



CITY COUNCIL CONSOLIDATED AGENDA

(UPDATED AS OF May 2, 2016 at 3:00 p.m.)

(available also at www.citywindsor.ca)

Monday, May 2, 2016

**6:00 o'clock p.m.
Council Chambers, 3rd Floor, Windsor City Hall**

Members:

- Mayor Dilkens
- Ward 1 - Councillor Fred Francis
- Ward 2 - Councillor John Elliott
- Ward 3 – Councillor Rino Bortolin
- Ward 4 – Councillor Chris Holt
- Ward 5 - Councillor Ed Sleiman
- Ward 6 - Councillor Jo-Anne Gignac
- Ward 7 - Councillor Irek Kusmierczyk
- Ward 8 - Councillor Bill Marra
- Ward 9 - Councillor Hilary Payne
- Ward 10 - Councillor Paul Borrelli

1. ORDER OF BUSINESS

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

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

3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

4. **ADOPTION OF THE MINUTES**

4.1. Minutes of the April 18, 2016 Windsor City Council meeting (SCM69/2016)
(previously distributed)

5. **NOTICE OF PROCLAMATIONS**

Community Living Month - May 2016
Mental Health Awareness Month - May 2016
Holocaust Remembrance Day - May 1, 2016
Toastmasters Day - May 7, 2016
Emergency Preparedness Week - May 1-7, 2016

6. **COMMITTEE OF THE WHOLE**

7. **COMMUNICATIONS INFORMATION PACKAGE**

7.1. Correspondence - May 2, 2016
Clerk's Note: 7.1.1 - 7.1.9

7.2. Award of Tender 45-16 – Queen Street from Prince Road to South Street 2016
Sewer Rehabilitation Program (**C 45/2016**)

7.3. 2015 Annual Report - Building Permit Fee Reserve Fund (**CM 14/2016**)

8. **CONSENT AGENDA**

- 8.1. Combined Heat and Power at Windsor International Aquatic and Training Centre
- RFP to Retain a Consultant (C 56/2016)
- 8.2. CQ21-2014 - Meadowbrook Lane Sidewalks and Streetlights (C 58/2016)

9. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

10. **PRESENTATIONS AND DELEGATIONS** (5 minute maximum per delegate)

- Item 12.12 Planning Heritage & Economic Development Standing Committee (Economic Revitalization Community Improvement Plan (CIP) application made by Windsor Mold Inc. for 4011 and 4035 Malden Road) (S 68/2016)
-Keith Henry, President of Windsor Mold (available for questions)
- Item 13.4 60-2016 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", Authority: B/L 28-2004, passed January 26, 2004
-Ed Hooker, Solicitor representing applicant (available for questions)
- Item 12.5 Social Development, Health & Culture Standing Committee (Downtown Windsor Business Improvement Association - Afternoons in the Alley, Temporary Road Closure, Maiden Lane West) (S 64/2016)
-Debi Croucher, DWBIA (available for questions)
- Item 12.11 Planning, Heritage & Economic Development Standing Committee (Brownfield Redevelopment CIP application submitted by 1109045 Ontario Limited for 775 Riverside Drive East) (SCM 39/2016)
-Bill Salzer, representing the applicant (available for questions)
- Item 12.3 Social Development, Health & Culture Standing Committee (Diversity Committee Report No. 3 - Creation of a Diversity Plan) (SCM 35/2016)
-Mel Lucier, member of the Diversity Committee
- Item 12.9 Planning, Heritage & Economic Development Standing Committee (Status Update Report - Development Approval Business Process Review (BPI) Implementation) (S 57/2016)
-Tim Byrne, Director, Watershed Management Services and Richard Wyma, General Manager, ERCA

