CITY OF WINDSOR MINUTES 09/05/2023

City Council Meeting

Date: Tuesday, September 05, 2023
Time: 4:00 o'clock p.m.

Members Present:

Mayor
Mayor Drew Dilkens

Councillors
Ward 1 - Councillor Fred Francis
Ward 2 - Councillor Fabio Costante
Ward 3 – Councillor Renaldo Agostino
Ward 4 - Councillor Mark McKenzie
Ward 5 - Councillor Ed Sleiman
Ward 6 - Councillor Jo-Anne Gignac
Ward 7 - Councillor Angelo Marignani
Ward 8 - Councillor Gary Kaschak
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison

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 the meeting to order at 4:08 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Renaldo Agostino discloses an interest and abstains from voting on Item 8.12 being "546 and 548-550 Devonshire Road, Semi-Detached Houses – Heritage Permits & Community Heritage Fund Requests (Ward 4)", as it relates to a personal relationship with one of the applicants.

4. ADOPTION OF THE MINUTES

4.1. Minutes of the August 3, 2023 Special Meeting of Council Strategic Planning Session

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

That the minutes of the Special Meeting of Council held August 3, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 234/2023

4.2. Minutes of the August 8, 2023 City Council Meeting

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

That the minutes of the meeting of Council held August 8, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 235/2023

5. NOTICE OF PROCLAMATIONS

Proclamations

"Suicide Awareness Month" – September 2023

Flag Raising Ceremony

"Independence of Mexico" – September 14, 2023 – September 19, 2023

Illumination

"World Suicide Awareness Day" – September 18, 2023 – September 22, 2023
"Independence of Mexico" – September 26, 2023 – September 27, 2023
"Prostate Cancer Awareness Month" – September 8, 2023 – September 15, 2023

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Gary Kashack

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 107-2023 through 123-2023 (inclusive)
Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence for Monday, September 5, 2023

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Kieran McKenzie

Decision Number: CR349/2023
That the following Communication Items 7.1.1 through 7.1.4 and 7.1.6 through 7.1.7 be set forth in the Council Agenda **BE REFERRED** as noted; and that Item 7.1.5 be dealt with as follows:

7.1.5 Letter to Ontario's Big City Mayors Regarding Infrastructure Funding from the Federal Government

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

Decision Number: CR350/2023
That the letter from the Municipality of Chatham-Kent dated August 15, 2023 to the Ontario's Big City Mayors (OBCM) regarding Infrastructure Funding from the Federal Government **BE RECEIVED**; and,

That administration **BE REQUESTED** to send a letter on behalf of Windsor City Council to the Minister of Housing Infrastructure and Communities in support of Minister Surma's call to encourage the federal government to support the sustainability and growth of critical infrastructure in Ontario through a new round of flexible federal-provincial infrastructure funding.
Carried.

Clerk's File: GM2023

No.	Sender	Subject
7.1.1	Ontario Land Tribunal	Proceeding commenced under subsection 26(1) of the *Expropriations Act*, Part of Lots 119 and 120, Concession 3, Case Number OLT-21-001159 Commissioner, Legal & Legislative Services City Planner Chief Building Official Deputy City Solicitor Senior Legal Counsel APM2023 Note & File
7.1.2	Ontario Land Tribunal	Proceeding commenced under subsection 34(19) of the *Planning Act* regarding By-law 67-2022 to permit a 4 storey multiple dwelling at 1913, 1925 & 1949 Devonshire Court Case Number: OLT-22-003819 and Memorandum of Oral Decision and Scheduling a hearing. Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation City Planner Chief Building Official Deputy City Solicitor Senior Legal Counsel Development Applications Clerk ZB/14241

No.	Sender	Subject
		Note & File
7.1.3	Ministry of the Environment, Conservation and Parks - Environmental Assessment Modernization Branch	Letter and Notice of Amendments to modernize Ontario's environmental assessment (EA) program by moving to a Project List approach under the *Environmental Assessment Act* from the current framework Commissioner, Infrastructure Services Commissioner, Economic Development & Innovation Commissioner, Community Services GP2023 Note & File
7.1.4	Ministry of Infrastructure – Infrastructure Programs and Projects Division	Letter regarding update to Red Tape Reduction for Designated Broadband Projects and the *Less Red Tape, Stronger Economy Act, 2023* Commissioner, Infrastructure Services Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation Commissioner, Community Services CFO / City Treasurer Chief Building Official GP2023 Note & File
7.1.5	Municipality of Chatham-Kent	Letter to Ontario's Big City Mayors Regarding Infrastructure Funding from the federal government Commissioner, Infrastructure Services Commissioner, Economic Development & Innovation Commissioner, Corporate Services GM2023 Note & File
7.1.6	MPAC – Municipal Property Assessment Corporation	Letter to CFO regarding the extension of the current assessment cycle Commissioner, Corporate Services CFO/City Treasurer GM2023
7.1.7	Committee of Adjustment Agenda	Applications heard by the Committee of Adjustment/Consent Authority, Thursday August 24, 2023.

No.	Sender	Subject
		Z2023 Note & File

Carried.

Report Number: CMC 11/2023

7.2. 2024 Budget Process Update - City Wide

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Kieran McKenzie

Decision Number: CR351/2023
That the report of the Chief Financial Officer & City Treasurer dated September 5, 2023 regarding the 2024 Budget Process Update **BE RECEIVED** for information.
Carried.

Report Number: C 124/2023
Clerk's File: AF/14585

7.3. Your Quick Gateway (Windsor) Inc. (YQG) - 2022 Financial Statements (Q2, Q3, Q4) and 2023 Financial Statements (Q1) - City Wide

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Kieran McKenzie

Decision Number: CR352/2023
That City Council **RECEIVE FOR INFORMATION** Quarter 2, 3, 4 Variance and Performance Analysis for Your Quick Gateway (Windsor) Inc.; and further,
That City Council **RECEIVE FOR INFORMATION** the 2023 Quarter 1 Variance and Performance Analysis for Your Quick Gateway (Windsor) Inc.
Carried.

Report Number: C 126/2023
Clerk's File: AF/14399

8. CONSENT AGENDA

8.1. Municipal Capital Facility at 4000 County Road 42, Windsor – Ward 9

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR353/2023
I. That City Council **DECLARE** the Leased Lands at 4000 County Road 42 a Municipal Capital Facility ("**MCF**") for the purposes of the municipality and for public use; and,

II. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute a MCF agreement with AAR Aircraft Services - Windsor ULC, to be satisfactory in form to the City Solicitor and satisfactory in financial content to the City Treasurer; and

III. That the City Solicitor **BE DIRECTED** to prepare the necessary By-Law.
Carried.

Report Number: C 127/2023
Clerk's File: APM2023

8.2. Your Quick Gateway (Windsor) Inc. – Annual General Meeting of Shareholder – City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR354/2023
I. That Council, acting as the shareholder for Your Quick Gateway (Windsor) Inc. ("YQG") **APPROVE** the resolutions presented by YQG; and,

II. That the Chief Administrative Officer (CAO) and the City Clerk/Licence Commissioner **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by YQG for the year 2022.
Carried.

