

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

Absent: Councillor Halberstadt
Councillor Payne

Also present are the following from Administration:

Mario Sonogo, City Engineer
Averil Parent, Environment & Sustainability Coordinator
Mike Clement, Manager Parks Development
Patrick Brode, Senior Legal Counsel
Adam Pillon, Technologist I
Anna Ciacelli, Supervisor of Council Services (A)

Delegations:

Gino Morga, Solicitor (Item 1)

1. **CALL TO ORDER**

The Chair calls the meeting 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**

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT the minutes of the meeting of the Environment, Transportation and Public Safety Standing Committee held June 25, 2014 **BE ADOPTED** as presented.
Carried.

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

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT Report No. 83 of the Windsor-Essex County Environment Committee (WECEC) (Regional State of the Art Acute Care Hospital **BE DEFERRED** to the August 27, 2014 meeting of the Environment, Transportation & Public Safety Standing Committee.

Carried.

5. **COMMUNICATIONS**

None provided.

6. **PRESENTATIONS AND DELEGATIONS**

None presented.

7. **COMMITTEE MATTERS**

**Reports No. 84 of the Windsor-Essex County Environment Committee (WECEC)
(Request to YQG Board to waive meeting room rental fees)**

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT Report No. 84 of the Windsor-Essex County Environment Committee (WECEC) (Request YQG Board of Directors to waive meeting room rental fees) **BE RECEIVED** for information.

Carried.

Minutes of the Windsor Essex County Environment Committee held June 5, 2014

Moved by Councillor Jones, seconded by Councillor Gignac,
THAT the minutes Windsor-Essex County Environment Committee meeting held June 5, 2014 **BE RECEIVED** for information.

Carried.

8. **ADMINISTRATIVE ITEMS**

Item 1 2595 Dougall Avenue—Parking, Landscaping, Block Wall and Billboard Encroachment

Mr. Gino Morga, Solicitor

Mr. Gino Morga, Solicitor appears before the Environment, Transportation & Public Safety Standing Committee Meeting requesting that his client's application regarding 2595

Dougall Avenue—Parking, Landscaping, Block Wall and Billboard Encroachment be approved. He provides a brief history of the property ownership and provides documents to members of the committee related to the history of the billboard building permit application and certificate of insurance which is attached as Appendix A.

Councillor Jones requests that the boulders near the sign be removed. Mr. Morga indicates he will consult with his client to see if they can be removed.

Councillor Gignac indicates since the sign has been there for 34 years, why administration is pursuing its removal currently and suggests that an encroachment should have existed at that time.

Mario Sonogo, City Engineer indicates that a complaint was received and an investigation was completed. Some concerns exist as the sign is in contravention to the current sign by-law and it isn't on private property. Mr. Sonogo also indicates if the sign requires significant repair or replacement a building permit may be required.

Councillor Valentinis inquires about the application fee, the annual encroachment fee and the annual re-inspection fee. Administration provides clarification.

- Moved by Councillor Gignac, seconded by Councillor Jones,
- I. **THAT** the applicants request for the property at 2595 Dougall Avenue, identified as CON 2PT Lot 79; to permit a billboard and block wall to encroach on the Dougall Avenue right-of-way, **BE APPROVED** subject to the owner entering into an encroachment agreement, satisfactory in form to the City Solicitor, and in technical content to the City Engineer, to comply with the terms and conditions:

- (a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.
- (b) Pay a \$225.00 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department. (paid)

- (c) Indemnify the City of Windsor against all claims which may arise by reason of its occupying sections of the public right-of-way herein before listed and file with the Risk Management Supervisor a Certificate of Insurance with a minimum amount of \$2,000,000.00 per occurrence Commercial General Liability, a cross liability endorsement, the Corporation of the City of Windsor as an additional insured and 30 days notice of cancellation.

The Certificate of Insurance must be satisfactory in form to the Risk Management Supervisor and provided to the Risk Management Supervisor with the commencement of this encroachment and annually thereafter.

For insurance purposes only, the mailing address for the Corporation of the City of Windsor is:

The Corporation of the City of Windsor
Risk Management Division
400 City Hall Square, Suite 403
Windsor, ON N9A 7K6

- (d) Pay a \$250.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owner. (paid)
- (e) Pay a surcharge in the amount of \$100.00 to the Engineering Department, as required by Council Resolution 699/85. (paid)
- (f) Pay an annual encroachment fee of \$795.00, calculated according to Council Resolution 425/81, and any and all applicable provincial and federal land taxes, etc.
- (g) Pay an annual inspection and billing fee of \$25.00 to the Engineering Department.
- (h) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- (i) The applicant agrees to obtain a Street Opening Permit at a cost of \$208.00 for the subject encroachment.
- (j) The applicant agrees to obtain the services of a structural engineer to certify the billboards structural integrity.
- (k) The applicant agrees to enter into an encroachment agreement with the Detroit River Tunnel Partnership for the possible billboard and block wall encroachment.

