



CITY OF WINDSOR MINUTES 07/22/2020

Environment, Transportation & Public Safety Standing Committee Meeting

Date: Wednesday, July 22, 2020

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 4 - Councillor Holt

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Clerk's Note: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Mark Winterton, City Engineer

Dwayne Dawson, Executive Director of Operations / Deputy City Engineer

Pat Delmore, Executive Director of Transit Windsor

Rob Vani, Manager of Inspections / Deputy Chief Building Official

Stacey McGuire, Project Administrator

Anna Ciacelli, Supervisor of Council Services

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1. CALL TO ORDER

The Chairperson calls the meeting of the Environment, Transportation & Public Safety Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE

3.1. Adoption of the Environment, Transportation & Public Safety Standing Committee minutes of its meeting held June 24, 2020

Moved by: Councillor Costante
Seconded by: Councillor Kaschak

THAT the Minutes of the Environment, Transportation & Public Safety Standing Committee meeting held June 24, 2020 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 198/2020

4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

5. COMMUNICATIONS

None presented.

7. COMMITTEE MATTERS

7.1. Minutes of the Transit Windsor Advisory Committee of its meeting held May 26, 2020

Councillor Costante requests an update as to the U-Pass Program at the University of Windsor for the Fall of 2020.

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P. Delmore, Executive Director Transit Windsor appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the Minutes of the Transit Windsor Advisory Committee of its meeting held May 26, 2020 and indicates that administration is currently in negotiations with the three student associations and adds it will have an impact on transit services, as the classes will be held online for the fall 2020. Mr. Delmore adds that discussions with the university associations have centered on what other universities are doing recognizing that we have a tuition-based fee that all students pay into and many of them will not be in Windsor. Mr. Delmore indicates that a recommendation was provided to the university this week, which they are hoping will be accepted. Mr. Delmore indicates that this will have a financial impact on Transit Windsor, however, it will also be offset by those students at the University who still need transportation. They will be required to pay a higher rate similar to the rate that would be paid for a St. Clair College student.

Councillor Costante inquires about the term of the agreement with the University. Mr. Delmore indicates that it is in perpetuity until there is a referendum on it, and adds that the agreement was in circulation for signatures at the time that COVID-19 hit. He adds that the three associations are still interested in signing the contract.

Moved by: Councillor Costante

Seconded by: Councillor McKenzie

Decision Number: **ETPS 771**

THAT the minutes of the Transit Windsor Advisory Committee of its meeting held May 26, 2020 **BE RECEIVED.**

Carried.

Report Number: SCM 183/2020

Clerk's File: MB2020

7.2. Report No. 8 of the Transit Windsor Advisory Committee - Request to recognize Transit Windsor as an essential service

Councillor McKenzie inquires whether the City of Windsor currently designates Transit Windsor an essential service.

Pat Delmore, Executive Director Transit Windsor indicates that this is not the case to his knowledge. Mr. Delmore adds that the only essential service public transit system in all of Ontario is the Toronto Transit Commission, which was provincially mandated during a strike in 2008.

Councillor Francis expresses concern with sending this motion to Council without knowing some of the details as this will affect collective bargaining and a persons' right to strike. He suggests a more fulsome report be provided that includes the ramifications, next steps and possible consequences.

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Councillor Kaschak questions the status of the procurement of Plexiglass for Transit Windsor buses. Mr. Delmore indicates that some work has been done in house by the body shop technicians. He adds there have been a number of work refusals across the province due to the glare and risks associated with Plexiglass.

Councillor Kaschak inquires about the tweak to the 1C route. Mr. Delmore responds by indicating a public consultation session will be held this year.

Councillor Kaschak inquires about ridership in the month of June and the first three weeks in July. Mr. Delmore reports that fees are still being waived at this time. They are seeing slight ridership increases each week and are monitoring the ridership daily. As of last week, the ridership was at 36,000 rides in comparison to a normal period a year ago of 140,000 rides per week. A week ago, the number of passengers allowed on board each bus went from ten to twenty and a few additional routes were added.