Report Number: C 129/2023
Clerk's File: AL/14399

8.5. Minutes of the Essex-Windsor Solid Waste Authority Regular Board Meeting held Tuesday, May 24, 2023

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR357/2023 ETPS 948
That the Minutes of the Essex-Windsor Solid Waste Authority Regular Board meeting held May 24, 2023 **BE RECEIVED**.
Carried.

Report Number: SCM 209/2023 & SCM 200/2023

Clerk's File: MB2023

8.6. Essex Windsor Solid Waste Authority (EWSWA) Annual Report - Essex-Windsor Residential Waste Diversion 2022

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR358/2023 ETPS 949
That the 2022 Annual Report of the Essex-Windsor Solid Waste Authority **BE APPROVED.**
Carried.

Report Number: SCM 210/2023 & SCM 201/2023
Clerk's File: MB2023

8.8. Response to CQ27-2021 - All-Way Stop Warrant - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR360/2023 ETPS 950
That the All-Way Stop policy **REMAIN** status quo for the time being; and,
That the report of the Senior Manager, Traffic Operations dated June 5, 2023, entitled "Response to CQ27-2021—All Way Stop Warrant-City Wide" as well as any changes to the All-Way Stop Policy **BE DEFERRED** to a future meeting of the Environment, Transportation & Public Safety Standing Committee to be considered in conjunction with the Vision Zero Report.
Carried.

Report Number: SCM 212/2023 & S 70/2023
Clerk's File: SW2023 & ACOQ2023

8.9. Alley Maintenance Standards - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR361/2023 ETPS 952
That the report of the Executive Direction, Operations, dated July 6, 2023 entitled Alley Maintenance Standards-City Wide **BE RECEIVED**; and,

That Scenario 1: One-time funding from Reserves as outlined in the administrative report of the Executive Director, Operations **BE APPROVED**; and further,

That Administration **BE REQUESTED** to report back to City Council with a specific proposed framework and work plan for the previously approved Alley Standards and Development Committee.
Carried.

Report Number: SCM 213/2023 & C 106/2023
Clerk's File: SW2023

8.10. Temporary Traffic Calming Measures For Class I Collector Roadways (CQ16-2023) - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR362/2023 ETPS 953
That Council **APPROVE** the updated Expedited Traffic Calming Procedure as listed in Appendix A.

That Council **PRE-COMMIT** $100,000 in 2026 Pay-As-You-Go funding from the Traffic Calming Initiatives project, OPS-021-07, for immediate use.
Carried.

Report Number: SCM 214/2023 & S 83/2023
Clerk's File: ST2023

8.11. Update: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR363/2023 DHSC 531
That the report of the Landscape Architect /Sr. Urban Designer titled "Update: Amendments to Sign By-law 250-2004 related to Billboards and Electronic Billboards – City Wide" dated July 6, 2023 **BE RECEIVED.**
Carried.

Report Number: SCM 216/2023 & CM 7/2023
Clerk's File: SPL2022

8.12. 546 and 548-550 Devonshire Road, Semi-Detached Houses - Heritage Permits & Community Heritage Fund Requests (Ward 4)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR364/2023 DHSC 536

I. That the Heritage Permit at 546 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Natalie Delia Deckard for the removal and reaplcement of the existing cedar wood roof, gable ends, and dormer walls shingles with Perfection cedar shingles; and,

II. That the Heritage Permit at 548-550 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Scott Mayrand for the removal and replacement of the existing cedar wood roof and dormer walls shingles and synthetic gable ends siding with Perfection cedar shingles; and,

III. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the roof replacement and gable ends and dormers cladding replacement; and,

IV. That a total grant of 30% of the cost to an upset amount of $18,224.76 for the cedar roof shingles and $10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157), **BE GRANTED** to the Owner of the Semi-detached House at 546 Devonshire Rd, subject to:

   a. Submission of 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;

   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.

V. That a total grant of 30% of the cost to an upset amount of $18,224.76 for the cedar roof shingles and $10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owner of the Semi-detached House at 548-550 Devonshire Rd, subject to:

   a. Submission of 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;

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.

Carried.

Report Number: SCM 217/2023 & S 86/2023
Clerk's File: MBA/14621

8.13. 160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR365/2023 DHSC 537

I. That Council **BE INFORMED** of the proposed removal of the rear detached garage structure, rear porch and canopy to facilitate the construction of a two-storey attached additional dwelling unit to the existing dwelling and erection of a detached two-storey additional dwelling unit at the rear of 160 Askin Avenue.

Carried.

Councillor Renaldo Agostino discloses an interest and abstains from voting on this matter.

Report Number: SCM 218/2023 & S 87/2023
Clerk's File: MBA/14622

8.14. Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23 (City-wide)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR366/2023 DHSC 539

I. That City Council **APPROVE** the Heritage Register Evaluation Strategies formulated in response to Provincial Bill 23; and

- Strategy 1: Designation through Walkerville Heritage Conservation District Study
- Strategy 2: Designation through Development Review and Incentive Programs

- Strategy 3: Designation of properties of "strongest" and/or missing representation of Cultural Heritage Value/Interest:
- Strategy 4: Exploring new ways to designate
- Strategy 5: Protection of City-Owned Heritage resources through Council direction
- Strategy 6: Protections through Demolition Control Bylaw
- Strategy 7: Continued recognition of heritage properties through a Windsor Heritage Inventory; and,

II. That Administration **BE DIRECTED** to implement the Heritage Register Evaluation Strategies to the existing 884 'listed' properties on the Windsor Municipal Heritage Register; and,

III. That City Council **COMMIT TO** protecting Heritage properties that are city-owned in the same fashion as pre-Bill 23, even if properties are removed as a result of Bill 23, and **TO ENCOURAGE** a high degree of heritage sensitivity by all City Departments in conformance with the City of Windsor Official Plan; and,

IV. That Administration **BE DIRECTED** to keep a Municipal Heritage Inventory of all non-designated properties that are removed from the Heritage Register as a result of Bill 23 for recognition, records, and information purposes; and,

V. That Administration **BE REQUESTED** to send a letter to the Premier along with all appropriate Ministers, local MPP'S, Association of Municipalities of Ontario (AMO), and any other advocacy organization indicating the challenges the City of Windsor is facing with respect to heritage assets in the context of the tight timelines regarding new *Heritage Act* legislation to address housing challenges in Ontario.

Carried.

