement with 509805 Ontario Limited, operating as Brite Linen & Laundry Services, for the purpose of providing linen laundry services, in accordance with their submission in response to RFP #91-14, for a 2<sup>nd</sup> additional one year term; and,

That Council **AUTHORIZE** the CAO and City Clerk to **EXECUTE** an agreement with Brite Linen & Laundry Services, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer & City Treasurer and in technical content to the Senior Manager of Facilities.

Carried.

Report Number: S 4/2019  
Clerk's File: AH/12954

### **8.4. RFP Number 126-18 - YQG - Automatic Transfer Switchgear - Ward 9**

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

Decision Number: CR22/2019

- I. That **APPROVAL BE GIVEN** to enter into an agreement with Poirier Electric Limited to replace the Automatic Transfer Switchgear system at the Windsor International Airport in the amount of \$564,875.00 plus HST and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign the agreement with Poirier Electric Limited, satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer.

Carried.

Report Number: C 221/2018  
Clerk's File: APM/13383

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### 8.5. Lou Romano Water Reclamation Plant (LRWRP) Site Drainage Pumping Station

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

Decision Number: CR23/2019  
That the following low tender **BE APPROVED**:

<b>TENDERER:</b>	SLR Contracting Group Inc. 6260 Westar Drive Windsor, ON N9J 0B5
<b>TENDER NO:</b>	173-18
<b>TOTAL TENDER PRICE:</b>	\$1,441,900.00
<b>ACCOUNT CHARGED:</b>	<b>007-5410-9998-02942-7161069</b>

And,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and financial content to the City Treasurer; and,

That an estimated \$1,282,000 budget shortfall in the project **BE FUNDED** as follows:

- i) A pre-commitment of \$1,200,000 in 2019 dollars from the 2019 Capital Budget, in Project ENV-001-08 (Lou Romano Water Reclamation Plant Capital Improvements).
- ii) A transfer of \$82,000 from the Pollution Control Reserve (Fund 208).

Carried.

Report Number: C 1/2019  
Clerk's File: SW/13384

### 8.6. Ministry of Labour (MOL) Order issued to the Corporation November 28, 2018

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

Decision Number: CR24/2019  
That City Council **RECEIVE FOR INFORMATION** this report from the Executive Director of Human Resources with respect to an order issued to the Corporation by the Ministry of Labour (MOL) at Lou Romano Water Reclamation Plant (LRWRP) November 28, 2018; and further,



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That Council and Administration **BE MADE AWARE** that Pollution Control and the Human Resources Department have taken action to address this contravention and in doing so the Corporation will not be appealing the order received.  
Carried.

Report Number: CM 1/2019  
Clerk's File: GP2019

**8.7. Lou Romano Water Reclamation Plant - Diesel Generator & MCC  
Upgrades**

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

Decision Number: CR25/2019  
That the following low tender be **APPROVED**:

<b>TENDERER:</b>	RORISON ELECTRIC LIMITED 825 Foster Ave
<b>TENDER NO:</b>	Windsor, Ontario N8X 4W3 166-18
<b>TOTAL TENDER PRICE:</b>	\$3,821,640.00 (excluding HST)
<b>ACCOUNT CHARGED:</b>	<b>007-2950-9998-02942-7162006</b>

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the tenderer, satisfactory in form to the City Solicitor, in technical content to the City Engineer, and financial content to the City Treasurer; and,

That 2019 funds totalling \$1,810,000 **BE PRE-COMMITTED** from the 2019 Capital Budget, from Project ENV-001-08; and,

That an additional \$118,480.00 plus applicable HST be approved for the firm of Dillon Consulting Ltd. to provide the additional professional services required for the upgrade of Diesel Generator units and power distribution switchboards at the Little River Pollution Control Plant (LRPCP) and Lou Romano Water Reclamation Plant (LRWRP) AND THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an addendum to the contract with Dillon Consulting Ltd., satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor, with charges allocated as follows:

- \$56,293, plus applicable HST, to 007-2915-9998-02942-7141039 (LRPCP Diesel #1&2/Dist Switchg)

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- \$62,187, plus applicable HST, to 007-2915-9998-02942-7162006 (LRWRP Diesel#2Dist Switch Gear)

Carried.

