CITY OF WINDSOR MINUTES 03/21/2022

City Council Meeting

Date: Monday, March 21, 2022
Time: 4:00 o'clock p.m.

Members Present:

Mayor
Mayor Dilkens

Councillors
Ward 1 - Councillor Francis
Ward 2 - Councillor Costante
Ward 3 - Councillor Bortolin
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 6 - Councillor Gignac
Ward 7 - Councillor Gill
Ward 8 - Councillor Kaschak
Ward 9 - Councillor McKenzie
Ward 10 - Councillor Morrison

Clerk's Note: Several members of Administration and members of the public participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

1. ORDER OF BUSINESS

2. CALL TO ORDER

Following the playing of the Canadian National Anthem and reading of the Land Acknowledgement, the Mayor calls meeting to order at 4:01 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Francis discloses an interest and abstains from voting on Item 7.4 being the report of the Office of the Commissioner of Legal & Legislative Services dated September 18, 2020 entitled "Council Question CQ 23-2019 - Payday Loan Establishments - City Wide," as his brother's employer, the WFCU Credit Union, is mentioned in the report as having a program described as a corrective measure alternative.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held February 28, 2022

Moved by: Councillor Bortolin
Seconded by: Councillor Costante

That the minutes of the meeting of Council held February 28, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 80/2022

5. NOTICE OF PROCLAMATIONS

Proclamations
"Earth Hour" – Saturday, March 26, 2022 from 8:30 p.m. to 9:30 p.m.
"Trans Day of Visibility" – Thursday, March 31, 2022
"Sikh Heritage Month" – Friday, April 1 to Saturday, April 30, 2022
"Global Meetings Industry Day" – Thursday, April 7, 2022

Flag Raising Ceremony
"Trans Day of Visibility" – Monday, March 28 to Friday, April 1, 2022
"Vaisakhi Festival" – Wednesday, April 13 to Saturday, April 16, 2022

Illumination
"Global Meetings Industry Day" – Thursday, April 7, 2022
"Vaisakhi Festival" – Wednesday, April 13 to Saturday, April 16, 2022

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Francis
Seconded by: Councillor Gignac

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:
(a) communication items;
(b) consent agenda;
(c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
(d) hearing presentations and delegations;
(e) consideration of business items;
(f) consideration of Committee reports:
(g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and
(h) consideration of by-laws 51-2022 through 58-2022 (inclusive).
Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence for March 21, 2022

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR97/2022
That the following Communication Items 7.1.1 through 7.1.4, 7.1.6 through 7.1.8, and 7.1.10 through 7.1.18 (inclusive) as set forth in the Council Agenda **BE REFERRED** as noted; and that Items 7.1.9 and 7.1.5 be dealt with as follows:

7.1.9. Letter regarding condition of Brock Street between Sandwich Street and Peter Street

Moved by: Councillor Costante
Seconded by: Councillor Gignac

Decision Number: CR98/2022
That the correspondence from the Friends of the Court dated February 14, 2022 regarding the condition of Brock Street between Sandwich Street and Peter Street **BE RECEIVED** for information; and further,

That Administration **REPORT BACK** outlining the cost differential between repaving Brock Street between Sandwich Street and Peter Street during the reconstruction phase of Sandwich Street instead of a stand alone project after the reconstruction, when a response to CQ 3-2022 asked on February 14, 2022 requesting a report outlining how deficient residential roads not in the 10 year capital budget will be addressed is brought forward to Council.
Carried.

Clerk's File: SW2022

7.1.5. Letter requesting support for the Panhandle Regional Expansion Project

Moved by: Councillor McKenzie
Seconded by: Councillor Kaschak

Decision Number: CR99/2022
That the correspondence from Enbridge Gas Inc. dated February 28, 2022 requesting support for the Panhandle Regional Expansion Project and commending the development of the Windsor Works Plan **BE RECEIVED** for information; and further,

That Administration **BE DIRECTED** to send a letter of support to Enbridge Gas Inc. advocating for the Panhandle Regional Expansion Project which will expand the capacity of the panhandle system, which serves Windsor, Essex County and Chatham-Kent with an investment of over $200 million dollars that will increase access to affordable and reliable energy in Windsor.
Carried.

Clerk's File: MU2022

No.	Sender	Subject
7.1.1.	City of Lublin, Poland	Letter regarding the preparation of a comprehensive package of aid measures for the Ukrainian people who have fled war Commissioner, Human & Health Services APRP2022 Note & File

No.	Sender	Subject
7.1.2.	Town of Tecumseh	The Town of Tecumseh to hold a virtual/electronic public meeting on Tuesday, March 22, 2022 at 6:15 p.m. to consider a proposed Zoning By-law amendment pursuant to the provisions of the *Planning Act, R. S. 0. 1990* City Planner Deputy City Solicitor Chief Building Official Development Applications Clerk ZB2022 Note & File
7.1.3.	Town of LaSalle	By-law Number 8668 AND To view the Drainage Report for the Lower Portion of the Cahill Drain click here Commissioner, Infrastructure Services Executive Director, Engineering/Deputy City Engineer Manager, Design Engineer III SW/13803 Note & File
7.1.4.	Town of LaSalle AND Andrew Dowie, Engineer III & Drainage Superintendent	Notice of the Sitting of the Court of Revision – Cahill Drain AND Memo regarding the Town of LaSalle Cahill Drain Court of Revision Commissioner, Infrastructure Services Executive Director, Engineering/Deputy City Engineer Manager, Design Engineer III SW/13803 COUNCIL DIRECTION REQUESTED, otherwise Note & File