- Item 8.3 Windsor-Essex County Community Garden Collective Request (C 79/2016)
-Steve Green, Coordinator, Windsor Essex County Community Garden Collective
- Item 11.3 Response to CQ4-2016: Review of best practices and a recommendation to enhance the City of Windsor's existing Smoking By-law (C 54/2016)
-Dr. Gary Kirk, CEO & Medical Officer of Health; Nicole Dupuis, Director of Health Promotion, Kristy McBeth, Director of Knowledge Management, and Eric Nadalin, Manager of Chronic Disease & Injury Prevention, Windsor-Essex County Health Unit

ADDITIONAL LATE DELEGATIONS/INFORMATION

- Item 11.3 Response to CQ4-2016: Review of best practices and a recommendation to enhance the City of Windsor's existing Smoking By-law (C 54-2016)
-Administration submitting the ***attached*** memo dated May 2, 2016 as additional information.

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

- 11.1. Municipal Support Resolution (Blanket) – Notice to Proceed for Independent Electricity System Operator (IESO) 'Feed-in Tariff' Program (FIT) Rooftop Solar PV Applications (**C55/2016**)
- 11.2. Establishment of 2016 Tax Rates (**C 82/2016**)

12. CONSIDERATION OF COMMITTEE REPORTS

- 12.1. Seniors Advisory Committee meeting minutes - February 4, 2016 (**SCM 33/20016**)
- 12.2. Housing Advisory Committee meeting minutes - January 19, 2016 (**SCM 34/2016**)

- 12.4. Huron Lodge Resident Monitoring & Nurse Bedside Call System Replacement & Upgrade (**S 62/2016**)
- 12.6. Pathway to Potential Request for Proposals Results (**CM 8/2015**)
- 12.7. Minutes of the Committee of Management for Huron Lodge Long Term Care Home meeting held March 4, 2016 (**SCM 37/2016**)
- 12.8. Interim Control By-law Exemption - 3230 to 3232 and 3236 to 3238 Sandwich St. (**S 71/2015**)
- 12.10. Request under the Alley Closing Subsidy Program (ACSP) to close one north-south alley located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy St. (**S 68/2015**)

Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled).

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

- 13.1. **57-2016** A BY-LAW TO AMEND BY-LAW 187-2000, BEING A BY-LAW TO CLOSE, STOP UP AND CONVEY THE NORTH/SOUTH ALLEY BETWEEN WALKER AND TURNER, FROM LAPPAN AND CALDERWOOD, authorized by CR161/2016, adopted March 7, 2016
- 13.2. **58-2016** A BY-LAW TO CLOSE AND STOP UP AND CONVEY, THE ENTIRE LENGTH OF THE WESTERLY 3.048 METRE (10 FOOT) WIDE PORTION OF THE NORTH/SOUTH ALLEY BETWEEN RANDOLPH AVENUE AND ASKIN AVENUE, SOUTH OF FANCHETTE STREET UP TO THE NORTH LIMIT OF THE INTERSECTING EAST/WEST ALLEY NEXT NORTH OF WYANDOTTE STREET WEST, CITY OF WINDSOR, authority M405-2015, adopted October 5, 2015
- 13.3. **59-2016** A BY-LAW TO APPOINT JOSEPH MANCINA AS CHIEF FINANCIAL OFFICER AND CITY TREASURER, authorized by CR237/2016, adopted April 18, 2016
- 13.4. **60-2016** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", Authority: B/L 28-2004, passed January 26, 2004

- 13.5. **61-2016** 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, Authority: M41-2012 and By-law 47-2010

- 13.6 **62-2016** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE SECOND DAY OF MAY, 2016

14. **MOVE BACK INTO FORMAL SESSION**

15. **NOTICES OF MOTION**

16. **THIRD AND FINAL READING OF THE BY-LAWS**
By-Laws 57-2016 to 62-2016 inclusive

17. **PETITIONS**

18. **QUESTION PERIOD**
 - 18.1. Council Question Summary Report - April 18, 2016
 - 18.2. Introduction/Discussion of Council Questions Summary Dated April 21, 2016
 - 18.3. Outstanding Council Directives - May 2, 2016

19. **STATEMENTS BY MEMBERS**

20. **UPCOMING MEETINGS**

Social Development, Health & Culture Standing Committee

Wednesday, May 4, 2016

9:00 a.m.

