

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

**Date: Wednesday, April 30, 2025**

**Time: 4:30 PM**

**Members Present:**

**Councillors**

Ward 2 - Councillor Fabio Costante (Chairperson)

Ward 3 - Councillor Renaldo Agostino

Ward 8 - Councillor Gary Kaschak

Ward 9 - Councillor Kieran McKenzie (Vice Chairperson)

**Councillors Regrets**

Ward 4 - Councillor Mark McKenzie

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:**

Robert Martini, Municipal Gaming Analyst

Jelena Payne, Commissioner, Economic Development Participates Via Zoom

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:**

David Simpson, Commissioner, Infrastructure Services & City Engineer

Daemon Hart, Deputy Fire Chief of Operations

Brian Bobbie, Deputy Fire Chief of Support Services

Stephan Habrun, Acting Executive Director Transit Windsor

Stacey McGuire, Executive Director, Engineer/Deputy City Engineer

Rob Vani, Senior Manager/Deputy CBO/Inspections

Ian Day, Senior Manager Traffic Operations/Parking

Mark Spizzirri, Manager, Performance Measurement & Business Case Development

Adam Pillon, Manager of Right-of-Way

Colleen Middaugh, Manager, Corporate Projects

Amy Olsen, Supervisor, Right of Way

Ian Wilson, Water & Wastewater Engineer

Thomas Huynh, Technologist I

Clare Amicarelli, Road Safety Coordinator

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Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### 1. CALL TO ORDER

The Chairperson calls the meeting of the Environment, Transportation & Public Safety Standing Committee to order at 4:30 o'clock p.m.

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

None Disclosed.

### 3. ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Gary Kaschak

THAT the minutes of the Environment, Transportation & Public Safety Standing Committee meeting held March 26, 2025, **BE ADOPTED** as presented.

Carried.

Report Number: SCM 86/2025

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

None requested.

### 5. COMMUNICATIONS

None presented.

### 6. PRESENTATIONS AND DELEGATIONS

None presented.

### 7. COMMITTEE MATTERS

#### 7.1. Minutes of the Transit Windsor Working Group of its meeting held March 26, 2025

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Renaldo Agostino

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Decision Number: **ETPS 1053**

THAT the minutes of the Transit Windsor Working Group of its meeting held March 26, 2025 **BE RECEIVED**.

Carried.

Report Number: SCM 99/2025

## 8. ADMINISTRATIVE ITEMS

### 8.1. Passing of New By-Law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor - City Wide (CQ 17-2024)

Councillor Renaldo Agostino requests clarification whether this report applies only to Business Improvement Areas (BIA's). Robert Vani, Senior Manager/Deputy Chief Building Official – Inspections, appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated March 31, 2025, entitled "Passing of New By-Law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor – City Wide (CQ 17-2024)" and clarifies that the report applies to every private property in the City of Windsor, including commercial, residential, and institutional properties.

Councillor Renaldo Agostino comments that disruptive actions such as lights being purposefully directed into windows due to issues with neighbours is something he would prefer to focus on, rather than restricting lighting options for businesses and commercial properties. He asks if there is a way to separate the two issues and focus more on residential and alleyways, rather than business districts. Mr. Vani replies that the types of properties included in the by-law would be at the discretion of council, however, the Council Resolution that was passed directed administration to prepare a by-law that addressed all properties.

Councillor Renaldo Agostino comments that the Downtown BIA is actively trying to brighten up the area as a safety solution.

Councillor Fabio Costante asks administration for clarity, recognizing the distinction between nuisance lighting and lighting aligning the Strengthen the Core initiative. He also asks how the by-law will be enforced if it is put into effect. Mr. Vani replies that the by-law is not intended to reduce the amount of lighting we have in our community, especially for security and operational purposes. The premise of the by-law is to ensure that lighting on private property complies with lighting intensity standards, and that is appropriate for its intended task.

Councillor Renaldo Agostino expresses concern over how the by-law will be enforced, specifically with the definition of "nuisance." He asks how such matters would be monitored and enforced. Mr. Vani indicates that similar by-laws from other municipalities were reviewed to help define "nuisance" within the by-law. Similar enforcement practices to other City of Windsor by-laws would be used. Mr. Vani adds that there are not a large number of complaints received regarding this issue, and nuisance complaints are generally considered obvious, especially if it a neighbour-to-neighbour complaint.

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There is currently no mechanism to address issues such as this, which is what administration has been directed to address with this by-law.