No.	Sender	Subject
7.1.5.	Enbridge Gas Inc.	Letter requesting support for the Panhandle Regional Expansion Project Commissioner, Corporate Services CFO/City Treasurer Commissioner, Infrastructure Services Senior Manager, Asset Planning COUNCIL DIRECTION REQUESTED, otherwise MU2022 Note & File
7.1.6.	Enbridge Gas Inc.	Letter regarding incoming Senior Vice President & President of Gas Distribution and Storage, Michele Harradence MU2022 Note & File
7.1.7.	The Windsor Utilities Commission	Drinking Water Systems Regulation O. Reg. 170/03 Annual Report 2021 Commissioner, Infrastructure Services EI/10108 Note & File
7.1.8.	Coventry Association for International Friendship	Statements regarding Ukraine Commissioner, Human & Health Services APRP2022 Note & File
7.1.9.	The Friends of the Court	Letter regarding condition of Brock Street between Sandwich Street and Peter Street Commissioner, Infrastructure Services Manager, Contracts, Field Services & Maintenance SW2022 Note & File

No.	Sender	Subject
7.1.10.	Walkerville-Walker Developments AND Greg Atkins, Planner III, City of Windsor	Letter regarding new residential development project on Walker Road – Brownfield Rehabilitation Program and Brownfield Tax Assistance Program AND Memo regarding Community Improvement Plan Brownfield (CIP) retroactivity request Deputy Treasurer, Taxation, Treasury & Financial Planning City Planner/Executive Director Planning & Development Services Manager, Planning Policy/Deputy City Planner Planner III – Economic Development ZS/12991 Note & File
7.1.11.	Alex Hartley, Senior Legal Counsel, City of Windsor	Memo regarding the update on changes to conservation authority programs and services Commissioner, Legal & Legislative Services Senior Legal Counsel City Planner GCE2022 Note & File
7.1.12.	M.E. Bernard, Manager of Social Policy and Planning, City of Windsor/ Project Manager, Windsor Essex Local Immigration Partnership (WE LIP)	Memo regarding information on humanitarian aid and donations to support the people of Ukraine (CQ 4-2022) Commissioner, Human & Health Services APRP2022 Note & File
7.1.13.	City Planner/ Executive Director	Application for Zoning Amendment, JBM Capital Inc., 2601 Lauzon Road, Application to amend Zoning By-law 8600 to allow for the development of multi-family dwellings Z/14313 Note & File

No.	Sender	Subject
7.1.14.	City Planner/ Executive Director	Application for Zoning Amendment, Lee J. Doucette, 1646-1648 Drouillard Road, Application to amend Zoning By-law 8600 to allow for the development of a multiple dwelling building with a maximum of four residential units Z/14314 Note & File
7.1.15.	City Planner/ Executive Director	Application for Zoning Amendment, Vito Maggio Holdings Inc., 642 Windermere Road, Application to amend Zoning By-law 8600 to permit a permanent patio to the rear of the existing residential building, to be used by the Restaurant located on the property to the north known municipally as 1731 Wyandotte Street East Z/14315 Note & File
7.1.16.	City Planner/ Executive Director	Application for Zoning Amendment, 1933923 Ontario Ltd., 0 & 817 Elinor Street and 0 Wyandotte Street East, Application to amend Zoning By-law 8600 to allow three multiple dwellings with 5 or more dwelling units each Z/14316 Note & File
7.1.17.	City Planner/ Executive Director	Application for Zoning Amendment and Official Plan Amendment, Tunio Development, 0 & 3885 Sandwich Street, Application to amend Zoning By-law 8600 to allow for the development of an 11-storey combined use building with commercial & parking on main floor and residential above Z/14317 Note & File

No.	Sender	Subject
7.1.18.	Manager of Urban Design	Recent Site Plan Control (SPC) applications: • Amazon Cda Fulfillment Services, 4001 Plymouth, logistics distribution building • 2509252 Ont. Ltd. – David Traher, 5050 Tecumseh East, two new commercial buildings • GBI Holding Co. Inc., 357-359 Indian, residential duplex • Riverview Steel Co. Ltd., 8165 Anchor, warehouse addition • St. Clair Student Rep., 2000 Talbot, single storey football fieldhouse building • Jay Shanmugam – WECHC, 3351-3493 Bloomfield, three new buildings including four units each • 2798315 Ont. Inc. – Rosati, 1958-1968 Wyandotte East, renovation adding rest. & offices • Westdell Dev. Corp. – D. Traher, 1475 Huron Church, phase II commercial centre • Shamshoon Ilishya, 5885 Wyandotte East, medical/business office addition • Middle Eastern Bible Fellowship, 3385 Forest Glade, one storey multi-activity hall • Windsor Islamic Association, 2348-2380 Dominion, residential 5 buildings/6 units per • Castlegate Towers Inc., 0 (2230-2240) Daytona, 6 unit townhome • GEDSB, 3070 Stillmeadow, park lot/bus bay/fire route Z2022 ZS/13658 Note & File

Carried.

Report Number: CMC 4/2022

7.4. Council Question CQ 23-2019 - Payday Loan Establishments - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Kaschak

Decision Number: CR102/2022 CR538/2020
That the report of the Senior Legal Counsel dated September 18, 2020 entitled "Council Question CQ23-2019 - Payday Loan Establishments - City Wide" **BE RECEIVED** for information; and further,

That Administration **PROCEED** with establishing a cross-sectoral committee with the appropriate partners and representatives to acquire local information and develop a strategy to distribute education materials regarding alternative financial options and supports; and,

That Administration **REPORT BACK** to the Community Services Standing Committee after one year with a summary of work completed to date.
Carried.
Councillor Francis discloses an interest and abstains from voting on this matter.

Report Number: C 187/2020 & AI 21/2021
Clerk's File: AL2020 & AL2022

7.2. 2021 Status Report regarding Cannabis Retail Store Applications Submitted to AGCO – City Wide

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR100/2022
That the report of the Chief Administrative Officer regarding the 2021 cannabis retail store application submissions forwarded to the Alcohol and Gaming Commission of Ontario (AGCO) **BE RECEIVED** for information.
Carried.