Report Number: C 6/2019

Clerk's File: SW/13385

## 9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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

### 8.1. Bike Share - City-Wide

#### Brian Patterson, Urban Transportation Specialist – Urban Systems

Brian Patterson, Urban Transportation Specialist – Urban Systems, appears before Council to provide an update on the “Bike Share Feasibility Study”, including the study findings to-date; confirmation of revised scope of work for the remainder of the study; evolution of bike share; benefits of bike share; the Canadian Bike Share landscape; regulation and management of private bike share; electrification and micro-mobility; peer systems research; and concludes by recommending that current market trends and best practices be followed, that a partnership with one/multiple private operators be prepared and pursued, and to act as a regulator by learning from experiences of Canadian municipalities, as well as next steps to be undertaken.

Moved by: Councillor Bortolin

Seconded by: Councillor Holt

Decision Number: CR19/2019

That Council **ENDORSE** the revised scope of work for the Bikeshare Feasibility Study; and further,

That Administration **BE REQUESTED** to not narrow the scope down to exclusively private operators but to include traditional, private (whether through RFP or permit) operators in the final report to allow for comparisons and for Council to evaluate pros and cons of each as described.

Carried.

Report Number: C 223/2018

Clerk's File: MB/5331

## **8.2. Walk Wheel Windsor Update - CITY-WIDE**

### **Brian Patterson, Urban Transportation Specialist – Urban Systems**

Brian Patterson, Urban Transportation Specialist – Urban Systems, appears before Council to provide an update on “Walk Wheel Windsor”, including a summary of what has been done so far in terms of process; the vision and goals; targets; preliminary strategies and actions; and next steps which include: a confirmation of vision, goals and targets; define and finalize networks strategies and actions; and a public engagement phase.

### **Jessica Bondy, resident of Ward 1**

Jessica Bondy, resident of Ward 1, appears before Council to speak in support of the established vision, goals and targets created and refined with public input as part of the Active Transportation Master Plan, but expresses concern in terms of the lack of urgency based on the timelines outlined, and further suggests that transit services need improvement and concludes by reiterating that rapid and far reaching changes are needed.

### **Lori Newton, Executive Director – Bike Windsor Essex**

Lori Newton, Executive Director – Bike Windsor Essex, appears before Council to speak in support of the established vision, goals and targets created and refined with public input as part of the Active Transportation Master Plan, but suggests that there are some gaps but is confident that they will be addressed during the next phase in the process, and expresses concern that some of the targets might be too low and that Council should be more aggressive in terms of moving this along.

Moved by: Councillor Bortolin

Seconded by: Councillor Sleiman

Decision Number: CR20/2019

1. That Council **ENDORSE** the established vision, goals, and targets created and refined with public input as part of the Active Transportation Master Plan; and,
  2. That Council **RECEIVE** the Preliminary Themes, Strategies and Actions for information.
- Carried.

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### 11.1. Cannabis retail stores: opt-in or opt-out - City Wide

#### **Leo Lucier, owner of Compassion House**

Leo Lucier, owner of Compassion House, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, advocating that there are economic benefits to opting-in and that this is a long overdue change with more pros than cons and concludes by stressing that the key is to locate these stores in responsible places.

#### **Samuel and Robert Katzman, owners of Katzman Enterprises**

Samuel and Robert Katzman, owners of Katzman Enterprises, appear before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting that there are benefits to opting-in, and that opting-out is risky in that it will further enhance a black market, and conclude by stressing that there needs to be a mechanism to ensure the sale of safe, regulated products for recreational, wellness and medicinal purposes.

#### **Dr. Wajid Ahmed, Acting Medical Officer of Health, and Eric Nadalin, Manager of Chronic Disease and Injury Prevention – Windsor Essex County Health unit**

Dr. Wajid Ahmed, Acting Medical Officer of Health, and Eric Nadalin, Manager of Chronic Disease and Injury Prevention – Windsor Essex County Health unit, appear before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, providing an overview of the prevalence of cannabis use; health effects; resolutions put forth by the Windsor-Essex Board of Health; the AGCO licensing framework; concerns for municipalities; a summary of evidence from tobacco and alcohol retail; and conclude by reiterating the Health Unit's recommendation to opt-out.