Council Chambers, 3rd Floor, Windsor City Hall

Seniors Advisory Committee

Thursday, May 5, 2016

9:30 a.m.

Room 407-400 City Hall Square East

Planning, Heritage & Economic Development Standing Committee

Monday, May 9, 2016

4:30 p.m.

Council Chambers, 3rd Floor, Windsor City Hall

Transit Windsor Advisory Committee

Wednesday, May 11, 2016

4:00 p.m.

Walkerville Meeting Room, 3rd Floor, Windsor City Hall

Willistead Manor Inc., Executive Committee Meeting

Thursday, May 12, 2016

4:00 p.m.

1899 Niagara Street, Windsor

Willistead Manor Inc., Board of Directors Meeting

Thursday May 12, 2016

4:30 p.m.

1899 Niagara Street, Windsor

Windsor Public Library Board

Tuesday, May 17, 2016

4:00 p.m.

Central Library, Ouellette Avenue

21. **ADJOURNMENT**

Date: May 2, 2016
To: Mayor Dilkens and City Council
From: Jelena Payne, Community Development and Health Commissioner
C.c.: Onorio Colucci, Chief Administrative Officer
Subject: Additional Information for Council Report C54/2016

CITY OF WINDSOR
COUNCIL SERVICES

MAY 02 2016

RECEIVED

This memo will provide supplementary information to Council Report C54/2016. After conducting a review of best practices in municipalities across Canada and Ontario, Administration's recommended approach to strengthening By-Law 113-2006 (Smoking By-Law) is to designate all parks, beaches, recreation facilities, boat ramps/marinas, trails, bus shelters, conservation areas, and community gardens as smoke-free. Similar to 39 other municipalities across Canada (29 in Ontario), Option 3 in the Council Report proposes the creation of a Designated Smoking Area (DSA). Please see the attached document for a list of Municipalities with DSAs. In our region, the Towns of Essex, Tecumseh, LaSalle and the Municipality of Leamington allow for a permanent DSA location that adheres to the municipal by-law and provincial legislation at certain facilities, such as the Vollmer Complex in LaSalle or parking lots adjacent to sports fields in Tecumseh and Leamington. The use of temporary DSAs for events and other functions is permitted in the Town of Essex and LaSalle. Similarly, the City of Windsor would permit only one permanent DSA at the WFCU Centre and temporary DSAs which would require a formal request as part of the rental agreement or by permit.

For example, if a group or individual is renting a space for an event and inquires about the need for a temporary DSA, staff from Parks and/or Recreation would work with the Windsor-Essex County Health Unit (WECHU) to identify an appropriate area in advance that could be used as a temporary DSA for that specific event only. The City of Windsor's recommended option would provide greater levels of security in that smoking would not be permitted in parking lots unless it was allowed by permit with a temporary DSA. The City of Windsor's recommendation is similar to what Council has approved with respect to alcohol in public places. Alcohol is prohibited in all City parks per the Parks By-Law except by permit. The permit requires adherence to the Municipal Alcohol Policy Guidelines which makes the permit holder responsible for the control and monitoring of their guests. Similar guidelines would be provided to event organizers with respect to Designated Smoking Areas.

This method would allow for the collection of accurate data on the number of requests for DSAs, the type of rental that might be suitable for a DSA, and any potential lost revenue. This information is currently not collected. Furthermore, allowing for a DSA provides a transition period for the users of the facilities to move in the direction of smoke-free public spaces, which would help users in changing behaviours. Once we have data specific to Windsor and our facilities, a report could be brought back to Council outlining the metrics and Council could decide to continue with the status

quo or eliminate the DSAs entirely from the by-law. This report would provide Council with a more complete understanding of DSA usage related to our community so Council can make a more informed decision on how to move forward. A report could be brought back to Council in 12-18 months from the time the new by-law comes into effect.