Report Number: C 25/2022
Clerk's File: GP/13047

7.3. Mayor, Councillors and Appointees Statement of Remuneration and Expenses for 2021

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

Decision Number: CR101/2022
That the report of the City Treasurer regarding the Mayor, Councillors and Appointees 2021 Statement of Remuneration and Expenses **BE RECEIVED** for information.
Carried.

Report Number: C 36/2022
Clerk's File: ACO/7090

8. CONSENT AGENDA

8.1. Ontario Regulation 406/2019 - Excess Soil Management on City Projects - City Wide

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR103/2022
That City Council **AUTHORIZE** the Commissioner of Infrastructure Services (or designate) to carry out necessary activities and make declarations on behalf of the Corporation of the City of Windsor, as Project Leader under Ontario Regulation 406/2019 – On-site and Excess Soil Management, to facilitate filing notices in the Excess Soil Registry for City projects; and,

That City Council **DIRECT** Clerks to update the Delegation of Authority By-law accordingly.
Carried.

Report Number: C 37/2022
Clerk's File: EI2022

8.2. Purchase of One (1), Two Person Rear Loading High Density Refuse Truck for the Environmental Division to be utilized City Wide

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR104/2022
That City Council **APPROVE** the purchase of one (1), two person, rear loading high density refuse truck; and,

That the Purchasing Manager **BE AUTHORIZED** to issue a purchase order to Carrier Truck Centers Inc. in the amount of $294,093.00 (excluding HST) for the purchase of the Rear Loading Refuse Truck identified in the request for proposal process, subject to approval as to technical content by the City Engineer and in financial content to the Chief Financial Officer and City Treasurer.
Carried.

Report Number: C 33/2022
Clerk's File: SW/14318

8.3. Active Transportation Fund - Contribution program-Capital Project Stream

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR105/2022

I) That City Council **APPROVE** Administration to submit the necessary capital project applications to the Active Transportation Fund; and,

II) That the funding sources, including any pre-commitments, for the City's portion of the project as outlined in the Financial Matters section of this report **BE APPROVED**; and,

III) That the Chief Administrative Officer **BE AUTHORIZED** to execute any agreements, declarations or approvals required to submit the applications to the Active Transportation Fund subject to all documentation being satisfactory in legal form to the City Solicitor, in financial content to the City Treasurer; and in technical content to the appropriate Executive Director and/or Commissioner for their respective projects; and,

IV) That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any such documentation as may be required to effect the recommendations and funding for the Active Transportation Fund, subject to all documentation being satisfactory in legal form to the City Solicitor, in financial content to the City Treasurer; and in technical content to the appropriate Executive Director and/or Commissioner for their respective projects; and,

V) That City Council **APPROVE** the following recommendations upon the City receiving written confirmation from the funding provider that one or any of the City's funding applications have been awarded the requested funding:

a) That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the projects submitted under the Active Transportation Fund, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to City Treasurer, and in technical content to the appropriate Executive Director or Commissioner for their respective projects; and,

b) That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the projects submitted to the Active Transportation Fund, satisfactory in legal form to the City Solicitor, in technical content to appropriate Executive Director or Commissioner for their respective projects and in financial content to the City Treasurer; and,

c) That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders / RFPs / RFTs / Contract Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in technical content to the appropriate Executive Director or Commissioner for their respective projects; in financial content to the City Treasurer; and further,

d) That the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of claims and applicable schedules and other such documents required as part of the requirements for the

awarded projects to the appropriate Executive Director or Commissioner for their respective projects, or designates, subject to financial content approval from the area's Financial Manager.

VI) That Council **DIRECT** Administration to submit annual maintenance budget requirements to maintain new active transportation assets to Operating Budget deliberations as required.

Carried.

Report Number: C 35/2022
Clerk's File: GPG/14324

8.4. Council Report - Funding Program for Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR106/2022

I) That City Council **APPROVE** the following recommendations as a condition of receiving funding provided by the Ministry of Environment, Conservation and Parks - Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program:

a. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any required documentation/agreement(s) in order to secure the funding noted above, satisfactory in legal form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates; and,

b. That the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims and applicable reports and other such documents, as required as part of receiving funding under the Ministry of Environment, Conservation & Parks – Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program, to the Commissioner of Infrastructure Services or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager or designates; and,

c. That City Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the funded project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer; and in technical content to the Commissioner of Infrastructure Services, or designates; and,

d. That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all

specification being satisfactory in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates; and,

II. That City Council **CONSIDER** and **PASS** by-law number 52-2022, being a by-law authorizing the execution of the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Fund agreement; and,

III. That three readings of by-law 52-2022, the respective by-law, **BE CONSIDERED** at the March 21, 2022 meeting of Council.

Carried.

Report Number: C 29/2022
Clerk's File: GPG2022

8.5. Amendment of Council Resolution CR21/2020 - Ward 1

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR107/2022

I. That Council Resolution CR21/2020 adopted January 6, 2020 **BE AMENDED** as follows:

By **DELETING** from Resolution I the following in its entirety**:**

a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    i. Enwin Utilities Ltd. the location of which is to be to the satisfaction of the Manager of Real Estate Services

Carried.