Report Number: SCM 219/2023 & S 88/2023
Clerk's File: MBA/14619

8.15. 1646 Alexis Road, Former Gordon McGregor School – Heritage Designation Report (Ward 8)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR367/2023 DHSC 539

I. That the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Gordon McGregor, at 1646 Alexis Road, in accordance with Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value or Interest attached in Appendix 'A'; and,

II. That the City Solicitor **PREPARE** the By-law for Council to designate the property after receipt of the legal description of the property from the Property Owner; and,

III. That Council **AGREE** with Parway Inc, Property Owner of 1646 Alexis Road, that the restrictions set out in paragraph 2 of subsection 29(1.2), and paragraph 1 of subsection 29 (8) of *Ontario Heritage Act* for Designation by municipal by-law do not apply in respect of the Property at 1646 Alexis Road, to allow time for the designation process.

Carried.

Report Number: SCM 220/2023 & S 89/2023
Clerk's File: MBA/14620

8.16. Zoning By-law Amendment Application for the property at 3841 -3847 Howard Avenue; Applicant: Dior Homes; File No. Z-040/2022, ZNG/6903; Ward 9

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR368/2023 DHSC 532

I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Howard Avenue and Cabana Road East, described as Pt Lot 6, Concession 4, designated as PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

"**481" SOUTHWEST CORNER OF HOWARD AVENUE AND CABANA ROAD EAST**

For the land comprising Part Lot 6, Concession 4, being PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], the following shall apply to a *Combined Use Building*:

a) The provisions in section 15.2.5.
b) Notwithstanding the provision in section 15.2.5.15, for a *Combined Use Building*, *dwelling units* can also be located alongside a *Business Office*, provided that the *Business Office* shall not be located above a *dwelling unit*;
c) Any building erected shall have, at least, one building wall located on an *exterior lot line* and oriented to the *street*; and
d) Parking - per *Dwelling Unit* – minimum 1 parking space per *dwelling unit*

[ZDM 9; ZNG 6903]

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

a) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;

b) Parkland dedication (cash-in-lieu) - 5% for residential use and 2% for commercial per By-law 12780;
c) Adequate clearance from existing ENWIN's pole lines and power lines;
d) Canada Post multi-unit policy; and
e) Record of Site Condition.

Carried.

Report Number: SCM 221/2023 & S 91/2023
Clerk's File: Z/14574

8.17. Rezoning – 5050542 Ontario Inc. – 3623, 3631 & 3637 Howard Avenue – Z-003/23 ZNG/6949 - Ward 9

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR369/2023 DHSC533 DHSC534

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431, situated on the west side of Howard Avenue, south of Maguire Street, known municipally as 3623, 3631 & 3637 Howard Avenue (Roll No.: 080-033-00100, 080-033-00200, 080-033-00300) from Residential District 1.1 (RD1.1 and HRD1.1) to Residential District 2.2 (RD2.2) and by adding a site specific exception as follows:

482. WEST SIDE OF HOWARD AVENUE, SOUTH OF MAGUIRE STREET

For the lands comprising Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431:

1. A *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-detached Dwelling*, or *Multiple Dwelling* shall be additional permitted *main uses*;
2. The additional permitted *main uses* shall be subject to the provisions of Section 11.2.5.4, except that:
   a) the *front lot line* shall be the longest *exterior lot line*;
   b) the minimum *lot area* shall be 135.0 m^2 per *dwelling unit*;
   c) for any *building* located within 58 m of the westerly *lot line*, the minimum *side yard width* as measured from the northerly *lot line* shall be 1.50 m.
3. For any additional permitted use, the following additional provisions shall apply:
   a) Parking Area Separation from any *building* wall without a *garage* – minimum 0.90m
   b) Parking Area Separation from any *building* wall with a *garage* – minimum 0.0 m
   c) Loading Spaces – minimum 0
   d) A minimum of four parking spaces shall be marked as visitor parking.

[ZDM 8; ZNG/6949]

2. That the westerly 58 metres of the subject parcel **BE SUBJECT** to a Holding Symbol and that the Holding Symbol **BE REMOVED** when:

a) The Owner has submitted an application to remove the holding symbol, including the fee; and,
b) When the following conditions have been satisfied:
   1) Adoption of a Guideline Plan for the area generally bounded by Howard Avenue, Cabana Road East, Inglewood Avenue/Whiteside Drive, and Kenilworth Park, by Council Resolution.

3. That the Site Plan Approval Officer **BE DIRECTED**:
   a) To incorporate the following into any site plan and site plan control agreement:
      1) Recommendations identified in the Traffic Impact Statement prepared RC Spencer Associates Inc. and dated April 2023, subject to any update and the approval of the City Engineer;
      2) Mitigation and protection measures identified in the Natural Heritage Evaluation and Tree Preservation Study prepared by Insight Environmental Solutions Inc. and dated December 22, 2022, subject to the approval of the City of Windsor Landscape Architect or the City Planner;
      3) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix F to Report S 92/2023, subject to the approval of the City Engineer.

   c) To review and consider the comments from municipal departments and external agencies in Appendix F to Report S 92/2023.

   d) To consider improving pedestrian connectivity within, and access to, the development

Carried.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR385/2023 **DHSC 534**
That Administration **PREPARE** for Council's consideration a plan to complete the engineering and design work for Howard Avenue between South Cameron and Cabana Road; and,

That Administration **CREATE** an accelerated financing option to be considered during the 2024 Capital Budget Process.
Carried.

Report Number: SCM 222/2023 & S 92/2023
Clerk's File: Z/14539

8.19. Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR371/2023 DHSC 540

I. That the 4.57-metre-wide north/south alley located between Alexandra Avenue and Labelle Street, and shown on Drawing No. CC-1817 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;

II. That the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
   a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
      i. Bell Canada to protect existing aerial facilities;
      ii. ENWIN Utilities Ltd. to accommodate an existing 16,000-volt pole line and associated distribution system and down guy(s); and
      iii. MNSi to accommodate existing aerial facilities.
   b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion abutting 0 Longfellow Avenue (P.I.N. 01311-0965 LT), 2658 Longfellow Avenue, 2659 Alexandra Avenue, 2663 Alexandra Avenue, 2676 Longfellow Avenue and 2695 Alexandra Avenue in which case the middle of the alley shall be used; as well as those portions abutting 2724 Longfellow Avenue and 2799 Alexandra Avenue, in which case the full width of the alley shall be used if it is determined that the aforesaid properties do not have any encroachments in the subject alley.

III. That Conveyance Cost **BE SET** as follows:
   a. For alley conveyed to abutting lands zoned RD1.4, $1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1817, *attached* hereto as Appendix "A".

