



CITY OF WINDSOR MINUTES 12/16/2019

City Council Meeting

Date: Monday, December 16, 2019

Time: 6:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Vacant

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

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1. ORDER OF BUSINESS

2. CALL TO ORDER - Playing of the National Anthem

Following the playing of the Canadian National Anthem, the Mayor calls the meeting to order at 6:03 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

4. ADOPTION OF THE MINUTES

4.1. Adoption of the Windsor City Council meeting minutes held December 2, 2019

Moved by: Councillor Costante
Seconded by: Councillor Francis

That the minutes of the meeting of Council held December 2, 2019 **BE ADOPTED as** presented.
Carried.

Report Number: SCM 458/2019

5. NOTICE OF PROCLAMATIONS

“Crime Stoppers Month” – January 2020

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Gignac
Seconded by: Councillor Holt

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;

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- (e) consideration of business items;
- (f) consideration of Committee reports
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled); and
- (g) consideration of by-law 131-2019 and 135-2019 through 140-2019 (inclusive).

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence, Monday December 16, 2019

Moved by: Councillor Kaschak
Seconded by: Councillor McKenzie

Decision Number: CR617/2019

That the following Communication Items 7.1.1, 7.1.2, 7.1.4, and 7.1.5 as set forth in the Council Agenda **BE REFERRED** as noted, and that Item 7.1.3 be dealt with as follows:

7.1.3 Memo to Mayor and Members of Council regarding Sponsorship Request for Annual Willistead Volunteer Reception that will be held on Sunday, January 26, 2020

Moved by: Councillor Holt
Seconded by: Councillor Francis

Decision Number: CR618/2019

That the City of Windsor **CONTRIBUTE** \$3,000 to sponsor the Annual Mayor's Reception at Willistead Manor which will be held on Sunday, January 26, 2020; and,

That this amount **BE FUNDED** from the Budget Stabilization Reserve (BSR) fund.
Carried.

Clerk's File: SR2019

No.	Sender	Subject
7.1.1	Local Planning Appeal Tribunal	Local Planning Appeal Tribunal decision issued for CAMPP Windsor Essex Residents Association, By-law No. 132-2018, Case No. PL180842 City Solicitor Deputy City Solicitor City Planner Chief Building Officer City Engineer ZO/13090 Note & File

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No.	Sender	Subject
7.1.2	Town of Tecumseh	<p>Council of the Corporation of the Town of Tecumseh will hold a public meeting Tuesday, January 14, 2020 at 6:00 p.m. in the Horwood Room, located in the Tecumseh Arena at 12021 McNorton Street to consider proposed Official Plan and Zoning By-law amendments for a 4.4 hectare parcel of land located southeast of the Tecumseh Road/Southfield Drive intersection to redesignate from “General Commercial” and “Residential” to “Residential” and to facilitate the development of lands for two additional apartment buildings</p> <p>City Planner City Solicitor Development Applications Clerk City Engineer GM2019 Note & File</p>
7.1.3	Mayor’s Office	<p>Memo to Mayor and Members of Council regarding Sponsorship Request for Annual Willistead Volunteer Reception that will be held on Sunday, January 26, 2020</p> <p>City Treasurer COUNCIL DIRECTION REQUESTED, otherwise SR2019 Note & File</p>
7.1.4	Manager of Urban Design	<p>Site Plan Approval, Greater Essex County District School Board, 3070 Stillmeadow Road, new public school – Parkview Elementary</p> <p>ZS/13658 Note & File</p>
7.1.5	Ministry of Municipal Affairs and Housing	<p>On September 24, 2019, the Ministry of Municipal Affairs and Housing public consultation on potential changes to the delivery of building code services. Discussion paper: Transforming and Modernizing the Delivery of Ontario’s Building Code Services</p> <p>Chief Building Official City Planner City Solicitor GP2019 Note & File</p>

Carried.