#### **Linda Qin, resident of Ward 1**

Linda Qin, resident of Ward 1, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as cannabis can result in health, legal and enforcement problems.

#### **Jordan Qu, resident of Ward 7**

Jordan Qu, resident of Ward 7, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out, otherwise it will lead to a spike in crime and that long-term it will damage Windsor's reputation.

#### **Patsy Copus, resident of Ward 9**

Patsy Copus, resident of Ward 9, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council

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should opt-in as it's now legal and can be used for medicinal purposes and suggests that opting-out would benefit the black market.

### **Huaijin Liu, resident of Ward 10**

Huaijin Liu, resident of Ward 10, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as there are concerns about where these stores would be located and could inspire and tempt youth who are at a vulnerable and impressionable age.

### **Andrew Colautti, resident of Ward 6**

Andrew Colautti, resident of Ward 6, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council opt-in, as Canada's legal framework for cannabis legalization is unique, particularly when contrasted with the legal framework in Colorado, and as such, there is no reason to believe that opting out of private cannabis retail will insulate Windsor from the serious social and health impacts of cannabis legalization.

### **Petar Bratic, local high school student**

Petar Bratic, local high school student, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as any locations near schools would be concerning and states that schools have enough challenges dealing with e-cigarette use, and concludes by requesting Council take a cautious approach to this possibility.

### **Diana Gao and Gerry Tong, residents of Ward 1**

Diana Gao and Gerry Tong, residents of Ward 1, appear before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as cannabis has harmful health effects.

### **Hua Huang, resident of Town of Lasalle**

Hua Huang, resident of Town of Lasalle, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it would lead to concerns over drug-impaired driving.

### **Tina Vergel De Dios, resident of Ward 10**

Tina Vergel De Dios, resident of Ward 10, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting that Council has a moral obligation to opt-out as there are safety concerns and it should be concerning that only Canada and Uruguay have legalized cannabis.

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### **Guang-Chong Zhu, resident of Ward 1**

Guang-Chong Zhu, resident of Ward 1, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it would lead to an increase in crime and drug impaired driving.

### **Zhenzhong Ma, resident of Ward 10**

Zhenzhong Ma, resident of Ward 10, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it could increase crime including organized crime.

### **Tze-Kang Niu, resident of Ward 6**

Tze-Kang Niu, resident of Ward 6, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it could lead to abuses by youth, similar to the abuses involving e-cigarettes.

Mayor Dilkens leaves the meeting at 8:43 o'clock p.m. and Councillor Francis assumes the Chair.

Mayor Dilkens returns to the meeting at 8:45 o'clock p.m. and Councillor Francis returns to his seat at the Council table.

### **Antonia Laberi, resident of Ward 10**

Antonia Laberi, resident of Ward 10, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it could lead to long-term negative effects, especially amongst the younger demographic.

### **Perry Zhang, resident of Ward 10**

Perry Zhang, resident of Ward 10, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it would create concerns in terms of location as no one would want to live near such a store and could negatively impact the housing market.

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Sufang Zhang, resident of Ward 10

Sufang Zhang, resident of Ward 10, appears before Council to provide comment regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores, suggesting Council should opt-out as allowing it will lead to an increase in crime and drug abuse.

### **Al Frederick, Chief of Police and Brad Hill, Deputy Chief of Police – Windsor Police Service**

Al Frederick, Chief of Police and Brad Hill, Deputy Chief of Police – Windsor Police Service, appear before Council and are available for questions regarding the debate as to whether or not to opt-in or opt-out of cannabis retail stores.

Mayor Dilkens leaves the meeting at 9:27 o'clock p.m. and Councillor Francis assumes the Chair.

Mayor Dilkens returns to the meeting at 9:31 o'clock p.m. and Councillor Francis returns to his seat at the Council table.

Moved by: Councillor Kaschak

Seconded by: Councillor Holt

Decision Number: CR12/2019

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 10:59 o'clock p.m.

