



## CITY OF WINDSOR MINUTES 11/25/2020

### Environment, Transportation & Public Safety Standing Committee Meeting

Date: Wednesday, November 25, 2020

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

#### **Members Present:**

##### **Councillors**

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 4 - Councillor Holt (Chairperson)

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:**

Shelby Askin Hager, City Solicitor

Mark Winterton, City Engineer

Stephen Laforet, Fire Chief

Dwayne Dawson, Executive Director of Operations / Deputy City Engineer

Tyson Cragg, Executive Director of Transit Windsor

Pat Delmore, Executive Director of Transit Windsor

Angela Marazita, Manager of Fleet

Adam Pillon, Manager of Right-of-Way

Karina Richters, Supervisor of Environmental Sustainability & Climate Change

Sandra Gebauer, Council Assistant

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 October 21, 2020

Moved by: Councillor McKenzie

Seconded by: Councillor Kaschak

THAT the Minutes of the Environment, Transportation & Public Safety Standing Committee meeting (excluding Transit matter items) held October 21, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 314/2020

### 4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

### 5. COMMUNICATIONS

None presented.

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## 6. PRESENTATIONS AND DELEGATIONS

### 7.3. Report No. 107 of the Windsor Essex County Environment Committee - E-Mail Poll regarding Phase-out Gas-Fired Electricity Generation

**Derek Coronado, Windsor Essex County Environment Committee (WECEC) member**

Derek Coronado, Windsor Essex County Environment Committee (WECEC) member, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding Report No. 107 of the Windsor Essex County Environment Committee entitled “E-mail Poll regarding Phase-out Gas-Fired Electricity Generation” and indicates that there is a limited amount of time to reduce greenhouse gas emissions to limit the global temperature increase and concludes by indicating the importance of defending the integrity of the climate emergency declaration and supports this resolution.

Councillor Francis indicates that this resolution was processed at the City Council Meeting and it will be forwarded to the provincial government.

Moved by: Councillor Francis  
Seconded by: Councillor Costante

Decision Number: **ETPS 793**

THAT Report No. 107 – E-mail Poll regarding Phase-Out Gas-Fired Electricity Generation of the Windsor-Essex County Environment Committee (WECEC) **BE RECEIVED.**

Carried.

Report Number: SCM 319/2020  
Clerk’s File: MB2020

### 8.2. Administrative Report under the Delegation of Authority – 4369, 4375, 4381, 4387 and 4393 Spago Crescent – Fence and Shed Encroachments, Ward 9

**Vladimir Drobnjakovic, Property Owner**

Vladimir Drobnjakovic, property owner, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report entitled “Administrative Report under the Delegation of Authority – 4369, 4375, 4381, 4387 and 4393 Spago Crescent – Fence and Shed Encroachments, Ward 9,” and provides a brief history of his property and indicates that he wanted to invest in an inground pool and began the process. Mr. Drobnjakovic was provided with the information for an encroachment agreement and wants to abide by current regulations and work with administration to come to a solution.

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### Louis Elters, Solicitor representing Naren Varma Pinnamaraju, Property Owner

Louis Elters, Solicitor representing Naren Varma Pinnamaraju, property owner, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report entitled “Administrative Report under the Delegation of Authority – 4369, 4375, 4381, 4387 and 4393 Spago Crescent – Fence and Shed Encroachments, Ward 9,” and requests information related to the structure that encroaches and the increased liability for maintenance costs which would be passed along to the homeowners.

Councillor McKenzie inquires about the liability piece and provides comment related to the City requiring access to the space. Mr. Elters indicates that his client may choose to withdraw his application and remove the fence rather than taking on the additional liability.

Councillor McKenzie inquires about the liability issue with administration and why the two clauses in the report are in place. Shelby Askin Hager, City Solicitor, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report entitled “Administrative Report under the Delegation of Authority – 4369, 4375, 4381, 4387 and 4393 Spago Crescent – Fence and Shed Encroachments, Ward 9,” and indicates whenever third parties are involved, it involves full indemnification and may involve removal of the encroachment, which would allow the City access as per standard practice.