8. CONSENT AGENDA

8.1. Approval of Annual Temporary Borrowing By-Law for 2020

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: CR619/2019

That City Council **AUTHORIZE** the temporary borrowing of money for current expenditures for the year 2020, if and when required, as provided for under the provisions of Section 407 of the *Municipal Act*; and,

That City Council **AUTHORIZE** the CAO and City Clerk to execute the related banking agreements including any line of credit commitment letters as deemed necessary to establish/maintain the line of credit facility approved as to legal content by the City Solicitor and as to technical and financial content to the CFO/City Treasurer; and,

That City Council **AUTHORIZE** the CAO and CFO/City Treasurer to borrow on a temporary basis, such sums, if any, as considered necessary to meet the current expenditures of the Corporation for the year until the taxes are collected and other revenues are received; and to **EXECUTE** any such related banking agreements including but not limited to the Bank's Acceptance Agreement and Overdraft Lending Agreement approved as to legal content by the City Solicitor and as to technical and financial content to the CFO/City Treasurer; and,

That City Council **AUTHORIZE** the CAO and CFO/City Treasurer to sign the "Security Agreement - Municipalities and School Boards" banking document subject to approval for legal content by the City Solicitor and as to technical and financial content to the CFO/City Treasurer; and,

That the City Solicitor **BE DIRECTED** to prepare the necessary by-law.
Carried.

Report Number: C 180/2019
Clerk's File: AF2019

8.2. 2020 Interim Property Tax By-Law

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: CR620/2019

That City Council **DIRECT** Administration to prepare 2020 interim property tax bills based upon 50% of the 2019 total levy inclusive of education tax; and,

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That City Council **ESTABLISH** the collection of the 2020 interim property taxes over three instalment dates being; February 19, March 18, and April 15, 2020; and,

That City Council **APPROVE** a rate of 1 ¼ % to be imposed as a penalty for non-payment of property taxes on the first day of default and a further rate of 1 ¼ % per month as interest on taxes due but unpaid; and,

That the City Solicitor **BE AUTHORIZED** to prepare the necessary by-law to enact the 2020 interim property tax bills.

Carried.

Report Number: C 204/2019

Clerk's File: AF2019

8.3. Issuing of a RFP for the Net Metering Solar Photovoltaic Project

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: CR621/2019

That City Council **APPROVE** the issuing of a Request for Proposal (RFP), in accordance with Purchasing Bylaw 93-2012 and amendments hereto, for the potential development of a photovoltaic generation Net Metering project on suitable City of Windsor properties; and,

That the Council **DIRECT** Administration to report back on the outcome of the RFP identifying the successful proponent along with a detailed business case analysis.

Carried.

Report Number: C 203/2019

Clerk's File: MU/8327

8.4. Semi-Annual Capital Variance Report – September 30, 2019 - City Wide

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: CR622/2019

That City Council **RECEIVE** for information the 2019 Life-to-Date Capital Variance Report as at September 30, 2019 as presented by the Chief Financial Officer and City Treasurer; and,

That City Council **APPROVE** the transfers to and from capital projects/reserves as identified within Appendix A – Summary of Capital Project Variances; and,

That City Council **AUTHORIZE** the establishment of a new Reserve Fund, titled Transit Windsor Intelligent Transportation System (ITS)/Smart Bus Reserve, which can be accessed for future ITS repairs and technological advancement needs and that the surplus funding of \$200,000 in the TW Intelligent Transportation System/Smart Bus Project (7139007) be directed to this new reserve.

Carried.

Report Number: C 201/2019
Clerk's File: AF2019

8.7. Report No. 106 of the Windsor Essex County Environment Committee - Revised WECEC Terms of Reference & Mandate

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: CR625/2019 ETPS 722

That Report No. 106 of the Windsor Essex County Environment Committee – Revised WECEC Terms of Reference & Mandate indicating:

That the **REVISED** Windsor Essex County Environment Committee Terms of Reference and Mandate – September 2019 including the following amendments as outlined in bold and italics **BE APPROVED**:

- WECEC is comprised of *twelve (12)* members
- Removal of the phrase – “*report annually on the state of the regional environment and provide the report to City and County Council*”
- The quorum of the Windsor Essex County Environment Committee is **7** members.

BE APPROVED.

Carried.

Report Number: SCM 438/2019 & SCM 363/2019
Clerk's File: MB2019

8.8. 1567 Aspenshore Avenue, 1743, 1755, 1767 & 1779 Aspenshore Court - Various Encroachments -Ward 7

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: CR626/2019 ETPS 723

- I. That the requests to allow items encroaching on to owned City lands **BE APPROVED in the same manner** as per the City of Windsor Encroachment Policy M67-2015 (Appendix A).
- II. That the encroachments of landscape patio stones, awnings, a pergola, concrete patio and curbing within an easement located on City of Windsor owned lands, as shown on attached drawings C-3496, C-3497, C-3498, C-3499 & C-3500 **BE APPROVED**, subject to the owners entering into an encroachment agreement, satisfactory in form to the City Solicitor, and in technical content to the City Engineer, to comply with the terms and conditions:
 - (a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.
 - (b) Pay a \$229.25.00 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department. **(PAID)**

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- (c) Indemnify the City of Windsor against all claims which may arise by reason of its occupying section of City lands herein before listed and file with the Corporation a Certificate of Insurance evidencing proof of Commercial General Liability insurance with limits of at least \$2,000,000.00 per occurrence, with an endorsement naming The Corporation of the City of Windsor as an additional insured, and including cross liability and 30 days notice of cancellation provisions.