Moved by: Councillor Sleiman

Seconded by: Councillor Kusmierczyk

- I. That Council resolves that The Corporation of the City of Windsor SHALL PROHIBIT cannabis retail stores from being located in the municipality; and,
- II. That Council DIRECT the City Clerk to provide written notice of the resolution to the Registrar of the Alcohol and Gaming Commission of Ontario no later than January 22, 2019; and,
- III. That Administration BE DIRECTED to report back on the impacts of cannabis retail stores in opted-in municipalities in the first quarter of 2020.

The motion is put and is lost.

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

Aye votes: Councillors Sleiman, Kusmierczyk and Mayor Dilkens.

Nay votes: Councillors Costante, Gignac, Morrison, McKenzie, Holt, Francis, Kaschak and Bortolin.

Absent: None.

Abstain: None.

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

Decision Number: CR9/2019

- I. That Council resolves that The Corporation of the City of Windsor **SHALL ALLOW** cannabis retail stores to be located in the municipality; and,
- II. That Council **ADOPTS** the Policy Statement contained at Appendix "F" as a statement of the City's guiding principles with respect to the location of any cannabis store in the municipality, for the purposes of provision of comment to AGCO in respect of any proposed location; and,
- III. That Authority **BE DELEGATED** to the City Planner and Executive Director of Development Services to provide comments to the AGCO in respect of any application for a retail cannabis licence after engaging all necessary technical resources to review the application, and in accordance with the Policy Statement; and,
- IV. That any responses provided to AGCO in respect of any application for a retail cannabis license **BE POSTED** to the City's website in the interests of openness and transparency; and,
- V. That Administration **BE DIRECTED** to report on the financial impacts of cannabis retail in the 2020 budget process; and further,
- VI. That the City of Windsor **OPPOSE** the establishment of cannabis retail stores within 150 metres of an addiction treatment centre (amending bullet point 1.iii in the Draft Municipal Policy Statement).

Carried.

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

Aye votes: Councillors Costante, Gignac, Morrison, McKenzie, Holt, Francis, Kaschak and Bortolin.

Nay votes: Councillors Kusmierczyk, Sleiman and Mayor Dilkens.

Absent: None.

Abstain: None.



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### 11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None.

### 12. CONSIDERATION OF COMMITTEE REPORTS

#### 12.1. Report of the Special In-Camera meeting or other Committee as may be held prior to Council

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

Decision Number: CR10/2019

That the report of the In Camera meeting held January 21, 2019 **BE ADOPTED** as presented.  
Carried.

Clerk's File: ACO2019

#### 12.2. Report of the Striking Committee of its meeting held January 21, 2019

Moved by: Councillor Francis  
Seconded by: Councillor Gignac

Decision Number: CR11/2019

That the Report of the Striking Committee of its meeting held January 21, 2019 **BE ADOPTED** as presented.  
Carried.

Clerk's File: ACO2019

### 13. BY-LAWS (First and Second Reading)

Moved by: Councillor Holt  
Seconded by: Councillor Kaschak

That the following By-laws No. 7-2019 through 19-2019 (inclusive) be introduced and read a first and second time:

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**7-2019** "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 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 CAO4852, adopted January 7, 2019

**8-2019** "A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS EASTLAWN AVENUE, IN THE CITY OF WINDSOR" authorized by CR76/2011, adopted February 28, 2011

**9-2019** "A BY-LAW TO ESTABLISH STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY IN THE CITY OF WINDSOR" authorized by CR653/2018, adopted December 17, 2018

**10-2019** "A BY-LAW TO ADOPT AMENDMENT NO. 125 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR" authorized by CR670/2018, adopted December 17, 2018

**11-2019** "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"" authorized by CR670/2018, adopted December 17, 2018

**12-2019** "A BY-LAW TO AUTHORIZE THE TEMPORARY BORROWING OF MONEY FOR CURRENT EXPENDITURES FOR 2019" authorized by CR649/2018, adopted December 17, 2018

**13-2019** "A BY-LAW TO PROVIDE FOR INTERIM TAX LEVIES FOR 2019" authorized by CR648/2018, adopted December 17, 2018

**14-2019** "A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 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 CR626/2018, CR635/2018, and CR636/2018, adopted November 19, 2018