Report Number: C 31/2022
Clerk's File: APM2022

8.6. Reimagined Adie Knox Herman Recreation Complex Project Update and Revised Concept Plan - Ward 2

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR108/2022

I. That City Council **ENDORSE** the Revised Conceptual Site Plan (dated March 2022) of the Reimagined Adie Knox Herman Recreation Complex (attached as Appendix A), including the revised parkland layout with the location of the park amenities including the playground and splash pad; and,

II. That the following Request for Proposal for the construction of a playground in Wilson Park **BE ACCEPTED** and **AWARDED**:

PROPONENT: A.B.C. Recreation Ltd.
RFP No.: 8-22
Total Offered Price: $391,993.53 (plus applicable taxes), including $56,151.47 in provisional items

to be funded from Project ID# 7211050, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with A.B.C. Recreation Ltd. satisfactory in legal form to the Commissioner, Legal and Legislative Services, in technical content to the Commissioner of Community Services, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,

III. That the following Request for Proposal for the construction of a splash pad in Wilson Park **BE ACCEPTED** and **AWARDED**:

PROPONENT: Yard Weasels Inc.
RFP No.: 9-22
Total Offered Price: $216,758.00 (plus applicable taxes)

to be funded from Project ID# 7211050, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with Yard Weasels Inc., satisfactory in legal form to the Commissioner, Legal and Legislative Services, in technical content to the Executive Director of Parks and Facilities, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,

IV. That City Council **APPROVE** $70,000 of placeholder funding from F169 in 2022 in REC-002-21 – Adie Knox Herman Reimagining for immediate use, for the construction of an outdoor multi-use trail for the splash pad and playground area; and,

V. That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the above project(s), provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Executive Director of Parks and Facilities; and,

VI. That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specifications being satisfactory in technical content to the Executive Director of Parks and Facilities, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,

VII. That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the projects, satisfactory in legal form to the Commissioner,

Legal & Legislative Services, in technical content to the Executive Director of Parks and Facilities and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,

VIII. That Administration **BE DIRECTED** to proceed with the preliminary design investigations and **APPROVE** $200,000 of placeholder funding from F169 in 2022 in REC-002-21 – Adie Knox Herman Reimagining for immediate use; and,

IX. That the City Planner **BE DELEGATED** the authority to approve the Site Plan Control Application and **BE AUTHORIZED** to approve minor changes to the design.

Carried.

Report Number: C 38/2022
Clerk's File: SR/14319

8.7. Essex-Windsor Solid Waste Authority - Regular Board Meeting Minutes, November 2, 2021

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR109/2022 ETPS 880
That the minutes of the Essex-Windsor Solid Waste Authority of its Regular Board Meeting held November 2, 2021 **BE RECEIVED**.
Carried.

Report Number: SCM 56/2022 & SCM 17/2022
Clerk's File: MB2021

8.8. Minutes of the Windsor Bicycling Committee of its meeting held December 2, 2021

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR110/2022 ETPS 881
That the minutes of the Windsor Bicycling Committee of its meeting held December 2, 2021 **BE RECEIVED**.
Carried.

Report Number: SCM 57/2022 & SCM 38/2022
Clerk's File: MB2021

8.10. West End Transit Terminal - Completion Report (Ward 2)

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR112/2022 ETPS 883

I. That the report on the completion of the West End Transit Terminal project **BE RECEIVED** for information; and,

II. That City Council **APPROVE** the creation of a new Reserve Account titled Transit Terminal Maintenance; and,

III. That City Council **APPROVE** a transfer of $40,000 from the TW (Transit Windsor) – West End Terminal project, 7171037, to a new project, for construction/renovation of a washroom for Transit Windsor employees at the Transit Windsor West End Terminal located at the Hotel-Dieu Grace Heathcare (Tayfour Campus) and at the completion of the works, any surplus funds be transferred to a new Transit Terminal Maintenance Reserve Account; and,

IV. That City Council **APPROVE** the transfer of the remaining project surplus as outlined in the financial matters section, from the TW (Transit Windsor) – West End Terminal project, 7171037, to a new overall reserve account called Transit Terminal Maintenance Reserve Account, and that financial activity be reported to City Council annually as part of the year-end variance report; and,

V. That Administration **BE AUTHORIZED** to amend the existing lease/sub-lease agreement with Hotel-Dieu Grace Healthcare (Tayfour Campus), to include the new interior washroom for Transit Windsor employees, and to engage in any resulting contract negotiations; and further,

VI. That the CAO and City Clerk **BE AUTHORIZED** to sign the resulting amended lease/sublease agreement subject to approval as to form and legal content by the Commissioner of Legal & Legislative Services, technical content by the Commissioner of Infrastructure Services, and to financial content by the Chief Financial Officer/City Treasurer.

Carried.

Report Number: SCM 59/2022 & S 8/2022
Clerk's File: MT/13708

8.11. Transit Windsor Master Plan 2021 Update - Year 1 - City Wide

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR113/2022 ETPS 884
That the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors and City Council **RECEIVE FOR INFORMATION** Transit Windsor's annual Transit Master Plan update for 2021.
Carried.

Report Number: SCM 60/2022 & S 10/2022
Clerk's File: MT/13708

8.12. Transit Windsor 2021 Service Performance Update - City Wide

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR114/2022 ETPS 885
That the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors and City Council **RECEIVE FOR INFORMATION** the 2021 service performance update report for Transit Windsor.
Carried.

Report Number: SCM 61/2022 & S 12/2022
Clerk's File: MT/13708

8.13. Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR115/2022 DHSC 371

I. That the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;

II. That Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

16.10.1 PERMITTED USES

Business Office	*Personal Service Shop*
Child Care Centre	*Place of Entertainment and Recreation*
Commercial School	*Place of Worship*
Food Outlet - Take-Out	*Professional Studio*
Hotel	*Public Hall*
Medical Office	*Repair Shop - Light*
Medical Appliance Facility	*Restaurant*
Micro-Brewery	*Retail Store*

9 or more dwelling units in a *Combined Use Building* with any of the above uses
Multiple Dwelling with 9 or more dwelling units
Residential Care Facility
Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

16.10.5 PROVISIONS

.1	Lot Frontage – minimum	18.0 m
.2	Lot Area – minimum	
	For a *building* containing only non-residential uses	400.0 m^2
	For each *dwelling unit*	85.0 m^2
.4	Building Height – maximum	20.0 m
.8	Landscaped Open Space Yard – minimum	30.0% of *lot area*

.15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.

.16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.

.17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.

.20 Building Setback – minimum

a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m

b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m

c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m

d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m

. 90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *exterior lot line*.