Should Council decide on Option 2 (Complete Ban), a risk analysis was conducted by reviewing the revenue from social gatherings and alcohol rentals at each City facility. Upon closer examination, \$447,547 was collected from 14 City facilities in 2015. Please see the attached chart that identifies the "Social Gathering" and "Alcohol Rental" revenue by Facility. Although research exists indicating there is not a negative impact on revenue generation to restaurants, bars, hotels, and gaming facilities from the creation of smoke free spaces (e.g. indoor, patios, etc.), as indicated in the Council Report, it is difficult to estimate what, if any, impact changes to outdoor public smoke-free spaces could have on the annual revenue received at each municipal facility due to a gap in the research. Additionally, Administration is recommending to enhance the existing by-law. Unlike the above noted sectors where a fully implemented legislation was equal to all restaurants, bars, etc., in this situation, individuals have a choice either to rent from the City or take their business to a venue with less stringent requirements.

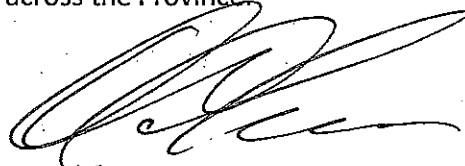
Our analysis illuminated the potential for a negative impact on customer service, accessibility (AODA standards) and revenue at each facility should all parks become smoke-free without the option of a temporary Designated Smoking Area. For example, the Malden Park Visitors Centre, which is only rented for social gatherings, is deeply embedded within Malden Park itself. This location would require a user to walk approximately 305 metres (1,000 feet) to reach Malden Road in order to smoke without being in violation of the By-Law. Please see the attached diagram. Without providing an option for a temporary DSA by permit or agreement, the potential exists that a complete ban could deter customers from booking future social gathering events at City facilities.

Creating a healthy community is multifaceted. Strengthening the Smoking By-Law with the inclusion of outdoor spaces is an additional way to promote community health and well-being. Another essential component is to promote health through physical activity and social inclusion. Should rental revenues be affected, it could have an impact on Recreation's budget and result in an increase in program fees. It is our goal to keep user fees affordable by offsetting costs with event rental revenue. Should Council select Option 3, the City of Windsor would be recognized as one of the leaders in the promotion of community health across the Province.

Sincerely,



Jelena Payne
Commissioner
Community Development and Health



Onorio Colucci
Chief Administration Officer

Municipal By-Laws with a Designated Smoking Area (DSA) by Municipality

The Non Smokers' Rights Association (NSRA) Smoke-Free Laws Database was a tool used by the City's Legal Department to research municipal smoke-free by-laws across the Country. The NSRA is a voluntary non-profit health organization that has worked exclusively in the field of tobacco control for over 30 years. The database found at least 39 municipalities across Canada, 29 in Ontario and 4 in Essex-County that included a Designated Smoking Areas (DSAs) in their smoking by-law. With the exception of Welland, all Ontario municipalities listed below include a DSA option exceed the current Smoke-Free Ontario Act legislation.

