

AC/
Windsor, Ontario, April 23, 2014

A meeting of the **Environment Transportation & Public Safety Standing Committee** is held this day commencing at 4:30 o'clock p.m. in Council Chambers there being present the following members:

Present: Councillor Valentinis (Chair)
Councillor Gignac
Councillor Jones
Councillor Halberstadt
Councillor Payne

Also present are the following from Administration:

Mario Sonego, City Engineer
Ann Kalinowski, Manager of Bylaw Enforcement
Susan Hirota, Legal Council
Gary Cian, Manager of Policy, Gaming & Licensing/Deputy License Commissioner
Averil Parent, Environment & Sustainability Coordinator
Bill Roesel, Manager of Forestry & Horticulture
Mark Winterton, Manager of Contracts and Field Services
Craig Robertson, Supervisor of Licensing (A)
Phil Roberts, Director of Operations-YQG
Anna Ciacelli, Supervisor of Council Services (A)

Delegations:

Melanie Coulter, Executive Director, Windsor Essex County Humane Society (Item 1)
Siggi Mosmann, Resident (Report No. 77 & 80)
Derek Coronado, WECEC member (Report No. 77, 78, 79, 80, 81)
Jesse Gardner Costa, WECEC member (Report No. 77, 78, 79, 80)
Kathryn Arthur, Restoration Biologist, Essex Region Cons. Authority (Report No. 78)
Ian Nasbitt, Little River Enhancement Group (Report No. 78)

1. CALL TO ORDER

The Chair calls the meeting to order at 4:32 o'clock p.m.

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

None.

3. **ADOPTION OF THE MINUTES**

Moved by Councillor Gignac seconded by Councillor Jones,
THAT the minutes of the meeting of the Environment, Transportation and Public Safety Standing Committee held February 19, 2014 **BE ADOPTED** as presented.
Carried.

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

None.

5. **COMMUNICATIONS**

None.

6. **PRESENTATIONS AND DELEGATIONS**

None.

7. **COMMITTEE MATTERS**

Report No. 77 of the Windsor-Essex County Environment Committee (Private Tree By-law Subcommittee)

Councillor Gignac expresses concern that the issue of the private tree by-law subcommittee has already come before the Environment, Transportation & Public Safety Standing Committee. She indicates that Council as a whole should be determining subcommittees that involve City resources.

Councillor Halberstadt indicates he can request the subcommittee by submitting a Council Question.

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT Report No. 77 of the Windsor-Essex County Environment Committee (concerning the establishment of a Private Tree By-law Subcommittee) **BE RECEIVED** for information.
Carried.

Councillor Payne leaves the meeting at 5:35pm.

Report No. 78 of the Windsor-Essex County Environment Committee (Phase 3 of the Swamp Wetland Restoration Project on airport lands)

Ian Nasbitt, Little River Enhancement Group appears before the Environment, Transportation & Public Safety Standing Committee to provide details regarding Phase 3 of the Swamp wetland Restoration Project on the YQG airport lands. The Little River Group has cleaned up the area 35 times as well as planting 29,000 trees in the area. The group has an interest in these significant wetland areas. Phase 1 permission was granted in 1997, and last year the middle woodlot was connected with the East Woodlot. The subject area is North of the area that was previously planted. This phase would join the two existing swampland areas in the buffer zone. He provides details of the work that has been completed as well as work yet to be completed including some timelines.

Kathryn Arthur, Restoration Biologist, Essex Region Conservation Authority appears before the Environment, Transportation & Public Safety Standing Committee providing information regarding Phase 3 of the Swamp Wetland Restoration Project on the YQG airport lands, ensuring all partners are in agreement with the project and are ready to begin. Kathryn outlines the tree planting program last year in the area, and is grateful to all the funding partners for their ongoing assistance.

Derek Coronado, WECEC member appears before the Environment, Transportation & Public Safety Standing Committee indicating that the Phase 3 is contained within the boundaries outlined in the Airport master plan regarding green space and encourages an explanation from Administration regarding any concerns with the buffer.

Jesse Gardner Costa, WECEC member appears before the Environment, Transportation & Public Safety Standing Committee indicating the project before the Committee is a unique opportunity. It provides a cheap solution to storm water retention and will provide a good option for the area to enhance the green space and surrounding environment including the Little River.