III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

"438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey *Combined Use Building* containing a maximum of 71 *dwelling units* plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m^2 minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

a) Section 16.10.5.15 of by-law 8600 shall not apply;
b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;

c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m^2 minimum gross floor area of non-residential use;
e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
[ZDM 15; ZNG/6323]

IV. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
f) Enbridge Gas minimum separation requirements;
g) Adequate clearance from existing ENWIN's pole lines and power lines; and
h) Canada Post multi-unit policy;
i) SAR Snake mitigation measures as in the attached Appendix F to this report.

Carried.

Report Number: SCM 69/2022, S 2/2022 & AI 4/2022
Clerk's File: ZB/14064 & ZO/14063

8.14. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* – 531 Pelissier Limited - 531 Pelissier Street– CDM 006-20 [CDM-6637]; Ward 3

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR116/2022 DHSC 372
That the application of 531 Pelissier Limited for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a

total of 24 dwelling units and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24, and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: SCM 70/2022 & S 26/2022
Clerk's File: Z/14297

8.15. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005-20 [CDM-6636]; Ward 6

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR117/2022 DHSC 373
That the application of Farhi Holdings Corporation for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.
Carried.

Report Number: SCM 71/2022 & S 25/2022
Clerk's File: Z/14295

8.17. OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc – 4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR119/2022 DHSC 375
1. That Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.

2. That Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

1.X **Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)**

1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated

at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;

1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, "dwelling units located at grade and/or above commercial uses in a combined use building" and "multiple dwelling" shall be additional permitted uses.

3. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

a) Main Building Height – maximum 22.4 m

b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building*, *dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

4. That, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:

A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.

5. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:

A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner

B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)

C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May

2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO

D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer

E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

6. That the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

   A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report

   B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.

7. That the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Carried.

Report Number: SCM 73/2022 & S 23/2022
Clerk's File: Z/14269 & Z/14268

8.18. 986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR120/2022 DHSC 376

I. That the importance and value of the Masonic Temple, 986 Ouellette Avenue, a municipal designated heritage property **BE RECOGNIZED** by City Council and further, that Council supports the various grant applications made by the Border Masonic Temple Association Ltd to other levels of government, including the Legacy Fund, Building Communities Through Arts and Heritage, Green and Inclusive Community Building Fund, Ontario Trillium Resilient Places Grant & Digital Museum Canada Grant.

II. That a total grant of 15% of the cost of conservation work for the facade, to an upset amount of $46,612.50 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to Border Masonic Temple Association Ltd. for the Masonic Temple, at 986 Ouellette Avenue, subject to:

   a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;

b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
c. Owner's submission of paid receipts for work completed;
d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;

III. That the authority to approve alterations associated with the roofing, facade, and windows, **BE DELEGATED** to the City Planner or designate;

IV. That the request for incentives under the *Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP)* made by Building Committee Chair Cameron Adamson on behalf of the Border Masonic Temple Association located at 986 Ouellette Avenue **BE APPROVED** for the *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to a maximum amount of $30,000 per property;

V. That funds in the amount of up to $30,000 under the *Commercial/Mixed Use Building Facade Improvement Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;

VI. That grants **BE PAID** to the Border Masonic Temple Association (C/O Cameron Adamson), upon completion of the improvements to the existing three (3) storey building and property located at 986 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;

VII. That should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 986 Ouellette Avenue be uncommitted and made available for other applications;

VIII. That administration **BE DELEGATED** the authority to adjust the amounts granted to the upset costs of this Council Decision, on the basis that the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

Carried.

Report Number: SCM 68/2022 & S 19/2022
Clerk's File: Z/13002

8.19. Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN_002-21 - Ward #3

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR121/2022 DHSC 377
That the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a 23.22m^2 pylon ground sign at 1220 University Ave W with offsite advertising as a directory of businesses for 1100 and 1200-1220 University Ave W, **BE APPROVED.**
Carried.

Report Number: SCM 65/2022 & S 4/2022
Clerk's File: Z/8955

8.20. Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2)

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR122/2022 DHSC 378

I. That the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility Study Grant Program **BE APPROVED** for the completion of the proposed structural feasibility study for the building located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $5,000 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor; and,

III. That the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

IV. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $15,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,

V. That the grant funds in the amount of $20,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,

VI. That should the proposed Feasibility and/or Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

8.21. Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company)

Moved by: Councillor Costante
Seconded by: Councillor Francis

CR123/2022 RESCINDED BY CR290/2024 ADOPTED JULY 8, 2024

Decision Number: CR123/2022 DHSC 379

I. That the request for incentives under the Sandwich Incentive Program made by GBI Holding Company (Cam Crowder and Sean Lavin), owners of the property located at 357-359 Indian Road, **BE APPROVED** for the following programs when all work is complete:

   i. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (**+/-$3,113** per year); and
   ii. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (**+/- $11,436.74**);

II. That Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;

III. That the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and GBI Holding Company (owners Cam Crowder and Sean Lavin) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

IV. That funds in the maximum amount of **+/-$11,436.74** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;

V. That grants **BE PAID** to GBI HOLDING COMPANY (owners Cam Crowder and Sean Lavin) upon completion of the two and a half (2.5) storey, two (2) unit duplex dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

VI. That grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: SCM 67/2022 & S 20/2022
Clerk's File: Z/14306

11.3. Amendment of Council Resolution CR256/2011 to Update Sale Price - Ward 3

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR127/2022
I. That Council Resolution CR256/2011 adopted October 17, 2011 **BE AMENDED** as follows:

By **DELETING** from Recommendation II**:**

Sale Price: $2,000.00 plus HST if applicable;

And **INSERTING** in Recommendation II:

Sale Price: $4,000.00 plus HST if applicable.
Carried.

Report Number: C 40/2022
Clerk's File: APM2022

11.4. Revocation of Mask By-law 123-2020

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR128/2022
That By-law 123-2020 requiring mandatory masking in indoor spaces **BE REVOKED**.
Carried.