Councillor McKenzie inquires as to the encroachment concerns. Adam Pillon, Manager of Right-of-Way, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report entitled “Administrative Report under the Delegation of Authority – 4369, 4375, 4381, 4387 and 4393 Spago Crescent – Fence and Shed Encroachments, Ward 9,” and indicates, related to the encroachment, that administration provided the clauses to allow for some flexibility of the committee. Mr. Pillon adds that related to the maintenance of the drain there are some clear concerns from administration.

Councillor McKenzie inquires about the concerns related to the actual maintenance of the drain. Mark Winterton, City Engineer, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report entitled “Administrative Report under the Delegation of Authority – 4369, 4375, 4381, 4387 and 4393 Spago Crescent – Fence and Shed Encroachments, Ward 9,” and indicates that extra time to perform the maintenance may be required and smaller equipment may be required, which would be a minimal cost impact; working around the obstruction may take more time. Mr. Winterton indicates that if the flow was impeded, that would be a bigger liability and could involve more costs. Mr. Winterton adds that related to the municipal drain, the City is responsible for maintenance and that is why they recommended the denial. Mr. Winterton indicates that if the obstruction becomes an impediment to maintenance and flow, it can be removed. Mr. Winterton adds that if there was an urgent matter to tend to related to the drain, it may become a bigger issue as to removing the obstruction right away. As per the encroachment agreement, a standard condition would be that the City provide 60 days notice as a standard amount of time to remove the encroachment.

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Councillor Kaschak inquires as to current and/or historical issues with maintenance of that drain in the past. Mr. Pillon indicates that, as part of the review of the encroachment, it was determined that the last maintenance on this drain occurred approximately 8-10 years ago, and administration is unaware of any major issues at this location. Mr. Winterton confirms there is no record of any significant maintenance problems with this drain although phragmites are a concern in virtually every drain, similar to many other major municipal drains.

Councillor Kaschak requests clarification related to how the maintenance occurs and whether it is completed from the road or the ditch at the back of property. Mr. Winterton indicates that the work is done from the road and provides an explanation of the type of equipment and what is involved.

Councillor Holt inquires as to additional costs and if the encroachment is allowed through an agreement, whether these costs could be attributed to the homeowners. Mr. Pillon indicates that there is wording in the encroachment agreement that indicates if any additional costs are incurred, they can be recovered through the encroachment agreement.

Moved by: Councillor McKenzie  
Seconded by: Councillor Costante

Decision Number: **ETPS 796**

THAT the request by the owners of the properties at 4369, 4375, 4381, 4387 and 4393 Spago Crescent, identified on PLAN 12M434 LOTS 43-39; to permit fence and shed encroachments into the Sixth Concession Road right-of-way, as shown on attached Drawing C-3591, **BE APPROVED**; and,

THAT the following requirements **SHALL BE AGREED UPON** by the applicants, in addition to the general requirements of an encroachment agreement:

- (i) The Licensee further covenants and agrees to indemnify the City of any damage to the encroaching objects due to the maintenance of the 5<sup>th</sup> Concession Drain.
- (ii) The Licensee further covenants and agrees to assume the responsibility and to pay for any additional costs or charges which the Corporation, EnWin Utilities Ltd., The Windsor Utilities Commission, Union Gas Limited, Cogeco Cable Systems Inc. or Bell Canada, and their respective successors and assigns, may reasonably incur in the future drain maintenance work by reason of such encroachment and the payment of such costs may, in the discretion of the Corporation, be enforced in the same manner as property taxes payable in respect of the Schedule "A" lands.

Carried.

Report Number: S 158/2020  
Clerk's File: SAA2020

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## 7. COMMITTEE MATTERS

### 7.1. Essex-Windsor Solid Waste Authority Regular Board Meeting Minutes of meeting held September 15, 2020

Moved by: Councillor McKenzie  
Seconded by: Councillor Kaschak

Decision Number: **ETPS 791**

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) of its Regular Board meeting held September 15, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 292/2020  
Clerk's File: MB2020

### 7.2. Essex-Windsor Solid Waste Authority Regular Board Meeting Minutes - October 6, 2020

Moved by: Councillor Costante  
Seconded by: Councillor Francis

Decision Number: **ETPS 792**

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) of its Regular Board meeting held October 6, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 329/2020  
Clerk's File: MB2020

### 7.4. Minutes of the Town & Gown Committee of its meeting held October 1, 2020

Moved by: Councillor Costante  
Seconded by: Councillor McKenzie

Decision Number: **ETPS 794**

THAT the minutes of the Town & Gown Committee of its meeting held October 1, 2020 **BE RECEIVED**.