Councillor Halberstadt inquires as to the timeline of the project. Mr. Nasbitt indicates that the project might start in Fall or the following Spring.

Councillor Gignac inquires as to the buffer zone issue, and whether it has been resolved at the Provincial level. She inquires as to timing and whether administration will be providing further information on how this phase will affect the overall planning of the area and concerns for abutting property owners.

Mario Sonego, City Engineer indicates that this project might be a little premature. The target was to use the area between the woodlots as a storm retention pond. The size of the pond and volume has yet to be determined. An accompanying

report will be provided addressing some of the concerns brought forward primarily timing.

Moved by Councillor Gignac, seconded by Councillor Jones,

THAT City Council and the Board of Directors of Your Quick Gateway (Windsor) Inc. **BE REQUESTED TO ENDORSE** Phase 3 of the Swamp Wetland Restoration Project on the YQG airport lands as submitted by the Little River Enhancement Group subject to a report from Administration outlining concerns to the overall planning of the area as well as abutting properties.

Carried.

Councillor Payne was absent at the time the vote was taken.

Report No. 79 of the Windsor-Essex County Environment Committee (species at risk study-woodlot located n/e of Walker Road and E.C. Row Expressway)

Councillor Valentinis inquires as to why ERCA hasn't submitted this request if they wanted this risk study completed. Councillor Gignac agrees that the concern is the process and should be addressed by full Council.

Moved by Councillor Gignac, seconded by Councillor Jones,

THAT Report No. 79 of the Windsor-Essex County Environment Committee (concerning species at risk study – woodlot located north east of Walker Road and E. C. Row Expressway) **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Report No. 80 of the Windsor-Essex County Environment Committee (consideration for implementation of a Tree By-law)

Moved by Councillor Gignac, seconded by Councillor Jones,

THAT Report No. 80 of the Windsor-Essex County Environment Committee (concerning consideration for implementation of a Tree By-law) **BE RECEIVED** for information.

Carried.

Report No. 81 of the Windsor-Essex County Environment Committee (suggested environmentally friendly features for new City Hall building)

Moved by Councillor Halberstadt, seconded by Councillor Gignac,

THAT City Council **BE REQUESTED** to consider environmental features as identified below for inclusion in the Request for Proposal for the new City Hall:

- High-efficiency glass for windows and doors to conserve energy;
- Energy efficient, low flow appliances in the building (i.e. low flow toilets, LED lighting);

- Consider making it a zero-energy building (meaning that the total amount of energy used by the building on an annual basis is roughly equal to the amount of renewable energy created on site);
- Using natural light to light the inside of the building;
- Use of district energy;
- Building materials free of toxic chemical formaldehyde
- Recycled building materials where appropriate (i.e. recycled carpet);
- Re-use of building materials from the current City Hall after demolition;
- Re-use of grey water either inside the building (flushing toilets, etc.) or outside the building (watering grass, etc.);
- Storm water management features such as rain gardens, bioswales or a permeable pavement parking lot;
- Underground parking to reduce extra pavement needed for surface parking;
- Roof structurally able to support solar panels or a green roof;
- Secure storage for bicycles as well as change room facilities with a shower;
- Furniture made from recycled materials;
- Native plants in the landscape design;
- Planting of fruit trees and space for a community garden.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor-Essex County Environment Committee meeting held January 9, 2014

Moved by Councillor Halberstadt, seconded by Councillor Gignac,

THAT the minutes of the Windsor-Essex County Environment Committee meeting held January 9, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor-Essex County Environment Committee meeting held February 6, 2014

Moved by Councillor Gignac, seconded by Councillor Jones,

THAT the minutes of the Windsor-Essex County Environment Committee meeting held February 6, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor-Essex County Environment Committee meeting held March 6, 2014

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT the minutes of the Windsor-Essex County Environment Committee meeting held March 6, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor Licensing Commission meeting held January 23, 2014

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT the minutes of the Windsor Licensing Commission meeting held January 23, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor Licensing Commission meeting held February 26, 2014

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT the minutes of the Windsor Licensing Commission meeting held February 26, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor-Essex Solid Waste Authority Board Meeting held December 3, 2013

Moved by Councillor Halberstadt, seconded by Councillor Jones,
THAT the minutes of the Essex-Windsor Solid Waste Authority Board Meeting held December 3, 2013 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor-Essex Solid Waste Authority Board Meeting held February 4, 2014

Moved by Councillor Halberstadt, seconded by Councillor Jones,
THAT the minutes of the Essex-Windsor Solid Waste Authority Board Meeting held February 4, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Annual Report for the Windsor Bicycling Committee 2013

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT the Annual Report for the Windsor Bicycling Committee 2013 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

Minutes of the Windsor Bicycling Committee meeting held February 27, 2014

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT the minutes of the Windsor Bicycling Committee meeting held February 27, 2014 **BE RECEIVED** for information.