Report Number: C 44/2022
Clerk's File: MH/13786

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

10.1. Essex Region Conservation Authority 2022 Draft Budget with 2021 Annual Report and Transition Plan

Moved by: Councillor Gignac
Seconded by: Councillor Francis

Decision Number: CR124/2022

That the presentation entitled “Essex Region Conservation Authority 2022 Draft Budget with 2021 Annual Report and Transition Plan” and the memo by the Senior Legal Counsel dated March 21, 2022 entitled “Update on Changes to Conservation Authority Programs and Services” **BE REFERRED** back to Administration to be included in the agenda for the forthcoming Strategic Planning Session of Council for consideration.
Carried.

Report Number: SCM 77/2022
Clerk’s File: EI/10108

10. PRESENTATIONS AND DELEGATIONS

8.9. Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway - Ward 4

Mary Lou and Bob Taylor, Area Residents

Mary Lou and Bob Taylor, area residents, appear before Council in support of the administrative recommendation in the report entitled "Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway - Ward 4" and conclude by suggesting that they would like the traffic calming to move forward as soon as possible, as they have many concerns with truck traffic, speeding, and pedestrian safety.

David Ducharme, Area Resident

David Ducharme, area resident, appears before Council in support of the administrative recommendation in the report entitled "Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway - Ward 4" and provides details related to his property location and his concerns with speeding, traffic, and pedestrian safety.

Sharon Mack, Area Resident

Sharon Mack, area resident, appears before Council in support of the administrative recommendation in the report entitled "Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway - Ward 4" and expresses concern with the safety of pedestrians crossing the street and speeding cars running the traffic light in the area.

Moved by: Councillor Holt
Seconded by: Councillor McKenzie

Decision Number: CR111/2022 ETPS 882
1. That implementation of the proposed traffic calming plan for Kildare Road between Ottawa Street and Tecumseh Road East **BE APPROVED**; and,

2. That Administration **BE DIRECTED** to bring forward, at the appropriate time, a report to the Chief Administrative Officer for approval, pursuant to Delegation of Authority By-law 208-2002, of the amendments to Traffic By-law 9148 that will be necessary to implement the traffic calming plan; and further,
3. That the annual operating cost requirements **BE REFERRED** to the 2023 budget.

Carried.

Report Number: SCM 58/2022 & S 9/2022
Clerk's File: ST2022

8.16. Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4

Tracey Pillon-Abbs, Planner representing the Applicant

Tracey Pillon-Abbs, Planner representing the applicant, appears before Council regarding the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and is available for questions.

Tony Chau, Senior Project Manager, ADA-Architect

Tony Chau, Senior Project Manager, ADA-Architect, appears before Council regarding the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and is available for questions.

Jerry Kavanaugh, Owner/Managing Partner, ADA-Architect

Jerry Kavanaugh, Owner/Managing Partner, ADA-Architect, appears before Council regarding the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and is available for questions.

Raymond and Charlotte Colautti, Area Residents

Raymond and Charlotte Colautti, area residents, appear before Council and express concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and provide historical information related to previous administrative reports; previous land uses; the heritage planning study; and conclude by requesting that Council deny the request as this proposed development is too large and does not maintain the current integrity of the Olde Walkerville area, including concerns with shadows due to the height of the building, and request that the developer provide a new plan.

Mayor Dilkens leaves the meeting at 4:50 o'clock p.m. and Councillor McKenzie assumes the Chair for the duration of the Council meeting.

Johanna Papador, Area Resident

Johanna Papador, area resident, appears before Council and expresses concern with the recommendation in the administrative entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and concludes by suggesting that Council follow the lead of some of the *Planning Act* members and reject the proposal in front of them and that the developer be requested to submit a new plan as the building is too large for the area, provides no green space, and proposes safety concerns related to site lines and increased traffic.

Antonio Buttice, Area Resident

Antonio Buttice, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and concludes by suggesting the size of the proposed structure is too large for the property; the amendments to the setbacks request is problematic; consider the heritage aspects of the neighbourhood; and request that the developer provide a new plan for the area.

Abby Piche and Andrew Smith, Realtor

Abby Piche and Andrew Smith, realtor, appear before Council in support of the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and conclude by providing some statistics of home sale values; that this development would assist in addressing the City's current housing shortage; and that this development would be a cost-efficient option for the area.

Roger and Jennifer Bastiaan, Area Residents

Roger and Jennifer Bastiaan, area residents, appear before Council and express concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and provide historical information related to previous administrative reports and previous land uses; current parking issues and greater parking issues with a new development; the mass of the building is too large; the requested reduction in set backs will cause sightline issues; and conclude by requesting that Council deny the proposed development request.

Patricia McConville, Area Resident

Patricia McConville, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and concludes by suggesting the proposed mass of the new development is not the same as the current use; the setbacks are a concern; there are no other buildings in the area that are the same height; no green space; the noise from the heating/cooling units have not been taken into account; the shadow study does not provide enough detail; and urges Council not to approve the proposed development.

Paula Rankin, Area Resident

Paula Rankin, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc - 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4" and concludes by suggesting the proposed development is oversized and too tall; there is not enough parking; a safety mobility study related to the visually impaired should have been undertaken; and urges Council to follow the lead of some of the *Planning Act* members and not approve the proposed development.

David Kassab, Area Resident

David Kassab, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4"; and indicates that building numerous developments will not solve the City's housing shortage problem; and concludes by providing information from his written submission and urges Council not to approve the proposed development.

Jessica Green, Area Resident

Jessica Green, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4"; and provides information related to a heritage area in Calgary; the Walkerville area is already more dense and diverse than many neighbourhoods; conserving the heritage aspects of the area though by-laws is necessary; and urges Council not to approve the proposed development.