Municipality	By-Law No.	Province	Date Passed, Amended or Enforced	Designated Smoking Area Notes
Barrie	2009-086	Ontario	August 15, 2011	EXEMPTIONS 3.1.0 Notwithstanding Section 2.2.0 such prohibition shall not apply to a municipal sidewalk. 3.2.0 Notwithstanding Section 2.1.0 and Section 2.2.0, above such prohibition of smoking shall not apply to those Designated parking areas of City facilities and parklands set out in Schedule "A" to this By-law.
Bonfield	2010-36	Ontario	August 24, 2010	
Burlington	92-2013	Ontario	November 25, 2013	
Chatham-Kent	137-2014	Ontario	August 11, 2014	Designated smoking areas are allowed in uncovered Municipal parking lots and at special events in public parks. According to news reports, the bylaw allows businesses to "opt in" should they choose to allow their facilities to come under the new rules. (1)Notwithstanding Section 2, such prohibition of Smoking shall not apply to: (a) a Highway, including a pedestrian sidewalk adjacent to the roadway; (b) a four (4m) metre radius of the front door of a Mobile Home or Travel Trailer within a Lease Park; (c) a designated area within an uncovered parking lot of municipal Property; (d) special events in public parks that have designated smoking areas set up; and (e) Camp sites within Mitchell's Bay and Clearville Park include the entire camp site.
Cobalt	2012-003	Ontario	January 10, 2012	Smoking is prohibited on all municipal property (including parks, beaches, playgrounds and recreational fields) unless a "Designated Smoking Area" is granted by the municipality for special events. Smoking is therefore only permitted if the municipality has designated a temporary smoking area on its Municipal property. If a "Designated

ONTARIO

					Smoking Area" is granted, the area must be at least 5 m away from any entrances or exits. A proprietor of a workplace may choose to have the workplace added to the by-law. If a workplace is added to the by-law, smoking is prohibited within a 9 m radius of those entrances and exits.
ONTARIO	Cochrane	989-2013	Ontario	December 10, 2013	The bylaw prohibits smoking on most of the property of the Tim Horton Event Centre, however, two smoking areas are designated.
	Essex	1228	Ontario	October 6, 2014	"Designated Smoking Area" means a space located on municipally owned or leased property which has been designated by the Town of Essex with signage and smoking disposal equipment to permit smoking away from areas where persons, particularly youth, congregate or travel. "Temporary Designated Smoking Area" means a space located on municipally owned or leased property which has been temporarily designated by the Town of Essex with signage and smoking disposal equipment to permit smoking during a special event, fair, community gathering, etc.
	Georgina	2012-0061 (Reg-1)	Ontario	June 25, 2012	Some locations do provide for an approved outdoor designated smoking area (DSA).
	Gravenhurst	2012-149	Ontario	December 18, 2012	"Designated Smoking Area" means an area that is set aside and with signage indicating that smoking is allowed in this area, providing that such area shall be a minimum of nine (9) meters from any entrance, exit, building opening of any town facility including but not limited to parkland, playground, sports field, spectator seating area, ice surface, beach, trail whether or not a "No Smoking" sign posted. "
	Huntsville	2010-45	Ontario	May 17, 2010	
	Innisfil	111-13	Ontario	October 16, 2013	
	LaSalle	7775	Ontario	July 14, 2015	In addition, designated smoking areas are allowed on municipally owned or leased land, as delineated by the

					municipality. "Designated Smoking Area" means a space located on municipally owned or leased property which has been designated by the Town of LaSalle with signage and smoking disposal equipment to permit smoking away from areas where persons congregate or travel;
ONTARIO	Leamington	311-13	Ontario	January 19, 2015	Designated Smoking Areas are permitted in parking lots adjacent to sports fields (e.g. baseball diamonds, soccer pitch). The amended SFOA will restrict smoking if that area is within 20 metres of a recreational field.
	Mississauga	94-14	Ontario	April 23, 2014	
	Niagara Falls	2011-152	Ontario	April 11, 2011	
	Orillia	2013-85	Ontario	June 10, 2013	
	Parry Sound	2009-5389	Ontario	October 1, 2009	DSA for the residents of Long-Term Care Facility
	Petawawa	835/13	Ontario	May 5, 2013	
	Peterborough	11-074	Ontario	February 4, 2013	DSAs in Parks
	Prescott	35-2007	Ontario	November 19, 2007	
	Scugog	31-14	Ontario	June 2, 2014	"Designated Smoking Area" means an area that is delineated for the purpose of smoking; and no persons under the age of nineteen (19) years are permitted within a Designated Area.
	Smith Falls	8482-12	Ontario	April 16, 2012	
	Tecumseh	2014-60	Ontario	January 1, 2015	The Town's bylaw allows for smoking in parking lots, the amended SFOA will restrict smoking if that area is within 20 metres of a recreational field.
	Timmins	2012-7250	Ontario	November 14, 2011	DSAs are permitted on beaches.
	Trent hills	2012-75	Ontario	July 17, 2012	
	Tweed	2011-43	Ontario	December 13, 2011	
	Vaughn	84-2012	Ontario	May 29, 2012	11 DSAs, 8 of 11 are parking lots and 3 are marked by signage
Welland	7664	Ontario	1983		
Whitby	6832-14	Ontario	February 10, 2014		