Carried.

Councillor Payne was absent at the time the vote was taken.

8. ADMINISTRATIVE ITEMS

Item 1 Response to CQ5-2014 – review of Municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014 – feasibility of dog tethering provisions

Melanie Coulter, Executive Director, Windsor-Essex County Humane Society appears before The Environment, Transportation and Public Safety Standing Committee and provides information on animal welfare pertaining to the administrative report Response to CQ5-2014 – review of Municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014 – feasibility of dog tethering provisions.

Salient points of discussion include:

- Preventing animals from being in distress
- Current Provincial Legislation doesn't address the time limits on tethering
- Amending the current Keeping of Animals By-law will provide another method of enforcement
- Several US and Canadian comparisons to tethering restrictions are provided
- Psychological impact on a dog that is tethered all the time
- Acknowledgement that some situations where a dog is tethered that they are not in distress
- Some statistics regarding tethering and situations of dog bites or attacks are provided.

Councillor Payne inquires as to increasing the time limit to 4 hours instead of 2 and whether simply having the amendment in the By-law will provide a deterrent to citizens and discourage tethering.

Melanie Coulter indicates that she wouldn't have a problem with the 4 hour time limit. Having the amendment in place may be a deterrent. Currently Essex has not laid any charges but it works as a deterrent to discourage tethering.

Councillor Halberstadt inquires as to the difference in keeping a dog crated inside the home for 8 hours while people work, and keeping it tethered for 8 hours outside.

Melanie Coulter indicates that the dog in the crate is safer, the dog would be more at risk being chained up outside for a long period of time. There won't be an opportunity for it to be tangled on its tether, or be strangled by it if the dog is inside the home in a crate. Outdoor dogs can be in a pen and still be comfortable without being on a tether, as long as they could access food and/or water.

Councillor Halberstadt inquires how the enforcement officers would determine whether the dog was on a tether in excess of the time limit, it may be difficult to enforce.

Melanie Coulter indicates the officer would not remain outside the residence for the full period of time, they would return to the subject property numerous times during the day and then lay charges if warranted. She reiterates the time length a dog can be tethered is not stipulated in Provincial Legislation that is why she would like to see the amendment to the City's Keeping of Animals By-law.

Councillor Gignac inquires as to whether Melanie has any statistics of how many incidents that she has received complaints on that the Windsor Essex Humane Society has not been able to lay charges due to inadequate Provincial Legislation.

Melanie Coulter states that the current Legislation is much better than it was in the past. Although current legislation doesn't define time limits for tethers. She indicates she doesn't have exact numbers of how many charges, but would estimate that several dozen calls would have been received.

Councillor Jones inquires whether there would be a method of appeal for people who have been charged such as a quasi judicial process.

Melanie Coulter doesn't believe so. The appeal of a ticket would not go to the Licensing Commission.

Ann Kalinowski, Manager of Bylaw Enforcement indicates that the change to the City's Keeping of Animals By-law as requested would be in contravention to the City's Dog Control By-law which speaks to containment of dogs. There would be no quasi-judicial process in the Keeping of Animals By-law similar to a dangerous dog designation in the City's Dog control By-law whereby residents can appear before the License Commission. Susan Hirota, Legal Counsel indicates a person can be charged in two ways a part one ticket, if they dispute the charge they can request an early resolution meeting with the City's Legal Counsel, or proceed straight to trial. The City can proceed with a Part 3

charge, similar to a criminal trial with a summons to appear in court, resulting in a guilty plea or trial.

Councillor Valentinis expresses concern over the decision of who decides what type of charge or how it would proceed through the legal process.

Susan Hirota indicates after the charge is laid then it is a court process. It would proceed to the Provincial Offences Court and the City would be involved in the Court process.