**15-2019** "A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE NORTH/SOUTH ALLEY HAVING A WIDTH OF 3.64 METRES LOCATED EAST OF LILLIAN AVENUE AND WEST OF LOUIS AVENUE, SOUTH OF LOGAN AVENUE AND NORTH OF LENS AVENUE, CITY OF WINDSOR" authorized by CR421/2018, adopted July 23, 2018

**16-2019** "A BY-LAW TO CLOSE, STOP UP AND CONVEY THE NORTH/SOUTH ALLEY HAVING A WIDTH OF 3.64 METRES LOCATED EAST OF LILLIAN AVENUE AND WEST OF LOUIS AVENUE, SOUTH OF LOGAN AVENUE AND NORTH OF LENS AVENUE, CITY OF WINDSOR" authorized by CR421/2018, adopted July 23, 2018

**17-2019** "A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE ALLEY SYSTEM HAVING A WIDTH OF 4.58 METRES WIDE LOCATED EAST OF ACADEMY DRIVE AND WEST OF DANDURAND AVENUE, NORTH OF GRAND MARAIS ROAD WEST AND SOUTH OF LABELLE STREET, CITY OF WINDSOR" authorized by CR536/2017, adopted September 5, 2017

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**18-2019** "A BY-LAW TO CLOSE, STOP UP AND CONVEY THE ALLEY SYSTEM HAVING A WIDTH 4.58 METRES WIDE LOCATED EAST OF ACADEMY DRIVE AND WEST OF DANDURAND AVENUE, NORTH OF GRAND MARAIS ROAD WEST AND SOUTH OF LABELLE STREET, CITY OF WINDSOR" authorized by CR536/2017, adopted September 5, 2017

**19-2019** "A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 21<sup>st</sup> DAY OF JANUARY, 2019"  
Carried.

### 14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Kusmierczyk  
Seconded by: Councillor McKenzie

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

- 1) Communication Items (as presented)
- 2) Consent Agenda (as presented)
- 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.

### 16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Morrison  
Seconded by: Councillor Sleiman

That the following By-laws No. 7-2019 through 19-2019 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.  
Carried.

**17. PETITIONS**

None registered.

**18. QUESTION PERIOD**

None registered.

**21. ADJOURNMENT**

Moved by: Councillor Holt  
Seconded by: Councillor Kaschak

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

Accordingly, the meeting is adjourned at 11:21 o'clock p.m.

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Mayor

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City Clerk

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Adopted by Council at its meeting held January 21, 2019 (CR10/2019)  
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA**  
**January 21, 2019**

**Meeting called to order at: 4:43 p.m.**

**Members in Attendance:**

Mayor D. Dilkens  
Councillor F. Francis  
Councillor F. Costante  
Councillor C. Holt  
Councillor R. Bortolin  
Councillor G. Kaschak (arrives at 4:45 p.m.)  
Councillor J. Gignac  
Councillor K. McKenzie  
Councillor J. Morrison  
Councillor E. Sleiman  
Councillor I. Kusmierczyk

**Also in attendance:**

O. Colucci, Chief Administrative Officer  
J. Payne, Community Development and Health Commissioner and  
Corporate Leader Social Development, Health, Recreation and Culture  
M. Winterton, City Engineer and Corporate Leader Environmental Protection and  
Transportation  
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  
J. Wilson, Corporate Leader, Parks, Facilities, Recreation and Culture  
N. Coleman, Mayor's Chief of Staff  
F. Isabelle-Tunks, Senior Manager Development Projects (Item 3)  
T. Graziano, Senior Manager Facilities (Item 3)

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Verbal Motion is presented by Councillor Morrison, seconded by Councillor Gignac,  
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 – lease renewal	2 3 9 ( 2 ) ( c )
2.	Property matter – sale of land	2 3 9 ( 2 ) ( c )
3.	Property matter – disposition of land	2 3 9 ( 2 ) ( c )

**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 Francis, seconded by Councillor Kaschak,  
to move back into public session.

**Motion Carried.**

Moved by Councillor Kusmierczyk, seconded by Councillor Sleiman,  
**THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held January 21, 2019 directly to Council for consideration at the next Regular Meeting.**

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

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2. That the recommendation contained in the confidential letter from the Vice President, Shared Services at Enwin respecting a property matter – sale of land **BE APPROVED**.