The Certificate of Insurance must be satisfactory in form and content to the Risk Management Division and be provided to the Corporation at the commencement of this encroachment and upon each renewal thereafter.

- (d) Pay a \$300.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owners. **(PAID)**
- (e) Pay a surcharge in the amount of \$102.00 to the Engineering Department, as required by M67-2015. **(PAID)**
- (f) Pay a one-time encroachment fee outlined in the Financial Matters, calculated according to M67-2015, and any and all applicable provincial and federal land taxes, etc.
- (g) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- (h) That the Owners acknowledge that the grant of encroachment does not in any way diminish the City's rights arising out of the grant of easement to the owners.

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

IV. That any new or existing encroachments within this sanitary sewer easement along Aspenshore Avenue and Aspenshore Court (Appendix C), **BE APPROVED** with the same conditions and process as outlined in Recommendation II above.

V. That a "No Fee" Right-of-Way permit be issued to these residents who have applied for an encroachment agreement as well as any Aspenshore Avenue and Aspenshore Court properties having soft landscape within this easement.

Carried.

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8.9. Response to CQ 18-2019 – Comparison of Local Improvement Policies in Other Municipalities - Citywide

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: CR627/2019 ETPS 724

That the report of the Engineer II dated November 4, 2019 entitled “Response to CQ 18-2019 – Comparison of Local Improvement Policies in Other Municipalities – City Wide” **BE RECEIVED**.

Carried.

Report Number: SCM 440/2019 & C 188/2019

Clerk’s File: SL2019

8.10. Tabling of the Draft Climate Change Adaptation, Degrees of Change - City Wide

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: CR628/2019 ETPS 725

- I. That the DRAFT Climate Change Adaptation, *Degrees of Change* (Appendix A), **BE TABLED** for public feedback until January 22, 2020; and
- II. That the Supervisor, Environmental Sustainability and Climate Change **BE DIRECTED** to conduct public engagement for the purpose of soliciting public feedback on the DRAFT Climate Change Adaptation, and that a summary of the public comments be reported back to the Environment, Transportation and Public Safety Standing Committee in February 2020; and,
- III. That the Supervisor, Environmental Sustainability and Climate Change **BE DIRECTED** to bring the final Climate Change Adaptation Plan, *Degrees of Change*, back to the Environment, Transportation and Public Safety Standing Committee in February 2020 for approval.

Carried.

Report Number: SCM 441/2019 & S 212/2019

Clerk’s File: EI/10822

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

None requested.

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10. PRESENTATIONS AND DELEGATIONS (5 Minute maximum per delegate)

10.3. Audit and Accountability Fund – Consultant’s Report of Information Management and Data Analytics Assessment

Tara Myshrall, Public Sector Manager, Information Builders (Canada) Inc.

Tara Myshrall, Public Sector Manager, Information Builders (Canada) Inc. appears before Council regarding the report entitled “Audit and Accountability Fund Consultants Report of Information Management and Data Analytics Assessment” and provide a brief overview of the assessment and indicates an investment in staff and technology resources would provide the City the ability to improve internal operations and citizen satisfaction levels; some benefits of implementing this system in other Ontario Municipalities are provided including: significant cost reductions; improved employee performance; enhanced service delivery to citizens; implementing this system may result in accessing data faster; will eliminate some of the burden in recruitment; increase skillset; and Myshrall concludes by reviewing the pilot project.

Moved by: Councillor McKenzie
Seconded by: Councillor Gignac

Decision Number: CR635/2019

That the November 26, 2019 report from Information Builders, Inc. entitled “City of Windsor’s Information Management and Data Analytics Assessment”, which is financed by the Province of Ontario’s Audit and Accountability Fund, **BE RECEIVED** for information; and,

That the City Treasurer **BE AUTHORIZED** to post the Information Builders, Inc. report to the corporate website by no later than December 31, 2019 in accordance with the grant’s requirements; and,

That Administration **BE DIRECTED** to further assess the Proofs of Concepts developed by Information Builders, Inc. AND the recommendations presented in the report to better understand their value and any cost implications, AND where deemed appropriate bring those items forward for consideration in future budgets.