Carried.

Report Number: SCM 321/2020  
Clerk's File: MB2020

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## 8. ADMINISTRATIVE ITEMS

### 8.1. Response to CQ 1-2020 – Facilitating the Transition to Electric Vehicles - City Wide

Moved by: Councillor McKenzie  
Seconded by: Councillor Francis

Decision Number: **ETPS 795**

THAT the report of the Executive Initiatives Coordinator dated October 21, 2020 entitled “Response to CQ 1-2020 – Facilitating the Transition to Electric Vehicles- City Wide” **BE RECEIVED**.  
Carried.

Report Number: S 147/2020  
Clerk’s File: SW/13715

### 8.3. Response to CQ9-2019 Practices and Procedures for Sidewalk Repairs - City Wide

Councillor Kaschak commends administration for providing a thorough report.

Moved by: Councillor Kaschak  
Seconded by: Councillor Costante

Decision Number: **ETPS 797**

THAT the report of the Engineer I, dated November 6, 2020, entitled “Response to CQ9-2019 Practices and Procedures for Sidewalk Repairs – City Wide” **BE RECEIVED** by Council for information.  
Carried.

Report Number: S 161/2020  
Clerk’s File: SW2020

## 9. TRANSIT BOARD ITEMS

### 9.1. Designation of Transit as an Essential Service - City Wide

Councillor McKenzie commends administration for a thorough report. Councillor McKenzie inquires as to the framework and the types of services that are deemed essential in the Emergency Management Framework. Ms. Askin Hager indicates that the plan identifies specific services which are prioritized as always essential, such as Police Service, Fire Service and clean drinking water. Ms. Askin Hager indicates that what can be delivered depends on the context of the emergency and priorities can change. Ms. Askin Hager adds that she urges caution as these services may conflict with current Occupational Health and Safety guidelines that are in place.

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Stephen Laforet, Fire Chief, appears before the Environment, Transportation and Public Services Standing Committee via video conference regarding the administrative report entitled “Designation of Transit as an Essential Service – City Wide” as the keeper of the Emergency Plan and provides details of the plan and the nature of services contained within the plan. Chief Laforet indicates that latitude when responding to an emergency is paramount. Chief Laforet adds that certain things must be kept running at all costs, such as pollution control and the water system. Chief Laforet adds that prioritizing and listing out critical infrastructure needs is important.

Councillor McKenzie comments about the process of e-mail polls being confirmed and ratified at a future meeting and inquires whether this can be a unilateral action under the Emergency Measures with decisions being confirmed and ratified using the same process. Chief Laforet indicates that other municipalities may be using this system although moving in that direction may be affected by the type of emergency. Chief Laforet adds that the period of time at the on-set of the emergency/pandemic and the speed at which restrictions and information was changing, administration had to pivot and change plans quickly. During a more prolonged response, this approach may be appropriate. Ms. Askin Hager relates this to the mask by-law that was enacted, which was temporary, and then a debate occurred during a Council Meeting with a decision to prolong the mask by-law being decided upon. Ms. Askin Hager adds that an effective period is imposed by the head of council and that the order would be effective for a period of time.

Councillor McKenzie inquires as to whether there is some balance or middle ground with these extraordinary powers, which would normalize governing the City under pandemic protocols. Chief Laforet indicates that there may be value for administration to review their EMP and ask for suggestions from administration related to how they can improve the implementation of measures from governance and public input point of view. Ms. Askin Hager indicates that administration would be very reluctant to recommend a procedural mechanism to override the EMPCA, specific circumstances may be warranted, but limits on the authority would not be something that administration could recommend. Ms. Askin Hager indicates that individual situations can be identified which may help highlight what the risks are.

Councillor McKenzie inquires about a broader review. Administration indicates that impacts across different sectors would need to be addressed.

Councillor Costante inquires about transit as a municipal service, and whether it is considered essential. Administration indicates there is no designation overall, although within the particular plan, it is listed that way, and adds that it is important to be mindful of the context of describing it.

Councillor Costante inquires as to labour implications. Transit would be different than legislated services, such as Police and Fire.