V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: S 81/2023
Clerk's File: SAA2023

8.20. Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

CR372/2023 AMENDED BY CR465/2024 ADOPTED OCTOBER 28, 2024

Decision Number: CR372/2023 DHSC518 DHSC541

I. That the 4.27-metre-wide north/south alley located between Algonquin Street and the property known municipally as 1429 Randolph Avenue (legally described as Lot 9, Lots 513 to 515 & Block C, Plan 973) and shown on Drawing No. CC-1834 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;

II. That the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a) 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Bell Canada to accommodate existing aerial facilities;

ii. ENWIN Utilities Ltd. to accommodate the existing overhead secondary 120/240-volt and 347/600-volt hydro distribution; and

iii. MNSi. to accommodate existing plant on the pole lines.

b) Easement over that portion of the subject alley abutting Lot 513, Plan 973, in favour of 1429 Randolph Avenue for access to repair and maintain the south face of the existing building on the property, **if** the owner of 1429 Randolph Avenue is unable to purchase the full width of the aforesaid portion of the subject alley abutting their property.

c) Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except:

i. That portion located between 0, 1450 & 1466 St. Patrick Avenue (legally described as Lots 10 to 16, Plan 973), and 1429 & 1465 Randolph Avenue (legally described as Lots 9, 507 to 515 & Block C, Plan 973), in which case the middle of the alley shall be used.

III. That Conveyance Cost **BE SET** as follows:

a) For alley conveyed to abutting lands zoned CD2.1, $20.00 per front foot without easements plus HST (if applicable) and $10.00 per front foot with easements plus HST (if applicable).

b) For alley conveyed to abutting lands zoned RD1.2, $1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description for that portion of the subject alley abutting the properties known municipally as 0 and 1466 St. Patrick Avenue.

V. That The City Planner **BE REQUESTED** to supply the appropriate legal description for the remaining portion of the subject alley abutting the properties legally described as Lots 10 to 13, 17 to 31, 492 to 506 & 510 to 513, Plan 973.

VI. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) for each portion of the subject alley.

VII. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: SCM 225/2023 & S 57/2023
Clerk's File: SAA2023

8.21. Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR373/2023 DHSC 542

I. That the 5.49-metre-wide north/south alley located between Laforet Street and the property known municipally as 3217 Baby Street (legally described as Part of Lots P & Q, Plan 43; Part of Lot C, Plan 40; and Parts 1 to 3, RP 12R-26943) and shown on Drawing No. CC-1832 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;

II. That the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a. 3.0-metre-wide easement (measured 1.50 metres from either side of the below mentioned infrastructure), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. Bell Canada to accommodate existing aerial facilities;

ii. Enbridge to accommodate existing underground infrastructure; and

iii. ENWIN Utilities Ltd. to accommodate existing 120/240v secondary overhead hydro distribution pole line.

b. Easement over west half of the subject alley abutting the property known municipally as 3231 Baby Street (legally described as Part of Block R, Plan 43), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

i. The owner of 3231 Baby Street for access to repair and maintain the east face of the existing accessory building on the said property **IF** they waive their right to purchase the abutting half of the subject alley;

III. That Conveyance Cost **BE SET** as follows:

a. For alley conveyed to abutting lands zoned RD3.1, $193.75 per square metre ($18.00 per square foot) without easements plus HST (if applicable), or $96.87 per square metre ($9.00 per square foot) with easements plus HST (if applicable). Survey cost and deed preparation fee included.
b. For alley conveyed to abutting lands zoned RD2.2, $1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1832, *attached* hereto as Appendix "A".

V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VI. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: SCM 226/2023 & S 71/2023
Clerk's File: SAA2023

8.22. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Habitat for Humanity Windsor-Essex for 1067 Henry Ford Centre Drive (Ward 5)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR374/2023 DHSC 543

I. That the request made by Habitat for Humanity Windsor-Essex 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 1067 Henry Ford Centre Drive pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $11,350 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;

III. That the grant funds in the amount of $11,350 under the Environmental Site Assessment Grant Program **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;

IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 227/2023 & S 84/2023
Clerk's File: Z2023

8.23. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Investrade Developments (Ontario) Limited for 240 Albert Road (Ward 5)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR375/2023 DHSC 544

I. That the request made by Investrade Developments (Ontario) Limited 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 240 Albert Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of $23,450 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;

III. That the grant funds in the amount of $23,450 under the Environmental Site Assessment Grant Program **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;

IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 228/2023 & S 85/2023
Clerk's File: Z2023

8.24. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2821383 Ontario Inc, for 75 Mill Street (Ward 2)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR376/2023 DHSC 545

I. That the request made by 2821383 Ontario Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 75 Mill Street for the earlier of up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. That Administration **BE DIRECTED** to prepare an agreement between 2821383 Ontario Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment 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 implications; and,

III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,

IV. That the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 229/2023 & S 80/2023
Clerk's File: Z2023

11.1. Declaration of a Vacant Parcel of Land Municipally Known as 542 Dougall Avenue Surplus and Authority to Offer Same for Sale – Ward 3

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR378/2023

I. That the following City of Windsor (the "City") vacant parcel of land **BE DECLARED** surplus:

- Municipal address: **542 Dougall Avenue** – vacant land situate on the east side of Dougall Avenue, north of Wyandotte Street West
- Legal Description: Lot 5 East Side Windsor Avenue on Registered Plan 82
- Approximate Lot size: 30 feet (9.14m) x 90 feet (27.4m)
- Approximate Lot area: 2,700 sq ft (250.8 m^2)

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

II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the Subject Parcel 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.

Carried.

Report Number: C 125/2023
Clerk's File: APM2023

11.2. Renovation and Addition to the Administration Building of the Little River Pollution Control Plant- CITY WIDE

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR379/2023
That the following tender be **ACCEPTED**:

TENDERER:	Vince Ferro Construction Ltd. 200-3244 Walker Rd., Windsor, ON. N8W 3R8
TENDER NO:	61-23
TOTAL TENDER PRICE:	$4,592,783.00, excluding HST
ACCOUNT CHARGED:	007 5410 9998 02942 7151016

and,

That the Chief Administrative Officer and City Clerk **EXECUTE** an Agreement with the tenderer, satisfactory in form to the Commissioner, Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services, and financial content to the Commissioner Corporate Services/CFO; and,

That additional funds totalling $1,320,000 required for the Renovation and Addition to Administration Building at Little River Pollution Control Plant (LRPCP) **BE TRANSFERRED** to Project ID 7151016 accordingly:

a. $270,000 from Project 7211027 Dewatering Odour Control
b. $250,000 from Project 7231016 Plant 1 Chemical Pipe Chase
c. $800,000 from the Pollution Control Reserve, Fund 208

Carried.