Carried.

Report Number: C 200/2019
Clerk’s File: AF/11247

10.1. Asset Management Plan presentation 10-15 minutes - Consultant Roop

Roop Lutchman, P. Eng., PMP, GHD Advisory, and Melissa Osborne, Senior Manager of Asset Planning

Roop Lutchman, P. Eng., PMP, GHD Advisory, and Melissa Osborne, Senior Manager of Asset Planning appear before Council regarding the report entitled “Corporate Asset Management Plan”

and provide a brief overview of the Asset Management Plan including managing the asset life cycle to minimize the cost of asset ownership; the framework of asset management is reviewed including strategy, people, process, systems and data; the Asset Management journey is reviewed; assets that are included in the Asset Management Plan are listed; examples of data enhancements are provided; comparisons related to an increased investment in infrastructure are provided specifically \$28 million in 2003 in annual pay as you go/sewer surcharge funding to \$89 million in 2019-2025; a review of funding sources for capital, awarded grant funding, capital budget average allocation and corporate asset condition is provided.

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: CR629/2019

That the presentation by Roop Lutchman, P. Eng., PMP, GHD Advisory and Melissa Osborne, the Senior Manager of Asset Planning, entitled "Corporate Asset Management Plan" **BE RECEIVED**.
Carried.

Clerk's File: AF/11247

10.2. Recreation Master Plan

Todd Brown of Monteith Brown Planning Consultants to present the Recreation Master Plan. Anand Desai and Claire Tucker Reid are available for questions for the Recreation Master Plan. Rob Hunden is available for questions for the WFCU Centre Indoor Feasibility Study.

Todd Brown, of Monteith Brown Planning Consultants appears before Council to present the "Recreation Master Plan" and provides a brief overview including the purpose of the master plan being to guide future recreation decision making related to facilities, policy, programming, operations and capital improvements for the next 20 years; an extensive consultation process was undertaken and written submissions were encouraged; information highlighting Recreation Service Review, Recreation Centre Renewal & Redevelopment; Community Hub approach to Facility Development & Redevelopment is reviewed; implementation including financial information is reviewed; and concludes by indicating individual recommendations and funding would be approved by Council through the budget process.

Anand Desai and Claire Tucker Reid appear before Council regarding the report entitled "Recreation Master Plan" and are available for questions.

Rob Hunden appears before Council regarding the report entitled "Recreation Master Plan" and is available for questions regarding the WFCU Centre Indoor Feasibility Study.

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Joe Barile, President, Essex County Soccer Association

Joe Barile, President, Essex County Soccer Association appears before Council regarding the administration report entitled "Recreation Master Plan" and encourages Council to consider recommendation 13 with a higher degree of priority and concludes by suggesting that his organization may be interested in contributing financially to this recommendation.

Mayor Dilkens leaves the meeting at 7:42 o'clock p.m. and Councillor Bortolin assumes the Chair.

Caroline Taylor, Resident of Ward 2

Caroline Taylor, resident of Ward 2 appears before Council and expresses concern regarding the recommendations in the administrative report entitled "Recreation Master Plan" related to the Adie Knox arena and suggests further consultation be undertaken prior to these types of recommendations being approved and concludes by suggesting this closure would have a detrimental impact to the community.

Rene Jacques, Resident of Ward 6

Rene Jacques, resident of Ward 6 appears before Council and expresses concern regarding the recommendations in the administrative report entitled "Recreation Master Plan" related to the Adie Knox arena and concludes by suggesting Adie Knox arena remain open as there are many pool users in this area.

Doris Benko, Resident of Ward 5

Doris Benko, resident of Ward 5 appears before Council regarding the report entitled "Recreation Master Plan" and concludes by suggesting that Council take more time to consider the Plan and concludes by indicating she is opposed to the closure of Adie Knox Pool as the programming is very beneficial to the Community.

Mayor Dilkens returns to the meeting at 8:05 o'clock p.m. and Councillor Bortolin returns to his seat at the Council table.

Josh Pinese, Windsor Minor Hockey Association (WHMA) representative

Josh Pinese, Windsor Minor Hockey Association (WHMA) representative appears before Council regarding the report entitled "Recreation Master Plan" and concludes by suggesting that the closure of Adie Knox arena would be detrimental to their association as well as many other Community organizations as ice time in the downtown area is difficult to obtain.