Moved by: Councillor McKenzie
Seconded by: Councillor Costante

Decision Number: **ETPS 772**

THAT Administration **BE REQUESTED** to prepare a report outlining what constitutes an essential service under pandemic response protocols and how that designation informs service level commitments to the community from the City with a specific focus on Public Transit; and,

THAT the report **ADDRESS** legal consequences or obligations that derive from this designation if any and, what legal or procedural options could be considered to improve the decision making process including but not limited to only Council consultation when service levels for essential services are to be altered; and,

THAT the report **OUTLINE** the emergency powers afforded to the Chief Executive of the City of Windsor as outlined by Provincial Legislation; and further,

THAT the report **BE BROUGHT BACK** to the Environment, Transportation and Public Safety Standing Committee for consideration.
Carried.

Report Number: SCM 184/2020
Clerk's File: MB2020

8. ADMINISTRATIVE ITEMS

8.1. Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy – City Wide

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Councillor McKenzie inquires as to why this project is moving forward.

Mark Winterton, City Engineer appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy – City Wide and states that a report was provided to Council in 2019 detailing priority local improvement projects to upgrade the city's municipal infrastructure and based on that, the roads with the highest priority for local improvement were those without sanitary sewers and also roads that residents wish to petition for. Mr. Winterton adds that given the fact that major trunk sewers were installed under the Infrastructure Stimulus Fund as well as the fact that Baseline Road had no sanitary sewers, this fit the criteria to move forward with this local improvement, and this is the first one that they are proceeding with under this new Policy.

Councillor McKenzie asks for an explanation as to why it is a priority to move the city off the septic systems and onto wastewater systems from an environmental standpoint. Mr. Winterton advises that much of the former Sandwich properties annexed in the 1960's were built on septic tanks and at one point Turkey Creek and Grand Marais Drain were among the most highly polluted waterways in all of Canada. Administration undertook a very aggressive program in the 70's and 80's to get all of these properties largely in South Windsor off septic tanks. Mr. Winterton adds that It creates an environmental problem when you have polluted waterways with high algae, high pollution unable to sustain wildlife and the idea of environmental pollution is caused by urban development on septic tanks on a hard clay soil that we have in Windsor. Mr. Winterton indicates that septic tanks are largely designed for very large rural lots and are not intended to sustain urban development.

Stacey McGuire, Project Administrator Engineer appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report Recommendation of a Revised Local Improvement Policy and Initiation of Construction of a Sanitary Sewer and Private Drain Connections on Baseline Road from 7th Concession Road to 8th Concession Road as a Local Improvement under this new policy – City Wide and indicates that the City had passed a new policy related to local improvements that would assess 100 per cent of the cost of mainline sanitary sewers to the residents. Ms. McGuire adds that before this policy, administration was charging a flat rate which dates back to the early 2000's which does not apply to today's construction estimations and essentially, were not covering the cost of the sewer or any portion of the sewer at that same flat rate and the new policy assessed 100 per cent of the cost. Ms. McGuire adds that the requisite notices were sent in January to the residents with a number of objections received relating to the cost. The policy was reviewed and administration came up with a flat rate as noted in the previous policy that more accurately reflects the construction costs. The rate for the linear metre was cut by roughly half and also considered a private local improvement which would provide the opportunity to finance the work on the private portion of the property so that would be the decommissioning of the residents septic system and connection to the new sewer.

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Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 773**