Report Number: C 109/2023
Clerk's File: SW/14631

11.3. A By-law to authorize special charges being imposed on lots abutting the local improvement work completed under By-law 71-2021 on Randolph Avenue from Cleary Street to Northwood Street - Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR380/2023
That Council **PASS** a By-law for the imposition of special charges on lots abutting on or immediately benefiting from the local improvement work completed under By-law 71-2021 on Randolph Avenue from Cleary Street to Northwood Street, in accordance with Section 30 of Ontario Regulation 586/06 (O. Reg 586/06), made under *Municipal Act* 2001.
Carried.

Report Number: C 103/2023
Clerk's File: SL2023

11.4. A By-law to authorize special charges being imposed on lots abutting the local improvement work completed under By-law 68-2021 on Mark Avenue from Campbell Avenue to Algonquin Street - Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR381/2023
That Council **ADOPT** a By-law for the imposition of special charges on lots abutting on or immediately benefiting from the local improvement work completed under By-law 68-2021 on Mark Avenue from Campbell Avenue to Algonquin Street, in accordance with Section 30 of O. Reg. 586/06, made under *Municipal Act* 2001.
Carried.

Report Number: C 104/2023
Clerk's File: SPL2023

11.5. A By-law to authorize special charges being imposed on lots abutting the local improvement work completed under By-law 44-2023 on Curry Avenue from Norfolk Street to Richardie Boulevard - Ward 1

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR382/2023
That Council **PASS** a By-law for the imposition of special charges on lots abutting on or immediately benefiting from the local improvement work completed under By-law 44-2023 on Curry Avenue from Norfolk Street to Richardie Boulevard, in accordance with Section 30 of O. Reg. 586/06, made under *Municipal Act* 2001.
Carried.

Report Number: C 105/2023
Clerk's File: SPL2023

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

8.3. Traffic Modifications - Traffic By-law 9148 –One Way Street- St. Rose Avenue from Wyandotte St. E to Riverside Dr. E North-bound Ward: 6

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Angelo Marignani

Decision Number: CR355/2023
That the report of the Senior Manager Traffic and Parking (A) dated September 5, 2023, entitled "Traffic Modifications – Traffic By-law 9148 – One Way Street-St. Rose Avenue from Wyandotte St. E to Riverside Dr. E North-bound Ward 6" **BE WITHDRAWN** due to the petition that was forwarded to the Clerk's Office.
Carried.

Report Number: C 121/2023
Clerk's File: ST2023

10. PRESENTATIONS AND DELEGATIONS

10.1. Windsor Symphony Orchestra - details on upcoming 2023/2024 season

Deborah Severs, WSO Board of Directors President and Robert Franz, WSO Music Director and Maestro

Deborah Severs, Windsor Symphony Orchestra Board of Directors President and Robert Franz, Windsor Symphony Orchestra Music Director and Maestro appear before City Council and provide details related to the WSO's success in the past season and provide a brief overview about the upcoming 2023/2024 season, the 10th anniversary for Maestro Robert Franz; 75th anniversary of

WSO was just celebrated; Last season 27,000 people attended over 90 events; Last season Capitol Theater was booked 214 days; Proud partners with St. Clair College, University of Windsor and newly partnered with Windsor Essex County District School Board; New season partnerships will be made with the Multicultural Council, Children's Aid Society and the Family Respite Services; New season will include return visit by world renowned pianist Elaine Lefebvre, American Idol finalist Lakeisha Jones as well as a performance of Brahms German requiem with over 200 musicians on stage; This season will close the pop series with a musical nod to Marvel and DC comic book heroes and villains with scores from major motion pictures; and conclude by indicating that 125 concerts are planned for this season.

Moved by: Councillor Fred Francis
Seconded by: Councillor Kieran McKenzie

Decision Number: CR377/2023
That the presentation by Deborah Severs, Board of Directors President and Robert Franz, Music Director - Windsor Symphony Orchestra detailing the 2023/2024 upcoming season **BE RECEIVED**.
Carried.

Clerk's File: ACO2023

8.4. Frequency of Garbage Collection - City Wide

Caroline Taylor, Ward 2 resident

Caroline Taylor, Ward 2 resident appears before City Council and expresses concern with the administrative recommendation in the report "Frequency of Garbage Collection – City Wide" and provides statistics related to the lack of pro-active by-law enforcement and large quantities of garbage not being collected in Ward 2; and concludes by suggesting that Council not approve the recommendation implementing garbage pickup every 2 weeks as the City's neighbourhoods will be negatively impacted by this decision.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fabio Costante

Decision Number: CR356/2023
That Council **APPROVE** bi-weekly garbage collection, weekly organic collection, and bi-weekly leaf and yard waste collection from April until November, and that this service level **BE IMPLEMENTED** with the next waste collection contract expected to begin in 2025; and,

That Administration **BE DIRECTED** to report back to Council the results of the collection tender(s) and any additional costs related to the new SSO program, once available; and,

That Administration **BE DIRECTED** to implement a free program for diaper disposal drop off and/or pickup; and,

That an extra or special non-organics pickup around the holiday season **BE APPROVED;** and,

That administration **REPORT BACK** to Council regarding the implementation of a comprehensive communication plan and process which includes community partners including post secondary institutions and communication mediums for residents who may not speak English.
Carried.

Report Number: C 120/2023
Clerk's File: EI/14640

8.18. Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10

Cynthia Williams, area resident

Cynthia Williams, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and concludes by indicating that the residents don't want permit parking in the area and that being required to hook up to the sanitary sewer system would cause financial hardship to the residents in the area.

Jacky Ng, Applicant/Architectural Designer, Avant Group

Jacky Ng, Applicant/Architectural Designer, Avant Group, appears before City Council regarding the Administrative report "Zoning By-law Amendement Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and provides a brief overview of the proposed development including the sanitary connection; options related to outcomes should the application be denied; potential for incentive programs to connect to the sanitary sewer for residents; the number of proposed units; intensification strategies; and concludes by providing information related to pursuing building a single dwelling unit where no zoning amendments will be required to meet existing Ontario Building Code requirements.

Mayor Drew Dilkens leaves the meeting at 5:48 o'clock p.m. and Councillor Gary Kashak assumes the chair.

Mayor Drew Dilkens returns to the meeting at 5:51 o'clock p.m. and Councillor Gary Kashak returns to his seat at the Council Table.

Bruce Sheardown, area resident

Bruce Sheardown, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and supports the Development & Heritage Standing committee's recommendation denying the Zoning By-law Amendment application as it is

too dense for the area; the parking in the area wouldn't be sufficient; and concludes by suggesting many other properties in many other areas have septic systems and mandatory sanitary sewer hookup would benefit the developers not the homeowners in the area.

Lee Ann Robertson, area resident

Lee Ann Robertson, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and cites concerns with undersized sewers, basement flooding with neighbours that are on the sewer system; and concludes by suggesting adding more homes to the system may overload it; the financial burden of having to connect to the sanitary sewer system is a concern for many residents and would benefit only the developer.