Moved by: Councillor Costante

Seconded by: Councillor Kaschak

Decision Number: CR630/2019

That City Council **APPROVE** the Recreation Master Plan as the guiding document that will form the basis for future Administration recommendations and budget planning save and except for recommendations #2, #5, #6, and part of #7, as it pertains to the closure of the Adie Knox pool and ice pad as follows from its Executive Summary:

#2. Reorient the Adie Knox Herman Recreation Complex as a modernized, high quality neighbourhood hub that serves the unique characteristics of the surrounding community and the needs of residents across Windsor. At a minimum, a gymnasium, fitness centre, indoor walking track, and other space conducive for use by community partners should be added to Adie Knox Herman Recreation Complex to replace ice sport and aquatics programming (per Recommendation #5 and Recommendation #6 of the Master Plan). An architectural and engineering study of the Adie Knox Herman Recreation Complex and the broader Wilson Park site is required to determine the feasibility of this action.

#5. In line with Recommendation #2 and Recommendation #5 of the Recreation Master Plan, transition indoor aquatic programming from Adie Knox Herman Recreation Centre to the Windsor International Aquatic & Training Centre and Gino & Liz Marcus Community Complex. In doing so, redirect a portion of the capital and operational savings towards funding the recommended re-imagination of the Adie Knox Herman Recreation Complex so that it delivers a broader range of community-focused programs compared to present time.

#6. Operate the Adie Knox Herman Recreation Complex arena as a year-round dry-floor venue for lacrosse, ball hockey, pickleball and other appropriate activities, thereby decommissioning the arena's ice-making equipment. The feasibility and costs involved with permanently converting the arena to an accessible, warm activity space should first be determined through an engineering study of the arena building prior to its conversion (to be aligned with the architectural study identified in Recommendation #2 of the Recreation Master Plan).

#7. Undertake improvements to Forest Glade Arena and Capri Pizzeria Recreation Complex arena to improve the user experience and accessibility, funded in part through reallocated operational savings associated with the decommissioning of Adie Knox Herman Arena. It is recognized that the recent addition of community space to the Capri Pizzeria Recreation Complex has provided significant community opportunities beyond the ice pads.

and,

That City Council **RECEIVE** the WFCU Centre Indoor Sports Facility Feasibility Study; and further,

That City Council **APPROVE** the updated existing User Fee and Pricing Policy; and further,

That City Council **SUPPORT** the draft version of the new Field Allocation Policy that will be brought forward for Council approval following public consultation.

Carried.

At the request of Mayor Dilkens, a recorded vote is taken.

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Aye votes: Councillors Costante, Morrison, McKenzie, Holt, Sleiman, Kaschak and Bortolin.

Nay votes: Councillors Gignac and Francis, and Mayor Dilkens.

Absent: None.

Abstain: None.

Report Number: C 190/2019

Clerk's File: SR/13685

Moved by: Councillor Costante

Seconded by: Councillor Kaschak

Decision Number: CR631/2019

That Administration **BE REQUESTED** to conduct a Feasibility Study related to the addition of a gym, program rooms and walking track to the Adie Knox arena; and,

That Administration **BE DIRECTED** to report back to Council for their consideration.

Carried.

At the request of Mayor Dilkens, a recorded vote is taken.

Aye votes: Councillors Costante, Morrison, McKenzie, Holt, Sleiman, Kaschak, Bortolin, and Mayor Dilkens.

Nay votes: Councillors Gignac and Francis.

Absent: None.

Abstain: None.

Report Number: C 190/2019

Clerk's File: SR/13685

Moved by: Councillor Costante

Seconded by: Councillor Kaschak

Decision Number: CR632/2019

That Administration **BE REQUESTED** to review the WFCU Indoor Addition Feasibility Study in relation to Recommendation #13 of the Executive Summary of the Recreation Master Plan dated December 2019 as it relates to a future enhancement at that site.

Carried.

At the request of Mayor Dilkens, a recorded vote is taken.

Aye votes: Councillors Costante, Gignac, Morrison, McKenzie, Holt, Sleiman, Kaschak, Bortolin, and Mayor Dilkens.

Nay votes: Councillor Francis.

Absent: None.

Abstain: None.

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR633/2019

That Administration **BE REQUESTED** to contact the University of Windsor in relation to a potential Community Use Agreement for their new facility; and,

That Administration **BE REQUESTED** to report back to City Council for their consideration.
Carried.