- I. THAT Council **APPROVE** the update to the Corporate Policy titled "Local Improvement Policy Consolidation" as outlined in SCHEDULE A (attached).
- II. THAT Fees and Charges By-law 392/2002 **BE AMENDED** to include the additional fees as outlined in SCHEDULE B (attached) and that City Solicitor **BE DIRECTED** to prepare that amending by-law.
- III. THAT the following local improvement Council Resolutions CR292/2003, CR1215/85, CR1607/89, CR179/2005, M214-2010, CR8/2012, CR1406/95 and M39-2014 **BE RESCINDED**.
- IV. THAT Council Resolution CR4/2020 adopted by Council on January 6, 2020, previously approving the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road, **BE RESCINDED**.
- V. THAT Council **APPROVE** the construction of a sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road, as shown on attached Drawing C-3551 as a local improvement under the provisions of O. Reg. 586/06 under the *Municipal Act*, with repayment term not to exceed 20 years at an interest rate deemed appropriate by Administration, and that Notice of Intention to pass Local Improvement Charges By-Law **BE GIVEN** to the public and affected owners, including the intention to apply to the Local Planning Appeal Tribunal under section 8 of O. Reg. 586/06 for approval to undertake the work as a local improvement, in accordance with the attached report of the City Engineer.
- VI. THAT 30 days after giving Notice of Intention to Pass a Local Improvement By-law, Council **PASS** a By-law for the construction of sanitary sewer and private drain connections on Baseline Road from 7th Concession Road to 8th Concession Road as a local improvement in accordance with Section 5 of O. Reg. 586/06, unless any affected owner files an objection with the Clerk to the work being undertaking as a local improvement.
- VII. THAT the net City costs of approximately \$605,508 **BE FUNDED** from Project # 7159000 Local Improvement Sanitary Sewer.
- VIII. THAT Property Standards By-law 9-2019 **BE AMENDED** by inserting "*, or such time period as may be approved by Council,*" after the words "*...the property owner will have one (1) year*" in Schedule A, section 1.21, and that City Solicitor **BE DIRECTED** to prepare the amending by-law.
- IX. THAT Council **APPROVE** a three year extension starting after the sanitary sewer becomes available as a result of the sanitary sewer local improvement works on Baseline Road, for

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compliance with the Property Standards By-law 9-2019, Schedule A, section 1.21, by the property owners of lands municipally known as 3149, 3530, 3716 and 3965 Baseline Road.

- X. THAT Council **APPROVE** as a local improvement works on private property under the provisions of Part III of O. Reg. 586/06 under the *Municipal Act*, for the decommissioning of septic systems and construction of sanitary private drain connections on private property, to be completed by the property owners. This applies to the properties abutting Baseline Road from 7th Concession Road to 8th Concession Road when property owners request and consent to this work and that Notice of Intention to pass Local Improvement Charges By-law **BE GIVEN** to the public and affected owners in accordance with section 36.6 of O. Reg. 586/06.
- XI. THAT for local improvement works on private property, the Chief Administration Officer and City Clerk **BE AUTHORIZED** to sign agreements, not to exceed 20 years, with property owners that consent to their lots being specially charged to raise the cost of the work related to decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Baseline Road from 7th Concession Road to 8th Concession Road which agreement shall be satisfactory in form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer.
- XII. THAT for local improvement works on private property, Council **BE AUTHORIZED** to pass by-laws as required for the decommissioning of septic systems and construction of sanitary private drain connections on private property abutting Baseline Road from 7th Concession Road to 8th Concession Road as a local improvement in accordance with Part III of O. Reg. 586/06 under the *Municipal Act*, and at an interest rate deemed appropriate by Administration.

Carried.

Moved by: Councillor McKenzie

Seconded by: Councillor Costante

Decision Number: **ETPS 774**

THAT property owners with septic systems less than 10 years old **BE GIVEN** either 3 years to hook into the trunk line once made available or the difference between the age of their septic system and the 10 year timeframe, whichever is greater.

Carried.

Councillor Francis voting nay.

Report Number: S 60/2020

Clerk's File: SW/13662

8.2. Housekeeping Amendments to By-Law 160-2010- A By-Law to Prescribe Swimming Pool Enclosures and Maintenance in the City of Windsor - City Wide

Moved by: Councillor Kaschak

Seconded by: Councillor Costante

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Decision Number: **ETPS 775**

THAT Council **PASS** By-law XX-2020 being “A By-law To Establish Standards, Regulations and Maintenance Requirements for Swimming Pools, Their Enclosures and Equipment” and, **REPEAL** By-law Number 10-2010, being “A By-law To Establish Standards, Regulations and Maintenance Requirements for Swimming Pools, Their Enclosures and Equipment”.

Carried.

Report Number: S 82/2020

Clerk's File: SB2020

9. TRANSIT BOARD ITEMS

None presented.

10. ADOPTION OF TRANSIT BOARD MINUTES

None presented.

11. QUESTION PERIOD

None registered.

12. ADJOURNMENT

There being no further business, the Environment, Transportation & Public Safety Standing Committee is adjourned at 5:44 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee will be held August 26, 2020.

Carried.

Ward 4 – Councillor Holt
(Chairperson)

Supervisor of Council Services