Andy Furlong, Area Resident

Andy Furlong, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4"; and refers to the profitability of the proposed development as opposed to the suitability of the building to the neighbourhood; and concludes by citing concerns related to the cost to the City for the infrastructure for this proposal as well as the size and height of the proposed building and requests that another proposal be presented.

Kendal McKinney, Area Resident

Kendal McKinney, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4"; and concludes by citing concerns with the size of the proposed development; the process which was undertaken related to the proposed development; as well as not encouraging citizen involvement.

Dr. George Grayson, Area Resident

Dr. George Grayson, area resident, appears before Council and expresses concern with the recommendation in the administrative report entitled "Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4"; and concludes by suggesting that the proposed building does not emulate the Walkerville heritage area and urges Council not to approve the proposed development.

Moved by: Councillor Holt
Seconded by: Councillor Bortolin

Decision Number: CR118/2022 DHSC 374

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

340. **SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD**

For the lands comprising Lots 84 to 87, Registered Plan 684 and further described as Parts 1 to 4, Plan 12R-27198. a *multiple dwelling* shall be an additional permitted use and:

1. For any *dwelling*, the following additional provisions shall apply:
   a) An *access area* or driveway is prohibited in any *front yard* or exterior *side yard*. Access to a *parking space* shall be from an *alley*.
   b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

2. For a *single unit dwelling*, the following additional provisions shall apply:
   a) Main Building Height – minimum 7.00 m
   b) Front Yard Depth – minimum 7.50 m

3. For *multiple dwelling*, the following provisions shall apply:
   a) Lot Width – minimum 35.0 m
   b) Lot Area – minimum 2,152.0 m^2
   c) Lot Coverage – maximum 35.0%
   d) Main Building Height – maximum 15.0 m
   e) Building Setback – minimum
      1. From that part of the lot line abutting Kildare Road 2.62 m
      2. From that part of the lot line abutting Devonshire Court 3.39 m
      3. From the midpoint of the 20ft radius of

	Lot 87 RP 684	1.89 m
	4. From an interior lot line	1.20 m
f)	Landscaped Open Space Yard – minimum	27.5% of *lot area*
g)	Dwelling Units - maximum	23

[ZDM 7; ZNG/4715; ZNG/6571]

2. That the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:
   a) The comments from City of Windsor - Office of the City Engineer - Engineering Department – Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
   b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
   c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
   d) The comments of the City of Windsor – Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.
   e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
   f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.
Councillors Gignac, Francis, and Gill voting nay.

Report Number: SCM 72/2022 & S 22/2022
Clerk's File: ZB/14241

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.1. Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide

Moved by: Councillor Bortolin
Seconded by: Councillor Holt

Decision Number: CR125/2022 CR66/2022 CR46/2022 B33/2021

I. That the Windsor Public Library Project Completion Report regarding the Library Facility Plan Implementation and the Temporary Relocation of the Main Branch **BE RECEIVED** for information; and,

II. That City Council **APPROVE** the transfer of the overall project surpluses (estimated at $600,000) from the Library Facility Plan Implementation Project and the Temporary Relocation of the Main Branch Project (Project ID# 7159011, 7159012, 7159013, 7182015) to fund the purchase of a new replacement Bookmobile; and further,

III. That City Council **APPROVE** the transfer of $123,574 in previously pre-committed 2022 Pay-As-You-Go funding (Fund 169) from the Sandwich (John Muir) Library project, ENG-003-18, to the respective item.

Carried.

At the request of Councillor Francis, a recorded vote is taken on this matter.

Aye votes: Councillors Costante, Bortolin, Holt, Gill, Kaschak, McKenzie, and Morrison.
Nay votes: Councillors Francis, Sleiman, and Gignac.
Abstain: None.
Absent: Mayor Dilkens.

Report Number: C 104/2021, AI 3/2022 & AI 5/2022
Clerk's File: ML/10013

11.2. Declaration of Improved Property Municipally Known as 1153 Ottawa Street Surplus and Authority to Offer for Sale - Ward 4

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: CR126/2022

I. That the following City of Windsor (the "**City**") improved property **BE DECLARED** surplus:

- Municipal address: **1153 Ottawa Street** – improved commercial/residential property on the south side of Ottawa Street, west of Pierre Avenue
- Legal Description: Lot 120 on Registered Plan 889, Part Lot 43 on Registered Plan 670
- Approximate Lot size: 12.8 m (42 feet) x 36 m (118 feet)
- Approximate Lot area: 4,908 sq ft (456 m^2)

(herein the "**Subject Property**"); and,

II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the improved property identified in Recommendation I for sale on the Multiple Listing Service ("**MLS**") at a price to be determined by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate.

Carried.

Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

Report Number: C 34/2022
Clerk's File: APM2022

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR129/2022
That the report of the In Camera meeting held March 21, 2022 **BE ADOPTED** as presented.
Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

Clerk's File: ACO2022

12.2. Report of the Striking Committee of its meeting held January 31, 2022

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR130/2022
That the report of the Striking Committee of its meeting held January 31, 2022 **BE ADOPTED** as presented.
Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

Report Number: SCM 62/2022
Clerk's File: ACO2022

12.3. Minutes of the Council Compensation Review Committee of its meeting held October 14, 2021

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

Decision Number: CR131/2022
That the minutes of the Council Compensation Review Committee of its meeting held October 14, 2021 **BE RECEIVED** for information.
Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

Report Number: SCM 63/2022
Clerk's File: MB2021

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Holt
Seconded by: Councillor Morrison

That the following By-laws No. 51-2022 through 58-2022 (inclusive) be introduced and read a first and second time:

51-2022 A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 436 ASKIN AVENUE, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO *HERITAGE ACT, R.S.O. 1990,* CHAPTER O.18, AS AMENDED authorized by CR553/2020 dated November 9, 2020.