At the request of Mayor Dilkens, a recorded vote is taken.

Aye votes: Councillors Gignac, Morrison, McKenzie, Holt, Kaschak, Sleiman, Francis, Bortolin, and Mayor Dilkens.

Nay votes: Councillor Costante.

Absent: None.

Abstain: None.

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR634/2019

That in accordance with Section 3.5 of the Procedure By-law, the time of the meeting **BE EXTENDED** beyond 11:00 o'clock p.m. to permit the continuation of the agenda.

Carried.

11.1. Guidelines and Permitting Process for Metal Detecting in City Parks

Jack Lewis, Sunparlour Treasure Seekers

Jack Lewis, Sunparlour Treasure Seekers appears before Council regarding the report entitled "Guidelines and Permitting Process for Metal Detecting in City Parks and expresses concern with the possible removal of metal detecting from City Parks and concludes by suggesting that the insurance stipulation is very cost prohibitive for their organization.

Moved by: Councillor Francis
Seconded by: Councillor Morrison

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Decision Number: CR636/2019

That City Council **RECEIVE** the report of the Executive Initiatives Coordinator dated October 29, 2019 entitled Guidelines and Permitting Process for Metal Detecting in City Parks; and,

That the permit process for metal detecting **PROCEED**, excluding the insurance requirement.

Carried.

Report Number: C 182/2019

Clerk's File: SR2019

8.6. Response to CQ 29/2019 – Summary Report of Poverty Reduction Initiatives and Effectiveness 2010 to Present - City Wide

Kate Gibb, Executive Director, Drouillard Place

Kate Gibb, Executive Director, Drouillard Place appears before Council regarding the report entitled "Response to CQ29-2019 – Summary Report of Poverty Reduction Initiatives and Effectiveness 2010 to Present" and provides a brief overview of programming at their facility and concludes by suggesting that their organization provides a safe space for youth in the community and creates many partnerships with various community agencies through their programming.

Barb Brown, Executive Director, Connections Early Years Family Centre

Barb Brown, Executive Director, Connections Early Years Family Centre appears before Council regarding the report entitled "Response to CQ29-2019 – Summary Report of Poverty Reduction Initiatives and Effectiveness 2010 to Present" and provides a brief overview of their organization and shows a video about a positive experience from the Early Years Family Centre.

Paulina Gillett and Cheryl Taggart, representing CommUnity Partnership

Paulina Gillett and Cheryl Taggart, representing CommUnity Partnership appear before Council regarding the report entitled "Response to CQ29-2019 – Summary Report of Poverty Reduction Initiatives and Effectiveness 2010 to Present" and provide a brief overview of their organization and conclude by providing positive statistical data including the number of children/youth and parents participating in the programs as well as the types of programs that are offered at the Centre.

Moved by: Councillor Francis

Seconded by: Councillor Sleiman

Decision Number: CR624/2019 CSPA 84

That the report of the Coordinator of Social Planning dated November 14, 2019 entitled "Response to CQ 29/2019 – Summary Report of Poverty Reduction Initiatives and Effectiveness 2010 to Present" **BE RECEIVED** for information.

Carried.

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Report Number: SCM 444/2019 & S 222/2019

Clerk's File: SS/10488

8.5. Ontario's Community Housing Renewal Strategy Update Report - City Wide

Tracy Clinansmith, resident of Ward 7

Tracy Clinansmith, resident of Ward 7 appears before Council regarding the report entitled "Ontario's Community Housing Renewal Strategy Update Report" and concludes by providing a brief outline of her guiding principles of the housing report which include: Collective responsibility; Evidence-based for efficient, cost-effective solutions; People-centred; In line with Federal and Provincial housing strategies.

Caroline Taylor, resident of Ward 2

Caroline Taylor, resident of Ward 2 appears before Council regarding the report entitled "Ontario's Community Housing Renewal Strategy Update Report," expresses concern with the real estate market, and concludes by suggesting that Council approve a Residential Rental Licensing and Vacant Building Registry Program.