Councillor Kieran McKenzie expresses concern about the City's capacity to enforce the by-law, particularly regarding cost versus risk. Mr. Vani replies that currently, not many complaints are received regarding lighting issues, and that looking at current-year and previous-year complaints, there is adequate service capacity for enforcement. He does not believe passing the by-law would have a substantial impact from a service delivery or financial perspective.

Councillor Gary Kaschak inquires whether the City currently employs a night-hours by-law enforcement officer. Mr. Vani replies that the by-law enforcement hours are regular business hours, but the majority of the requirements in the proposed by-law are specific to the type of lighting fixture used, which can be viewed and verified during the day. He also states that complainants are permitted to provide their own evidence during an investigation to show what is occurring off-hours, and off-hours inspections could be accommodated if the issue were egregious.

Moved by: Councillor Gary Kaschak

Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 1054**

THAT the By-law, "A By-law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor" attached as Appendix 'A' **BE PASSED** by Council.

Carried.

Report Number: S 46/2025

Clerk's File: SB2025

### **8.2. South National St (Pilette Rd to Jefferson Blvd) Traffic Calming/Multiuse Path Upgrades, Cyclist Crossing and Railway Pedestrian Crossover - Ward 8**

Councillor Kieran McKenzie requests that administration clarify why this particular area was chosen as it was not listed in the Transportation Master Plan. He also asks if a location other than Westminster Boulevard has been identified to increase north-south access should this plan not go forward. David Simpson, Commissioner, Infrastructure Services & City Engineer appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated April 8, 2025, entitled "South National St (Pilette Rd to Jefferson Blvd) Traffic Calming/Multiuse Path Upgrades, Cyclist Crossing and Railway Pedestrian Crossover – Ward 8" and replies that the primary focus of the analysis has been value for money. This type of infrastructure requires significant pedestrian and/or cycling traffic to warrant the investment, and that traffic was not seen during the analysis. From a value for money standpoint, administration has chosen to seek other recommendations and rely on the existing crossings.

Councillor Kieran McKenzie states that he understands the financial limitations but believes that the pedestrian crossover would be utilized more than the current traffic indicates, particularly by residents that live in the area bisected by the railway tracks.

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Councillor Gary Kaschak remarks that the report was driven by traffic using South National as an east-west route to bypass traffic lights on Tecumseh Road, and the resulting increased speeds on the street. However, the report makes it clear that the proposed crossover was not feasible.

Moved by: Councillor Gary Kaschak

Seconded by: Councillor Kieran McKenzie

Decision Number: **ETPS 1055**

THAT Report of the Road Safety Coordinator, dated April 8, 2025, entitled, "South National St (Pilette Rd to Jefferson Blvd) Traffic Calming/Multiuse Path Upgrades, Cyclist Crossing and Railway Pedestrian Crossover" **BE RECEIVED** for information; and;

THAT Council **APPROVE** the installation of permanent traffic calming and multiuse path upgrades on South National St. funded 50% from the Road Safety Counter Measures Project ID 7151012 and 50% from the Bikeway Development Project ID 7111031, at a total cost of \$120,000 (excluding HST). Carried.

Report Number: S 48/2025

Clerk's File: ST/13863

### 8.3. Response to CQ 41-2024 - Lower Risk Encroachments - City Wide

Councillor Renaldo Agostino inquires whether the amendments proposed in the report would help move the needle regarding what constitutes minor encroachments. Amy Olsen, Supervisor, Right-Of-Way appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated April 10, 2025, entitled "Response to CQ 41-2024 – Lower Risk Encroachments – City Wide" and replies that the current policy in place addresses all encroachments, both major and minor. Amendments to any items listed under the Encroachment Policy would require further clarification to define what would be considered a minor encroachment.

Councillor Renaldo Agostino states that the proposed amendments give more opportunity for conversation with residents who are facing these issues, and that the options are appreciated, and we would like the amendment options to be included in the recommendation.

Councillor Kieran inquires whether it is possible for the by-law to be modified in such a way to make the distinction between major and minor encroachments precisely defined. Adam Pillon, Manager, Right-Of-Way, appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated April 10, 2025, entitled "Response to CQ 41-2024 – Lower Risk Encroachments – City Wide" and replies that Engineering would perform more in depth analysis as to what constitutes a high-risk versus low-risk encroachment if directed to do so by Council, with the intention to make the distinctions as clear as possible. But one of the main concerns is the insurance requirement. The City is still requiring the property owner to maintain insurance coverage, and while the amount required has been reduced, it is still an issue for many residents.