Councillor Kaschak inquires as to Transit Windsor and whether there is a business continuity plan. Chief Laforet indicates that the Emergency Planner is working with a number of different departments in the City to ensure that they have a continuity plan. Each area would develop their own Continuity plan with the Emergency Planner providing assistance as necessary. Chief Laforet



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adds that, through the PwC audit, all the directives were implemented, and Fire is currently working on an after action response plan related to the COVID-19 pandemic.

Moved by: Councillor Costante  
Seconded by: Councillor McKenzie

Decision Number: **ETPS 798**

THAT Administration **BE DIRECTED** to report back to the Environment, Transportation & Public Safety Standing Committee related to the implications of vesting powers in the whole of Council to make decisions regarding Transit during a time of crisis or pandemic.

Carried.

Councillor Francis voting nay.

Report Number: S 157/2020  
Clerk's File: MH/13786 & MT2020

### 9.2. Specialized Transit - City Wide

Moved by: Councillor McKenzie  
Seconded by: Councillor Francis

Decision Number: **ETPS 799**

THAT the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors and City Council:

- I. **DIRECT ADMINISTRATION** to re-negotiate an agreement with Handi-Transit; and,
- II. THAT the Chair of the Transit Windsor Board of Directors and the Executive Director of Transit Windsor **BE AUTHORIZED** to sign a contract with Handi-Transit satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer; and,
- III. THAT Administration **BE DIRECTED** to conduct a service review every three (3) years.

Carried.

Report Number: S 149/2020  
Clerk's File: MT2020

### 9.3. The Contributory Pension Plan for Employees of Transit Windsor - Plan Amendment - City Wide

Moved by: Councillor Francis  
Seconded by: Councillor McKenzie

Decision Number: **ETPS 800**

THAT the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors, and City Council:

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- I. **APPOINT** Michael Duval, Operations Coordinator of Transit Windsor, as Committee Chair of the Contributory Pension Plan for Employees of Transit Windsor; and,
- II. THAT Patrick Delmore **BE APPOINTED** as a Retired Participant of the Contributory Pension Plan for Employees of Transit Windsor; and,
- III. THAT the Deputy Treasurer of Financial Accounting of the City of Windsor be **APPROVED** to assume the duties of the Plan Administrator for the Contributory Pension Plan for Employees of Transit Windsor.

Carried.

Report Number: S 159/2020  
Clerk's File: MT2020 & AS2020

### 9.4. Advertising Agreement Between Transit Windsor and 1333988 Ontario Inc. o/a Streetseen Media - City Wide

Councillor Kaschak inquires about advertising in bus shelters and how it covers up the whole shelter, and requests information related to safety, as well as being in the driver's sight lines with the possibility of safety implications.

Tyson Cragg, Executive Director of Transit Windsor, appears before the Environment, Transportation and Public Safety Standing Committee via video conference regarding the administrative report entitled "Advertising Agreement between Transit Windsor and 1333988 Ontario Inc. o/a Streetseen Media – City Wide" and defers to Pat Delmore. Mr. Delmore indicates that the agreement in the report is specific to bus advertising and in-bus advertising; the bus shelters would be part of another agreement. Mr. Delmore indicates that the type of wraps that are used in the shelter are visible from the inside out and all shelters are solar lit. Mr. Delmore adds that this is standard with respect to advertising and their placement. Mr. Delmore also indicates that some shelters need to be clear with no advertising depending on placement; and current guidelines in advertising are used.

Moved by: Councillor Kaschak  
Seconded by: Councillor Francis

Decision Number: **ETPS 801**

THAT the Environment, Transportation & Public Safety Standing Committee sitting as the Transit Windsor Board of Directors and City Council:

- I. **APPROVE** the waiving of transit revenue fees from a contract with Streetseen Media Inc. for the months of April, May, June and July 2020; and,
- II. **APPROVE** an amendment to an existing contract with Streetseen Media Inc.; and,

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III. **THAT** the Chair of the Transit Windsor Board of Directors and the Executive Director of Transit Windsor **BE AUTHORIZED** to execute the amended agreement for the provision of soliciting and placing advertising in and on all transit buses owned or operated by Transit Windsor, until December 31, 2022, with the option to renew for an additional two (2) years, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer.

Carried.

Report Number: S 160/2020  
Clerk's File: MT2020

### 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 5:43 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee will be held December 16, 2020.

Carried.

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Ward 4 – Councillor Holt  
(Chairperson)

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Supervisor of Council Services