Moved by: Councillor Francis

Seconded by: Councillor Kaschak

Decision Number: CR623/2019 CSPA 83

That this report from the Executive Director of Housing and Children's Services regarding the update on Ontario's Community Housing Strategy **BE APPROVED**; and further,

That City Council **ACKNOWLEDGE** the Windsor Essex Community Housing Corporation, as one of the successful proponents of RFP 111-19, to receive further funding of up to \$1 million to be used towards the development and building of affordable housing units as part of the Meadowbrook Development through the Ontario's Community Housing Renewal Strategy - Ontario Priorities Housing Initiatives (OPHI); and further,

That City Council **AUTHORIZE** the Windsor Essex Community Housing Corporation to execute an agreement with the City of Windsor as Consolidated Municipal Service Manager related to funding through Ontario's Community Housing Renewal Strategy - Ontario Priorities Housing Initiatives (OPHI); and further,

That, as required, the Executive Director of Housing and Children's Services or their authorized designate **BE AUTHORIZED** to execute and submit to the Province of Ontario and/or the Government of Canada any required claims, submissions, and reports and any other such forms as required by the Province of Ontario and/or the Government of Canada.

Carried.

Report Number: SCM 443/2019 & S 224/2019
Clerk's File: SS/4274

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

None presented.

12. CONSIDERATION OF COMMITTEE REPORTS

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

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR637/2019
That the report of the In Camera meeting held December 16, 2019 **BE ADOPTED** as presented.
Carried.

Clerk's File: ACO2019

√**CLERK'S CORRECTION****

12.2. Report of the Striking Committee of its meeting held December 2, 2019

Moved by: Councillor Francis
Seconded by: Councillor Gignac

Decision Number: CR638/2019
That the report of the Striking Committee Meeting held ~~December 16~~ √December 2√, 2019 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 456/2019
Clerk's File: ACO2019

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Holt
Seconded by: Councillor Kaschak

That the following By-laws No. 131-2019 and 135-2019 through 140-2019 (inclusive) be introduced and read a first and second time:

131-2019 A BY-LAW FOR THE USE, REGULATION, AND PROTECTION OF PARKS authorized

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by CR428/2018, adopted July 23, 2018 (See Item 8.3)

135-2019 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES authorized by CAO 164/2019, adopted December 5, 2019

136-2019 A BY-LAW TO ADOPT AMENDMENT NO. 123 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR authorized by CR579/2019, adopted November 18, 2019

137-2019 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by CR579/2019, adopted November 18, 2019

138-2019 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW" authorized by By-law 8600 s. 5.4.20, adopted March 31, 1986

139-2019 A BY-LAW TO FURTHER AMEND BY-LAW 188-2000, BEING A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR authorized by BL98-2011 s. 27.1(l)(i), adopted June 7, 2011

140-2019 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 16th DAY OF DECEMBER, 2019
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

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

Carried.

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15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Sleiman

Seconded by: Councillor Bortolin

That the By-laws No. 131-2019 and 135-2019 through 140-2019 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

None registered.

21. ADJOURNMENT

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

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 11:56 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held December 16, 2019 (CR637/2019)
VC/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
December 16, 2019

Meeting called to order at: 4:45 p.m.

Members in Attendance:

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

Also in attendance:

O. Colucci, Chief Administrative Officer
J. Payne, Community Development and Health Commissioner and
Corporate Leader Social Development, Health, Recreation and Culture
M. Winterton, City Engineer and Corporate Leader Environmental Protection and
Transportation
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public
Engagement and Human Resources
J. Mancina, Chief Financial Officer/City Treasurer and Corporate Leader
Finance and Technology
S. Askin-Hager, City Solicitor and Corporate Leader Economic
Development and Public Safety
J. Wilson, Corporate Leader, Parks, Facilities, Recreation and Culture
R. Mensour, Executive Director Recreation & Culture (Item 6)
D. Paladino, Deputy City Solicitor (Items 1 to 9)
A. Ciacelli, Supervisor of Council Services (Item 9)

Verbal Motion is presented by Councillor Holt, seconded by Councillor Francis, that Rule 3.3 (c) of the *Procedure By-law, 98-2011*, BE WAIVED to add the following Agenda items:

9. Property matter – disposition of land.

Motion Carried.

Verbal Motion is presented by Councillor Francis, seconded by Councillor Holt, to move in Camera for discussion of the following item(s), as amended adding Item 9:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Property matter – sale of land	2 3 9 (2) (c)
2.	Property matter – sale of land	2 3 9 (2) (c)
3.	Property matter – sale of land	2 3 9 (2) (c)
4.	Property matter – agreement	2 3 9 (2) (c)
5.	Legal matter – lease	2 3 9 (2) (c)
6.	Personal matter – reorganization	2 3 9 (2) (b)
7.	Personal matter – reorganization	2 3 9 (2) (b)
8.	Personal matter – negotiations – verbal update	2 3 9 (2) (d)
9.	Property matter – disposition of land – ADDED at meeting – verbal report	2 3 9 (2) (c)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1, 2, 3, 4, 5, 6, 7, 8 and 9)

Verbal Motion is presented by Councillor Bortolin, seconded by Councillor Costante,

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to move back into public session.