ALBERTA	Callander	2013-1369	Alberta	September 1, 2013	
	Nanton	1266/16	Alberta	March 7, 2016	
BRITISH COLUMBIA	Greater Vancouver Regional District	1048	British Columbia	November 12, 2012	
	Kelowna	11023	British Columbia	March 30, 2015	
	Nanaimo	7073	British Columbia	October 31, 2011	
	Osoyoos	1278	British Columbia	May 16, 2011	
	Surrey	16694	British Columbia	March 11, 2013	
	Delta	7481	British Columbia	January 25, 2016	The Director of Parks, Recreation and Culture may designate areas in parks and open spaces or on municipal lands where smoking may be permitted.
	Summerland	2015-020	British Columbia	October 13, 2015	"Designated Smoking Area" means an area that is set aside and with signage indicating that smoking is allowed in this area, provided that such area will be a minimum of nine (9) metres from any entrance, exit, building opening of any District facility including but not limited to parkland, playground, sports field, spectator seating area, ice surface whether or not a "No Smoking" sign is posted;
NOVA SCOTIA	Amherst	C-12	Nova Scotia	June 1, 2012	

Source: <http://database.nonsmokersrights.ca/>

City of Windsor Recreation Room/Event Rental Revenue by Facility

Facility	Total Room/Event Revenue	Total Sports/Other Revenue	Total Social Gathering Revenue
Adie Knox Herman Recreation Centre (Community Centre and Arena)	\$4,914	\$313,023	\$441
Atkinson Memorial Centre	\$12,898	\$57,162	\$5,823
Festival Plaza	\$53,660	\$0	\$53,660
Forest Glade Arena	\$14,800	\$467,210	\$6,496
Forest Glade Community Centre	\$36,490	\$0	\$20,664
Gino and Liz Marcus Community Complex	\$21,977	\$45,644	\$5,081
*Mackenzie Hall	\$86,966	\$0	\$86,966
*Malden Park Visitors Centre	\$32,363	\$0	\$32,363
Oakwood Community Centre	\$33,822	\$30,420	\$3,131
Optimist Community Centre	\$33,745	\$11,818	\$17,327
South Windsor Recreation Complex	\$14,452	\$552,315	\$3,966
WFCU Centre	\$280,828	\$1,230,876	\$39,396
*Willistead Manor and Coach House	\$116,894	\$0	\$116,894
Windsor Water World	\$17,160	\$102	\$9,029
*Alcohol Specific Permits	\$46,310	N/A	\$46,310
TOTAL	\$807,279	\$2,708,569	\$447,547

Please note: Since there is no conclusive data, Administration wanted to present all rental revenue by facility.

Social gathering rentals would include a range in the types of rentals that may request a Designated Smoking Area. For example, cultural events, baby showers, bridal showers etc.

* The Alcohol Specific Permits total includes Mackenzie Hall, Malden Park Visitors Centre and Willistead Manor and Coach House. The total Social Gathering revenue also includes that information.

Malden Park Visitors Centre without a Designated Smoking Area (DSA) - Distance to Malden Road