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Councillor Gary Kaschak inquires whether the City has ever been sued by an individual who had been injured on a right-of-way where the resident had not entered into an encroachment agreement with the City. Mr. Pillon replies that there may have been 5 to 10 incidents in the last 5 to 6 years.

Councillor Gary Kaschak inquires whether the enforcement approach is still complaint-driven. Mr. Pillon confirms that they are not actively looking for encroachments. They will investigate after receiving a complaint, or if it is brought to their attention by a construction project in the area.

Councillor Gary Kaschak inquires whether the majority of the encroachments are landscaping located in the grass space between sidewalks and curbs. Mr. Pillon replies that most encroachment complaints are between the property line and the sidewalk or curb and often involve structures such as fencing or large landscaping boulders.

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Kieran McKenzie

Decision Number: **ETPS 1056**

THAT the report of Supervisor, Right-of-Way dated April 10, 2025 entitled "Response to CQ 41-2024 Lower Risk Encroachments - City Wide" **BE RECEIVED** for information; and,

THAT Administration **BE DIRECTED** to approve Minor Encroachments under a Permit Process as follows:

1. Applicable to residential (2-unit maximum) properties only;
2. Insurance and indemnification satisfactory to the Risk Management department is required;
3. Right-of-Way Permit fees applicable as per current User Fee Schedule:
  - a. \$283.00 – Permit Fee (2025);
  - b. \$1,000.00 – Indemnity Fee (returned upon final inspection); and,

THAT Administration **BE DIRECTED** to

1. Amend the Landscape Best Practice BP3.2.2 to define and include the treatment of pre-determined minor encroachments.
2. Amend the Encroachment Policy to define and include minor encroachments under a permit process.
3. Create a "blended" process required to address properties having both major and minor encroachments.
4. Initiate a process to address previously executed encroachments and paid fees:
  - a. Existing agreements will continue as per the timelines agreed upon in the agreement.
  - b. Administration recommends only fees paid in 2025 be reimbursed to residential property owners with less than two units. All fees paid prior to 2025 would remain in place.

Carried.

Report Number: S 49/2025

Clerk's File: SW2025

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### 8.4. Response to CQ 52-2024: Right-of-Way Digital Signage - City Wide

Councillor Renaldo Agostino inquires whether the program will be a pilot project in the downtown area, or if it will be implemented city-wide. Mr. Simpson replies that there is enough confidence in the approach to implement the program city-wide.

Councillor Kieran McKenzie requests that administration explain some of the safety risks associated with the signage. Mr. Simpson replies that the proposed by-law amendments would detail specific limitations and restrictions to sign installation to address safety concerns. Mr. Pillon adds the Request for Proposal program would be utilized to ensure signs adhered to safety, accessibility, quality, and aesthetic standards.

Councillor Kieran McKenzie inquires whether there is a correlation between digital billboards and overall traffic safety. Ian Day, Senior Manager, Transportation appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated April 10, 2025, entitled "Response to CQ 52-2024: Right-of-Way Digital Signage – City Wide" and states there are guidelines in place for digital billboards with regards to sightlines and distances from intersections.

Councillor Kieran McKenzie asks if distracted driving is being taken into account. Mr. Day replies that message length and strobing effects were looked into. A static message scrolling every 5 to 10 seconds was not perceived to be a distraction to drivers, but that is also a function of the sightline and distance from intersection guidelines.

Councillor Gary Kaschak inquires whether placing digital advertisements on bus shelters could be a source of additional revenue for Transit Windsor. Stephan Habrun, Executive Director, Transit Windsor appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated April 10, 2025, entitled "Response to CQ 52-2024: Right-of-Way Digital Signage – City Wide" and replies that none of the current bus shelters are connected to the electrical grid; any shelters with advertisements are currently powered with a solar panel. However, it could be considered.

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Kieran McKenzie

Decision Number: **ETPS 1057**

THAT the report of Technologist I dated April 10, 2025 entitled "Response to CQ 52-2024 Right-of-Way Digital Signage - City Wide" **BE RECEIVED** for information; and,

THAT Administration **BE DIRECTED** to allow digital signs in the right of way through a Request for Proposal process (RFP) to supply and maintain all such signage approved throughout the city as in Appendix B attached hereto provides a sample list of minimum requirements to be evaluated as part of an RFP; and,

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THAT Administration **BE DIRECTED** to report the results of the Request for Proposal (RFP) process to Council for direction; and,

THAT Administration **BE DIRECTED** to implement the following when a successful proponent is selected:

1. Advertising Agreement - the successful proponent would enter into a formal agreement with the City for a specified term
2. Permitting: - the successful proponent would be required to apply for and obtain a right-of-way permit prior to placement of any Digital Signs within the right-of-way; and,

THAT the City Solicitor **BE DIRECTED** to make amendments to the Sign By-Law as required.  
Carried.