52-2022 A BY-LAW TO AUTHORIZE THE EXECUTION OF AGREEMENTS RELATED TO THE IMPROVING MONITORING AND PUBLIC REPORTING OF SEWAGE OVERFLOWS AND BYPASSES PROGRAM BETWEEN THE CORPORATION OF THE CITY OF WINDSOR AND HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, REPRESENTED BY THE MINISTER OF THE ENVIRONMENT, CONSERVATION AND PARKS **(See Item No. 8.4., Report C 29/2022)**.

53-2022 A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 1196 IN THE CITY OF WINDSOR authorized by By-law 139-2013 dated August 26, 2013.

54-2022 A BY-LAW TO REVOKE BY-LAW NUMBER 123-2020, BEING A BY-LAW TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS WITHIN ENCLOSED PUBLIC SPACES **(See Item No. 11.4., C 44/2022)**.

55-2022 BY-LAW TO AMEND BY-LAW 20-2022, BEING A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.88 METRE WIDE NORTH/SOUTH ALLEY LOCATED EAST OF MARENTETTE AVENUE, ABUTTING THE WEST SIDE OF 840 WYANDOTTE STREET EAST, FROM WYANDOTTE STREET EAST TO BRANT STREET, CITY OF WINDSOR authorized by CR611/2020 dated December 7, 2020.

56-2022 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR 85/2022 dated February 28, 2022.

57-2022 A BY-LAW TO AMEND INTERIM CONTROL BY-LAW 103-2020 SO THAT THE PROVISIONS OF BY-LAW 103-2020 SHALL NOT APPLY TO CERTAIN LANDS authorized by CR 84/2022 dated February 28, 2022.

58-2022 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 21st DAY OF MARCH, 2022.
Carried.

Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Sleiman
Seconded by: Councillor Bortolin

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

1) Communication Items (as amended)
2) Consent Agenda (as amended)
3) Items Deferred
   Items Referred
4) Consideration of the Balance of Business Items (as amended)
5) Committee Reports as presented
6) By-laws given first and second readings as presented

Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Costante
Seconded by: Councillor Francis

That the By-laws No. 51-2022 through 58-2022 having been read a first and second time be now read a third time and finally passed and that the Acting Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.
Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

17. PETITIONS

None presented.

18. QUESTION PERIOD

None registered.

21. ADJOURNMENT

Moved by: Councillor Gill
Seconded by: Councillor Morrison

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.
Carried.
Mayor Dilkens was absent from the meeting when the vote was taken on this matter.

Accordingly, the meeting is adjourned at 6:44 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held March 21, 2022 (CR129/2022)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
March 21, 2022

Members will have the option of participating in person in Room 139 or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended.

Meeting called to order at: 1:32 p.m.

Members in Attendance (in person):

Mayor D. Dilkens
Councillor F. Francis
Councillor F. Costante
Councillor R. Bortolin
Councillor J. Gignac
Councillor K. McKenzie
Councillor J. Morrison
Councillor E. Sleiman
Councillor J. Gill
Councillor C. Holt

Members in Attendance (electronically):

Councillor G. Kaschak

Also in attendance:

J. Reynar, Chief Administrative Officer
J. Payne, Commissioner, Human and Health Services
C. Nepsy, Commissioner, Infrastructure Services
J. Mancina, Commissioner, Corporate Services CFO/City Treasurer
S. Askin-Hager, Commissioner, Legal and Legislative Services
R. Mensour, Commissioner, Community Services
S. Vlachodimos, City Clerk
A. Teliszewsky, Mayor's Chief of Staff
T. Moore and S. Bajaj, Coordinators Housing Administration (Item 2)
J. Guthrie, Deputy Treasurer Taxation (Items 3 and 5)
M. Vujanovic, Senior Economic Development Officer (Items 4 and 5)
W. Vendrasco, Deputy City Solicitor (Item 5)
A. Ciacelli, Deputy Clerk
K. Whittal, Executive Director of Housing and Children's Services (Item 2)

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor McKenzie, to move in Camera for discussion of the following item(s:

Item No.	Subject	Section – Pursuant to Municipal Act, 2001, as amended
1.	Property matter – expropriation	239(2)(c)
2.	Property matter – plan update	239(2)(b)(k)
3.	Legal matter – appeal	239(2)(e)
4.	Security of the property of the municipality/potential litigation	239(2)(a)(e)
5.	Property matter – acquisition of land/expropriation	239(2)(c)(k)

Motion Carried.

Declarations of Pecuniary Interest:

None declared

Discussion on the items of business. (Items 1, 2, 3, 4 and 5)

Meeting recesses at 3:26 o'clock p.m.
Meeting reconvenes in open session at 4:25 o'clock p.m.

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Gill, to move back into public session.
Motion Carried.

****SEE NOTE BELOW**
Moved by Councillor Francis, seconded by Councillor Gignac,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held March 21, 2022, directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter - expropriation **BE APPROVED**.

2. That the confidential report from the Coordinators of Housing Administration and Development, Executive Director of Housing and Children's Services, Commissioner, Human and Health Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – plan update **BE RECEIVED** and that Administration **BE DIRECTED TO PROCEED** in accordance with the verbal directions of Council.

3. That the recommendation contained in the in-camera report from the Deputy Treasurer Taxation and Financial Projects, Commissioner, Corporate Services CFO/City Treasurer and Commissioner, Legal and Legislative Services respecting a legal matter - appeal **BE APPROVED**.

4. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Commissioner, Legal and Legislative Services and Commissioner, Corporate Services CFO/City Treasurer respecting the security of the property of the municipality/potential litigation **BE APPROVED**.

5. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Deputy City Solicitor, Manager of Real Estate Services, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – acquisition of land/expropriation **BE APPROVED**.

Motion Carried.

Moved by Councillor Costante, seconded by Councillor Holt,
That the special meeting of council held March 21, 2022 BE ADJOURNED.
(Time: 4:27 o'clock p.m.)
Motion Carried.

****CLERK'S NOTE: The transmittal motion and final votes were held in the open session of Council on March 21, 2022.**