Gabe Singh, area resident

Gabe Singh, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and concludes by suggesting the financial impacts are too great to area residents for this proposed project to be approved and the proposed project will only benefit the developer.

Theodore Kahiya, area resident

Theodore Kahiya, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and agrees will all the concerns that the previous delegates have referred to; and concludes by indicating heavy rain on the empty lot causes flooding in his basement, and with the proposed development, it will cause further flooding, and the expense to connect to the sanitary sewer would be unaffordable; and that parking issues in the area would be increased causing security issues and inconvenience to area residents.

Mike Chen, area resident

Mike Chen, area resident, appears before City Council regarding and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and reiterates the concerns related to negative financial impact to the area residents to connect to the sanitary sewer due to the proposed development; the financial impact that the City would incur; reduced green space for rain water run-off; and concludes by suggesting that the Provincial Government should reimburse the City for infrastructure costs for this development.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

That the Zoning By-law amendment application for 0 & 1466 St. Patrick Avenue—Ward 10 BE DENIED for the following reason:

1. Negative impact to surrounding neighbourhood due to financial implication of requiring sewer hook up not initiated by the residents.

The motion is **put** and **lost**.

Aye votes: Councillors Mark McKenzie and Fred Francis
Nay votes: Councillors Fabio Costante, Renaldo Agostino, Ed Sleiman, Jo-Anne Gignac, Angelo Marignani, Gary Kaschak, Kieran McKenzie, Jim Morrison

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: CR370/2023

I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of St. Patrick's Avenue, between Tecumseh Road West and Algonquin Street, described as Lots 14 to 16, Plan 973, by adding a site specific holding provision to permit a *Semi-Detached Dwelling* as an additional permitted use, subject to additional regulations:

472. EAST SIDE OF ST. PATRICK'S AVENUE, BETWEEN TECUMSEH ROAD WEST AND ALGONQUIN STREET

(1) For the lands comprising of Lots 14 to 16, Plan 973, PIN No. 01213-0284 LT & PIN No. 01213-0286 LT, a *Semi-Detached Dwelling* shall be an additional permitted use and the following shall apply:

1. Provisions in section 10.2.5, save and except s.10.2.5.1 and s.10.2.5.2
2. Lot Width - minimum 13.7 m
3. Lot Area - minimum 418.9 m^2

[ZDM 4; ZNG/6899]

II. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

a) Servicing Study

The owner shall, at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

b) Off-site Improvements

The owner shall obtain, prior to the issuance of a building permit,

an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense all applicable right-of-way improvements identified by the Engineering Department, submit detailed design drawings and obtain street opening permits to the satisfaction of the City Engineer and the Transportation Planning Senior Engineer.

The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

i. A detailed design, prepared by an Engineer licensed in the Province of Ontario, for the approval of the Commissioner of Infrastructure Services;
ii. A detailed cost estimate for the Offsite Improvements prepared by the engineer of record;
iii. Approval by the Manager of Risk Management of all necessary securities and insurance;
iv. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule; and
v. The following special provisions are to be included in the Enhanced Permit:

- Sewer Extension

  - The owner(s) shall, prior to the issuance of a building permit and at their entire expense, extend the sanitary sewer on St. Patrick's Avenue to service the subject lands.
  - All work to be completed to the satisfaction of the Commissioner of Infrastructure Services.

c) Landscape Plan prepared by a Landscape Architect (OALA) is to be provided by the owner to demonstrate how the tree plantings will provide the necessary stormwater runoff, to the satisfaction of the City Planner.
[ZDM 4; ZNG/6899]

III. That Council **APPROVE** a servicing agreement which includes a cost sharing payment with Tian Yao Investment Ltd. for sanitary sewer oversizing costs for St. Patrick's Avenue required to provide service for privately owned lands on St. Patrick's Avenue (Benefitting Properties) shown on Appendix 'C' (C-3743) as part of the sanitary sewer extension to service 0 &1466 St. Patrick's Avenue, estimated at up to $236,000, excluding HST (final payment to be based on actual construction costs and final cost sharing agreement between the City and Tian Yao Investment Ltd.) to be funded from Project ID #7035119 – New Infrastructure Development and to be payable upon receipt by the City of the servicing cost payment from the Benefitting Properties; and that the Chief Administrative Officer and City

Clerk **BE AUTHORIZED** to sign the agreement approved as to content satisfactory to the City Engineer and form satisfactory to the City Solicitor.

IV. That Administration **BE DIRECTED** to recover sanitary servicing costs related to the extension of a sanitary sewer as shown in encloseix 'C' (C-3743) from the Benefitting Properties at a rate in accordance with current City policies and by-laws plus an annual interest rate based on the Infrastructure Ontario Construction Loan rate (currently 6.26%), plus 1%, applied from a date no earlier than one year following substantial completion of the sanitary sewer construction, such date to be identified in a notice by the City Engineer.

Carried.
Councillors Mark McKenzie and Fred Francis voting nay.

Report Number: SCM 223/2023 & S 56/2023 & AI 10/2023
Clerk's File: Z/14541

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.6. Disaster Mitigation & Adaptation Fund Program Update & St. Paul Pumping Station Upgrades Tender Award - City Wide

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Jo-Anne Gignac

Decision Number: CR383/2023

I. That City Council **RECEIVE** for information this report as an overall status update on the progress of the Disaster Mitigation & Adaptation Fund (DMAF) 1 Program; and,

II. That subject to the funding strategy outlined under Recommendation III (b), the following tender be **ACCEPTED** for the St. Paul Pumping Station Upgrades project:

TENDERER: North American Construction (1993) Ltd.
21 Queen Street, Morriston, ON, N0B 2C0
TENDER NO: 95-23
TOTAL TENDER PRICE: $26,188,887.00, excluding HST; and,

That the Chief Administrative Officer and City Clerk **EXECUTE** an Agreement with the tenderer, satisfactory in form to the Commissioner, Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services, and financial content to the Commissioner Corporate Services/CFO; and,

III. That with respect to the DMAF 1 Program:

a. That Administration **BE AUTHORIZED** to formally submit an amendment request to Infrastructure Canada (INFC) regarding the original DMAF 1 Agreement to explore the reduced scope option as identified herein, satisfactory in form to the Commissioner,