3. That the recommendation contained in the in-camera report from the City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Resources, City Solicitor and Corporate Leader Economic Development and Public Safety, City Engineer and Corporate Leader Environmental Protection and Transportation, Corporate Leader, Parks, Facilities, Recreation and Culture and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – disposition of land **BE APPROVED**.

**Councillors Gignac and Francis voting nay.**

**Motion Carried.**

**Moved by Councillor Holt, seconded by Councillor Bortolin,**  
**That the special meeting of council held January 21, 2019 BE ADJOURNED.**  
**(Time: 5:44 p.m.)**

**Motion Carried.**

**DRAFT FOR DISCUSSION**

APPENDIX A

Municipal Cannabis Policy Statement Regarding the Location of Proposed Retail Stores for the Corporation of The City of Windsor

Purpose:

The purpose of this policy statement is to act as a tool to assist the Municipality when evaluating the location of any recreational cannabis retailer store proposed within the City of Windsor. This policy statement is being adopted by City Council in support of their decision to opt in to the selling of recreational cannabis as per Ontario Regulation 468/18.

Applications for a license to operate a recreational cannabis retail store must be approved by the Alcohol and Gaming Commission of Ontario (AGCO). The AGCO has expressed that they will provide a 15-day window for the municipality to issue any comments with respect to any proposed retail store.

It is important to note that this policy statement has no legal basis. The AGCO is the provincial authority that licenses cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. The City of Windsor will have no licensing authority and will have no recourse if the AGCO issues a license despite any objections by the municipality.

The Municipality of Windsor has chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when a notice on a specific proposed cannabis retail site is provided on the site location.

Principles for Cannabis Retail Store Locations:

For the purposes of this policy statement, a cannabis retail store shall mean a store licensed by the AGCO.

**1. Cannabis Retail Stores and Sensitive Land Uses and Activities:**

In order to help ensure public health and safety, protecting youth and reducing illegal sales, retail cannabis stores are discouraged where nearby properties are servicing youth and vulnerable individuals. The City of Windsor has adopted the following guidelines:

- i. the City's opposition for those proposed cannabis retail sites where a site is:
  1. Within 150 m of another cannabis retail store, so as to prevent undue clustering and concentration of such stores in one area;



2. Within any identified publicly owned and or operated community facility performing a public assembly function analogous to a school, such as recreational facilities, community centres, libraries, play grounds and public parks;
- ii. the City's opposition where the site is in an area where a "Retail Use" is not listed as a permitted use in the City's Zoning By-laws,
- iii. that the Province have regard for concerns expressed by health and/or treatment service providers to the AGCO (including operators of shelters, group homes, addiction counselling or other independently managed health service) where the location of a cannabis retail store is within 150m of their establishment,
- iv. comments on any other relevant factors of local importance, and
- v. that the City's responses to the AGCO be posted to the City's website for accountability and transparency.

## **2. Relationship to Other Applicable Law:**

Land Use Planning - The provincial licensing process does not remove the requirements to comply with the City of Windsor's Zoning By-laws and other municipal planning documents. The definitions within the City of Windsor Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store will be legal provided that the existing zoning category on the parcel specifies that a "retail store" is a permitted use.

Municipal Building Inspections – While the licensing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake responsibilities as required. Fire Code compliance is also mandatory.

## **3. Consultation and Implementation:**

It is recommended that the City Planner be delegated the authority to develop a process and identify the staff and technical resources that may be consulted during the 15 day window for municipal comment. Comments may only be submitted to the AGCO during the 15 day consultation period.

The technical resources referenced above will include a map that identifies all parcels zoned to permit a "Retail Store". In addition, the map will identify the location of all: public and private schools; addiction treatment, harm reduction facilities and emergency shelters; municipal parks, and any other sensitive land uses where a separation from a proposed recreational cannabis retail store ought to be identified.

Municipal departments and external agencies that may be consulted during the 15 day window include but are not limited to:

- Windsor Police Service

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- Windsor-Essex County Health Unit
- City of Windsor Department of Community Development and Health
- City of Windsor Legal Department
- City of Windsor Department of Parks, Recreation and Culture
- Windsor Fire and Rescue Services
- City of Windsor Building Department