Report Number: S 50/2025  
Clerk's File: SB2025

### 8.5. Sewer Master Plan Implementation and Disaster Mitigation Adaptation Fund Program (DMAF 1 & DMAF 4) Update - City Wide

Councillor Kieran McKenzie requests more information regarding funding, the City's relationship with the Federal Government when it comes to financing these projects, and the challenges the City faces in achieving everything it hopes to implement. Stacey McGuire, Executive Director, Engineering/Deputy City Engineer regarding the administrative report dated April 10, 2025, entitled "Sewer Master Plan Implementation and Disaster Mitigation Adaptation Fund Program (DMAF 1 & DMAF 4) Update – City Wide" and states that Engineering did present a strategy to Council to fund DMAF projects moving forward, given inflationary pressures. There is a strategy in place for a reduced scope of the DMAF 1 program, and the full scope of the DMAF 4 program. The deferred DMAF 1 projects are still considered potential options for future funding opportunities.

Councillor Kieran McKenzie recalls that Windsor was very successful at leveraging partnerships with the Federal Government through this program but asks if there has been further discussion with partners to help with funding. Mr. Simpson replies that the City monitors all potential funding and grant opportunities, provincially and federally, but there is intense competition for those dollars.

Moved by: Councillor Kieran McKenzie  
Seconded by: Councillor Gary Kaschak

Decision Number: **ETPS 1058**

THAT the report of Water & Wastewater Engineer and the Executive Initiatives Coordinator dated April 10, 2025 entitled "Sewer Master Plan Implementation and Disaster Mitigation Adaptation Fund Program (DMAF 1 & DMAF 4) Update - City Wide" **BE RECEIVED** for information.  
Carried.



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Report Number: S 51/2025

Clerk's File: SW/12983

### 8.6. Open Air Burning

Councillor Gery Kaschak inquires whether warnings are still being issued for first-time open air burning incidents. Deamon Hart, Deputy Fire Chief, Operations appears before the Environment, Transportation & Public Safety Standing Committee regarding the administrative report dated April 14, 2025, entitled "Open Air Burning" and replies that since the beginning of 2025, warnings are no longer being given. Violators are being invoiced immediately for the cost of the Fire Department dispatch, plus an administrative fee.

Councillor Gary Kaschak states that of eleven applications for open air burns, two were approved. He asks for an explanation for the two approvals. Mr. Hart replies that one application was farm property on the outskirts of the City that met all the parameters, and the other was a large-scale property that met the '25-metre area in all directions' perimeter requirement.

Councillor Kieran McKenzie inquires what the risks would be if Council decided to deregulate the open air burning by-law. Deputy Chief Hart replies that the risks are environmental, respiratory, neighbour disputes that may require involving police, and exposure fires caused by lack of attention or burning in too large of an area.

Councillor Kieran McKenzie Inquires whether the Deputy Fire Chief believes that the by-law as it stands has a direct and positive impact in terms of mitigating those potential risks. Deputy Chief Hart replies that yes, he believes that the by-law, plus the new cost-recovery policy being implemented will be very effective to deter open air burning in the municipality.

Councillor Gary Kaschak requests clarification related to the procedure involved when a complaint of open air burning is received by the fire department. Deputy Chief Hart replies there is a staffing compliment required to respond to calls, and the only option is to send out a fire truck with a crew, regardless of time of day.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Renaldo Agostino

Decision Number: **ETPS 1059**

THAT the report of the Fire Chief dated April 15, 2025 entitled "Open Air Burning" **BE RECEIVED** for information.

Carried.

Report Number: C 58/2025

Clerk's File: AB2025

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### 9. TRANSIT BOARD ITEMS

None presented.

### 10. ADOPTION OF TRANSIT BOARD MINUTES

None presented.

### 11. QUESTION PERIOD

None presented.

### 12. ADJOURNMENT

There being no further business, the Environment, Transportation & Public Safety Standing Committee is adjourned at 5:21 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee will be held May 28, 2025.

Carried.

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Ward 2 – Councillor Fabio Costante  
(Chairperson)

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Deputy City Clerk / Supervisor of Council  
Services