Legal & Legislative Services, in financial content to the Commissioner, Corporate Services / Chief Financial Officer / City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,

b. That City Council **SUPPORT** the allocation, extension, and pre-commitment of $4,000,000 annually for the incremental allocation to the Sewer Master Plan (SMP) approved as part of the 2023 Sewer Surcharge Budget in order to sufficiently address the funding required to support a reduced scope for the DMAF 1 Program such that:

   i. $4,000,000 from previously approved funding in 2023 Sewer Surcharge Budget allocated to the Sewer Master Plan be directed to the DMAF 1 Program; and,

   ii. $4,000,000 in annual funding from 2024-2027 be pre-committed so that these funds are available for immediate use within DMAF 1 Program; and,

   iii. Placeholder funding of $4,000,000 each year from 2028 to 2035 be approved and that once funding for each year is within 5 years it be deemed pre-committed and available for immediate use within the DMAF 1 Program; and,

c. That the CFO/City Treasurer **BE DIRECTED** to affect the above noted changes in the applicable 2024 - 2035 Budgets so that funds are available for immediate use; and,

d. That should an agreement on scope change from Infrastructure Canada (INFC) be received with no financial impact beyond that noted above, that Council **AUTHORIZE** the City Clerk and CAO to sign an amended DMAF 1 Agreement satisfactory in form to the Commissioner, Legal & Legislative Services, in financial content to the Commissioner, Corporate Services / Chief Financial Officer / City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,

IV. That with respect to DMAF 4 Program:

a. That City Council **APPROVE** the capital works required for the construction of the DMAF #4 – Large Scale Stream – RTB; and,

b. That City Council **AUTHORIZE** the creation of a new capital account titled “DMAF 4 – Large Scale Stream - RTB” be used to track and record capital expenditures related to the proposed project; and,

c. That City Council **AUTHORIZE** the use of debt as a funding alternative to address any additional municipal funding requirements for purposes of securing the long-term funding associated with the DMAF 4 Program, with principal and interest payments to be incorporated as a first charge against future Sewer Surcharge Budgets; and,

d. That the CFO/City Treasurer **BE DIRECTED** to report back to City Council with updated information, along with any additional funding requirements, needed to allow for the full implementation of the proposed funding strategy for DMAF 4 prior to use of debt; and,

e. That subject to the proposed financing strategy being supported by Council that Administration **BE AUTHORIZED TO ADVISE** Infrastructure Canada (INFC) that discussions with respect to the development of a Contribution Agreement for the award of funding under DMAF 4 can be restarted; and,

f. That, if required, the CAO and City Clerk **BE AUTHORIZED** to execute any agreements and or applications which are deemed necessary to commence the capital works for the DMAF 4 Program, satisfactory in form to the Commissioner, Legal & Legislative Services, in financial content to the Commissioner, Corporate Services / Chief Financial Officer / City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,

V. That Administration **BE AUTHORIZED** to issue any change order(s) for any project agreement and/or contracts for any DMAF Program projects as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services.

Carried.

Report Number: C 128/2023
Clerk's File: SW/13822 & GFG/12912 & SW/14642

8.7. Test Pilot of Garbage Relocation in Ward 3 - City Wide

Moved by: Councillor Fabio Costante
Seconded by: Councillor Mark McKenzie

That Administration BE DIRECTED to maintain alley garbage collection as per current collection practices.

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

Aye votes: Councillors Angelo Marignani, Renaldo Agostino, Fabio Costante, and Mark McKenzie.
Nay votes: Councillors Jo-Anne Gignac, Jim Morrison, Kieran McKenzie, Ed Sleiman, Fred Francis, Gary Kaschak, and Mayor Drew Dilkens.
Abstain: None.
Absent: None.

The motion is **put** and **lost**.

Moved by: Councillor Fred Francis
Seconded by: Councillor Jo-Anne Gignac

Decision Number: CR359/2023

That Administration **BE DIRECTED** to issue a Request for Proposal for curbside garbage collection and optional bidding for alley garbage collection in the alleys that garbage collection is being provided currently; and,

That Administration **BE DIRECTED** to report back to Council the results of the collection request for proposal and any additional costs related to the new SSO program, once available.

That Administration **BE DIRECTED** to conduct a pilot project in the Pelissier/Victoria alley between Tecumseh Rd. W. and Jackson St, as well as the Dougall/Church alley between Tecumseh Rd. W. and Wahketa St. whereby garbage will be temporarily relocated from alley collection to curbside collection for a minimum of 8 weeks; and,

That Administration **REPORT BACK** on the information learned during the pilot project; and,

That administration **BE DIRECTED** to provide a report during the 2024 budget deliberation process for a plan to increase funding for alley maintenance for paved alleys.
Carried.
Councillor Fabio Costante voting nay.

Report Number: SCM 211/2023 & S 82/2023 & C 69/2023 & AI 12/2023
Clerk's File: SW2023

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting held September 5, 2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

Decision Number: CR348/2023
That the report of the Special In-Camera meeting held September 5, 2023 **BE ADOPTED** as presented.
Carried.

Clerk's File: ACO2023

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Joe-Anne Gignac
Seconded by: Councillor Gary Kaschak

That the following By-laws No. 107-2023 through 123-2023 be introduced and read a first and second time:

107-2023 A BY-LAW TO APPOINT DEPUTY TREASURERS FOR THE CORPORATION OF THE CITY OF WINDSOR. Authorized by CR339/2023 dated August 8, 2023

108-2023 A BY-LAW TO AUTHORIZE THE CONSTRUCTION OF CURB AND GUTTER AND BOULEVARD RESTORATION ON CLEMENCEAU BOULEVARD FROM NORTH SERVICE ROAD EAST TO THE CANADIAN NATIONAL RAILWAY TRACKS, IN THE CITY OF WINDSOR, AS A LOCAL IMPROVEMENT. Authorized by CR185/2023 dated April 24, 2023

109-2023 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS DOMINION BOULEVARD IN THE CITY OF WINDSOR. Authorized by CR76/2011 dated February 28, 2011

110-2023 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR325/2023 dated August 8, 2023

111-2023 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR324/2023 dated August 8, 2023

112-2023 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS MCROBBIE ROAD IN THE CITY OF WINDSOR. Authorized by CR76/2011 dated February 28, 2011

113-2023 A BY-LAW TO REGULATE OPEN AIR BURNING IN THE CITY OF WINDSOR. Authorized by CR316/2023 dated August 8, 2023

114-2023 A BY-LAW TO AMEND BY-LAW NUMBER 392-2002, BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF FEES AND CHARGES. Authorized by CR316/2023 dated August 8, 2023

115-2023 A BY-LAW TO AMEND BY-LAW 16-2022, BEING A BYLAW TO CLOSE, STOP UP AND CONVEY THE 3.66 METRE WIDE NORTH/SOUTH ALLEY LOCATED BETWEEN TECUMSEH ROAD WEST AND LEDUC STREET, EAST OF CAMPBELL AVENUE, CITY OF WINDSOR. Authorized by CAO166/2023, approved August 1, 2023

116-2023 A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 4.57 METRE NORTH/SOUTH ALLEY SOUTH OF SPRING GARDEN ROAD, NORTH OF YORKTOWN AVENUE AND EAST OF MALDEN ROAD, CITY OF WINDSOR. Authorized by CR319/2022, approved July 25, 2022