II. **THAT** the encroachment of landscaping boulders and part of 6 parking spaces on the Dougall Avenue right-of-way, as shown on attached drawing C-3221A, **BE APPROVED**, subject to the owner entering into an encroachment agreement, satisfactory in form to the City Solicitor, and in technical content to the City Engineer, to comply with the terms and conditions:

- (a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.

- (b) Pay a \$225.00 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department. (paid)
- (c) Indemnify the City of Windsor against all claims which may arise by reason of its occupying sections of the public right-of-way herein before listed and file with the Risk Management Supervisor a Certificate of Insurance with a minimum amount of \$2,000,000.00 per occurrence Commercial General Liability, a cross liability endorsement, the Corporation of the City of Windsor as an additional insured and 30 days notice of cancellation.

The Certificate of Insurance must be satisfactory in form to the Risk Management Supervisor and provided to the Risk Management Supervisor with the commencement of this encroachment and annually thereafter.

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- (d) Pay a \$250.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owner. (paid)
- (e) Pay a surcharge in the amount of \$100.00 to the Engineering Department, as required by Council Resolution 699/85. (paid)
- (f) Pay an annual encroachment fee of \$745.00, calculated according to Council Resolution 425/81, and any and all applicable provincial and federal land taxes, etc.
- (g) Pay an annual inspection and billing fee of \$25.00 to the Engineering Department.
- (h) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- (i) The applicant agrees to obtain a Street Opening Permit at a cost of \$208.00 for the subject encroachment.

III. **THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, in accordance with By-law 208-2008 as the authority for encroachments.
Carried.

Item 2 Community Gardens on Municipal Property Policy

Averil Parent, Environment & Sustainability Coordinator appears before the Environment, Transportation & Public Safety Standing Committee Meeting and provides a brief outline of the report regarding Community Gardens on Municipal Property Policy. Administration is providing the process whereby a community garden can be built on City

property as demand for these types of gardens was increasing. An application process has been streamlined and specific parks have been identified for potential usage.

Councillor Gignac suggests that neighbours should be notified instead of may be notified.

Administration indicates that a trend in being knowledgeable about where our food comes from has increased and the potential for these community gardens has increased. It would be less of a burden to the City in terms of management, although monitoring of the sites will still take place compared to previous attempts.

Councillor Valentinis inquires as to how the residents in close proximity to the gardens would be notified.

Administration indicates that the standard 400 ft. would probably be sufficient.

Moved by Councillor Jones, seconded by Councillor Gignac,

- I. **THAT** the Community Gardens on Municipal Property Policy and associated documents **BE TABLED** for a minimum of 30 days to allow for public comment; and
- II. **THAT** the following documents **BE APPROVED** by City Council at the time of consideration:
 - A) Community Gardens on Municipal Property Policy attached as Appendix A as amended to include the following change to notification Section 6.3 of the policy to read "The applicant shall be required to notify residents in close proximity..."
 - B) Municipal properties recommended for Community Gardens attached as Appendix B;
- III. **THAT** the Chief Administrative Officer **BE AUTHORIZED** to approve a Community Garden Template Licence Agreement or Renewal Agreements, as the case may be; **AND FURTHER** that the Delegation of Authority Bylaw (208-2008) **BE AMENDED** to reflect that such authority has been granted;
- IV. **THAT** the Chief Administrative Officer **BE AUTHORIZED** to execute the Community Garden Licence Agreement, to be satisfactory in content to the Executive Director of Parks & Facilities, or designates, and to be in the approved template form or satisfactory to the City Solicitor, or designate.
- V. **THAT** the Executive Director of Parks & Facilities **BE AUTHORIZED** to execute any renewals of the Community Garden Template Licence Agreement, to be satisfactory in content to the City Planner or designate and to be in an approved template form;
- VI. After the tabling of the policy, that the results **BE PRESENTED** at a future meeting of the Environment, Transportation & Public Safety Standing Committee.

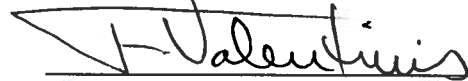
Carried.

9. **QUESTION PERIOD**

Councillor Valentinis inquires about the Pet Coke issue and whether there has been an update as to the location of storage. Administration indicates they don't have an update on the issue at this time.

10. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 5:00 o'clock p.m. The next meeting of the Environment, Transportation and Public Safety Standing Committee will be held August 27, 2014.



CHAIRPERSON



SUPERVISOR OF COUNCIL SERVICES (A)