Councillor Jones and Councillor Valentinis express concern with the amount of time involved in the process as well as the number of City resources that may be involved through By-Law enforcement and Legal, which would be difficult to determine as the number of charges laid would be unknown. Councillor Valentinis also indicates a specific education program by the Humane Society may be warranted.

Councillor Gignac inquires as to the Windsor-Essex County Humane Societies Contract with the City specifically the education portion, as well as whether providing education before adopting out animals and about no tethering, along with existing Provincial Legislation could be enough of a deterrent. She is reluctant to make a change to the By-Law at this time because of existing Provincial Legislation and more education that can be provided.

Gary Cian, Manager of Policy, Gaming & Licensing/Deputy License Commissioner indicates that the education portion of the Animal Control contract is \$20,000.00, with the Humane Society deciding where the dollars would be spent.

Melanie Coulter provides details regarding education that is currently provided by the Humane Society at the time of adoptions as well as training sessions that are available to new pet owners and ongoing education through specific programs and the media.

Councillor Jones indicates that personally he will be gaining more information and education prior to the report going to Council, concerned with enforcement and City employees being involved in the process.

Moved by Councillor Payne, seconded by Councillor Halberstadt,

THAT the report authored by the Corporate Policy Coordinator dated April 1, 2014 entitled "*Response to CQ5-2014 – review of municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014 – feasibility of dog tethering provisions*" **BE RECEIVED**; and further,

THAT By-law 8156 **BE AMENDED** to include the following sections:

Section (4a):

"Any person who owns an animal that is customarily kept outside shall at all times:

- 1) Provide it with protection from the elements including harmful temperatures;
- 2) Provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight and type of coat;

- 3) Provide an enclosure which has sufficient space to allow the animal the ability to turn around freely and to easily sit, stand and lie in a fully extended position.”

Section (4b):

“No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:

- 1) The tether is of appropriate length for the species tethered; i.e. 5 times the length of the dog from the nose to the base of the tail except for small dogs (should be a minimum of 3 metres);
- 2) The animal has unrestricted movement within the range of such tether;
- 3) The animal is not tethered for longer than 4 hours per day;
- 4) The animal has access to water, and shelter while tethered; and
- 5) The animal cannot injure itself as a result of the tethering.”

Carried.

Councillor Gignac voting nay.

Item 2 Follow-up to the 2013 Report on the State of our Environment

Moved by Councillor Gignac, seconded by Councillor Jones,

THAT the recommendations proposed to improve future Report on the State of our Environment indicators **BE CONSIDERED** during future operating and capital budget processes.

Carried.

Item 3 Appointment of Area Weed Inspectors under the Weed Control Act

Moved by Councillor Gignac, seconded by Councillor Halberstadt,

THAT Council **PASS** By-law ____-2014 to appoint By-law Enforcement Officers from the By-law Enforcement Unit of the Building Department and Parks Department Staff as shown on Appendix “A” as Area Weed Inspectors under the Weed Control Act to enforce provisions of the Weed Control Act in the City of Windsor, and

THAT the City Solicitor **BE AUTHORIZED** to prepare amendments to this By-law from time to time upon the written request of the Chief Building Official in order to reflect staff changes without the need for individual reports and approvals from City Council each time.

Carried.

Item 4 Rain Garden Demonstration Site – Ojibway Nature Centre

Moved by Councillor Halberstadt, seconded by Councillor Payne,

THAT City Council **APPROVE** the installation of a demonstration rain garden at the Ojibway Nature Centre.

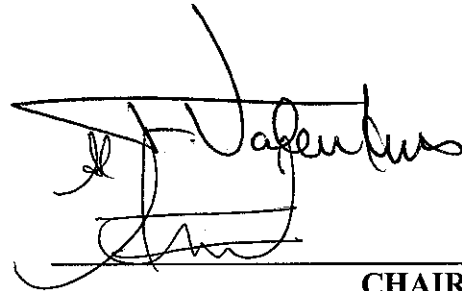
Carried.

9. **QUESTION PERIOD**

None.

10. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:10 o'clock p.m. The next meeting of the Environment, Transportation and Public Safety Standing Committee will be held May 21, 2014.

A handwritten signature in cursive script, appearing to read "D. Valenzuela", written over a horizontal line.

CHAIRPERSON

A handwritten signature in cursive script, appearing to read "D. Liacelli", written over a horizontal line.

SUPERVISOR OF COUNCIL SERVICES (A)