117-2023 A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.57 METRE NORTH/SOUTH ALLEY SOUTH OF SPRING GARDEN ROAD, NORTH OF YORKTOWN AVENUE AND EAST OF MALDEN ROAD, CITY OF WINDSOR. Authorized by CR319/2022, approved July 25, 2022

118-2023 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE “CITY OF WINDSOR ZONING BYLAW”. Authorized by CR 491/2022, November 28, 2022

119-2023 A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 2.25 METRE EAST/WEST ALLEY, EAST OF OAK STREET AND NORTH OF TECUMSEH BOULEVARD WEST, CITY OF WINDSOR. Authorized by CR 610/2020, December 7, 2020

120-2023 A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 2.25 METRE EAST/WEST ALLEY EAST OF OAK STREET AND NORTH OF TECUMSEH BOULEVARD WEST, CITY OF WINDSOR. Authorized by CR 610/2020, December 7, 2020

121-2023 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS MEIGHEN ROAD IN THE CITY OF WINDSOR. Authorized by CR 76/2011, February 28, 2011

122-2023 A BY-LAW TO APPOINT A DEPUTY CLERK FOR THE CORPORATION OF THE CITY OF WINDSOR. Authorized by By-law 98-2011, June 7, 2011

123-2023 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 5th day of SEPTEMBER, 2023
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Kieran McKenzie

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.

15. NOTICES OF MOTION

None Presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

That the By-laws No. 107-2023 through 123-2023 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.
Carried.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. CQ 25-2023

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

Decision Number: CR384/2023
That the following Council Question by Councillor Angelo Marignani **BE APPROVED,** and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:
CQ 25-2023:
Assigned to: Commissioner, Infrastructure Services

> Asks that Administration come back with a report explaining the need for traffic lights at the intersection of Robinet and Tecumseh Rd. To include details such as traffic volume, recent police incidents, and any growing trends in ward seven that indicates the necessity for traffic lights at this intersection. It was also requested that a meeting be set up with traffic department to discuss this concern as well as a follow up with the administration to check on the progress as soon as possible.

Carried.

Clerk's File: ACO2023

21. ADJOURNMENT

Moved by: Councillor Jo-Anne Gignac
Sweconded by: Councillor Gary Kaschak

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.
Carried.

Accordingly, the meeting is adjourned at 7:55 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held September 5, 2023 (CR 348/2023)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
September 5, 2023

Meeting called to order at: 2:45 p.m.

Members in Attendance:

Mayor Drew Dilkens
Councillor Renaldo Agostino
Councillor Fabio Costante
Councillor Fred Francis
Councillor Jo-Anne Gignac
Councillor Gary Kaschak
Councillor Angelo Marignani
Councillor Kieran McKenzie
Councillor Mark McKenzie
Councillor Jim Morrison
Councillor Ed Sleiman

Also in attendance:

Joe Mancina, Chief Administrative Officer
Andrew Daher, Commissioner, Human and Health Services
Chris Nepsy, Commissioner, Infrastructure Services
Janice Guthrie, Commissioner, Corporate Services CFO/City Treasurer
Shelby Askin-Hager, Commissioner, Legal and Legislative Services
Ray Mensour, Commissioner, Community Services
Jelena Payne, Commissioner Economic Development and Innovation
Steve Vlachodimos, City Clerk
Abe Taqtaq, Mayor's Chief of Staff
Norbert Wolf, Manager of Employee Relations (Items 3 and 4)
Tyson Cragg, Executive Director Transit Windsor (Item 3)
Greg Atkinson, Manager Development/Deputy City Planner (Item 9)
Wira Vendrasco, Deputy City Solicitor (Item 9)

Verbal Motion is presented by Councillor Ed Sleiman, seconded by Councillor Fred Francis,
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 – sale of land, Section 139(2)(c)
2	Property matter – commence expropriation process, Section 139(2)(c)
3	Personal matter – labour negotiations update, Section 139(2)(d)
4	Personal matter – labour negotiations update, Section 139(2)(d)
5	Property matter – plan – letter of intent, Section 239(2)(k)
6	Property matter – commence expropriation process, Section 139(2)(c)
7	Property matter – lease of land, Section 139(2)(c)(k)
8	Property matter – lease update, Section 239(2)(c)(k)
9	Legal matter – advice subject to solicitor-

client privilege (See Item 8.18 on open agenda) – VERBAL REPORT

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Fabio Costante declares an interest and abstains from discussion and voting on Item 5 as he is a director on an affiliated board.

Discussion on the items of business.

Verbal Motion is presented by Councillor Jo-Anne Gignac, seconded by Councillor Ed Sleiman,
to move back into public session.

Motion Carried.

Moved by Councillor Angelo Marignani, seconded by Councillor Kieran McKenzie,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 5, 2023 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 and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – sale of land **BE APPROVED**.

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

3. That the in-camera report from the Manager of Employee Relations, Executive Director of Transit Windsor, Executive Director of Human Resources, Deputy Treasurer, Financial Planning, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a personal matter – labour negotiations update **BE RECEIVED.**

4. That the in-camera report from the Manager of Employee Relations, Fire Chief, Executive Director of Human Resources, Deputy Treasurer, Financial Planning, Commissioner, Legal and Legislative Services and Commissioner, Corporate Services CFO/City Treasurer respecting a personal matter – labour negotiations update **BE RECEIVED.**

5. That the recommendation contained in the in-camera report from the Executive Initiatives Coordinator, Executive Director Parks and Facilities, Executive Director Recreation and Culture, Commissioner, Community Services, Commissioner, Corporate Services CFO/City Treasurer, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Economic Development and Innovation respecting a property matter – plan – letter of intent **BE APPROVED**.

At the request of Councillor Fred Francis, a recorded vote is taken on this matter.
Aye votes: Councillors Angelo Marignani, Jo-Anne Gignac, Renaldo Agostino, Jim Morrison, Kieran McKenzie, Ed Sleiman, Mark McKenzie, Gary Kaschak and Mayor Drew Dilkens
Nay vote: Councillor Fred Francis
Abstain: Councillor Fabio Costante
Absent: None

6. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Manager of Real Estate Services, Commissioner, Legal and Legislative Services, Executive Director of Engineering/Deputy City Engineer, Commissioner, Infrastructure Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – commence expropriation process **BE APPROVED**.

7. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease of land **BE APPROVED**.

8. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease update **BE APPROVED**.

9. The confidential verbal report from the Commissioner, Legal and Legislative Services respecting a legal matter – advice subject to solicitor-client privilege (Item 8.18 on open agenda) **BE RECEIVED**.

Motion Carried.

Moved by Councillor Renaldo Agostino, seconded by Councillor Jim Morrison,

That the special meeting of council held September 5, 2023 BE ADJOURNED.
(Time: 3:57 p.m.)
Motion Carried.