Motion Carried.

**Moved by Councillor McKenzie, seconded by Councillor Morrison,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held December 16, 2019 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, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – sale of land **BE APPROVED.**

2. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – sale of land **BE APPROVED.**

3. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – sale of land **BE APPROVED.**

4. That the recommendation contained in the in-camera report from the Lease Administrator, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety, Corporate Leader, Parks, Facilities, Recreation and Culture and City Engineer and Corporate Leader Environmental Protection and Transportation respecting a property matter - agreement **BE APPROVED.**

5. That the recommendation contained in the in-camera report from the Lease Administrator, Manager of Real Estate Services, City Solicitor and Corporate Leader Economic Development and Public Safety, Corporate Leader, Parks, Facilities, Recreation and Culture and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a legal matter – lease **BE APPROVED.**

6. That the recommendation contained in the in-camera report from the Corporate Leader, Parks, Facilities, Recreation and Culture, Executive Director of Human Resources, Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology and City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Resources respecting a personal matter - reorganization **BE APPROVED.**

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7. That the recommendation contained in the in-camera report from the Fleet Manager, Financial Planning Administrator – Public Works Operations, Executive Director of Operations, City Engineer and Corporate Leader Environmental Protection and Transportation, Corporate Leader, Parks, Facilities, Recreation and Culture, Executive Director of Human Resources and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a personal matter - reorganization **BE APPROVED**.

8. That the confidential verbal update from the City Clerk/Licence Commissioner and Corporate Leader Public Engagement and Human Resources respecting a personal matter – negotiations **BE RECEIVED**.

9. That the confidential verbal report from the Mayor respecting a property matter – disposition of land **BE RECEIVED** and that Administration **PROCEED** on the verbal direction of Council.

Councillor Holt absent for vote.

Motion Carried.

**Moved by Councillor Bortolin, seconded by Councillor Kaschak,
That the special meeting of council held December 16, 2019 BE ADJOURNED.
(Time: 5:43 p.m.)**

Motion Carried.

APPENDIX A – Summary of Capital Project Variances – September 30, 2019

Listed below is a summary by Department/Program as to the status of each capital project portfolio. Projects with any projected final variance are detailed in a table within the respective Department/Program summary.

Project explanations denoted with “Project surplus/deficit” are projects that are in a position to be closed and the variance is likely to materialize. Those denoted with “Anticipated surplus/deficit” are projects that are still ongoing and not completed, as such the preliminary variance is merely an estimate which may fluctuate significantly before the project is complete. Only projects with ‘Project surplus/deficit’ will have recommendations on how to address the deficit or surplus.

Office of the City Engineer

Street Lighting:

Currently there are 5 active capital projects in this area that are being administered by the Engineering department. There are two projects with a net projected negative variance totalling approximately \$6,566 as noted below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2017 South National Street Lights (7171079)	(\$25,000)	Anticipated deficit is due to an order to comply by ESA to meet recent change in safety standards.
Maiden Lane – Electrical Box Installation (7181011)	\$18,434	Project surplus is a result of favourable tender pricing from initial budget estimates. Administration recommends transferring the surplus funds to the Various Streetlights City Wide (7035011) specifically for the installation of an electrical box near University avenue to ensure sufficient funding is available for that work to be completed.

Roadways:

There are 33 active capital projects in this area that are being administered by the Engineering department. There are two projects with a net projected negative variance totalling approximately \$125,000 as noted below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Tecumseh Rd. E. Road	(\$225,000)	Anticipated deficit is a result of a potential

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Improvements - ISF (7092017)		business claim expected to be complete by the end of 2019 and funded from PYG as factored into the funding analysis for all ISF/RInC project surpluses/deficits.
North Talbot Env. Assessment/Southwood Lakes Entrance (7161049)	\$100,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.

Sewer Rehabilitation:

There are 42 active capital projects in this area that are being administered by the Engineering department. In total there are fourteen projects with a projected net surplus variance totalling approximately \$1,847,663. These projects are identified in the table below. These projects have all been funded from Sewer Surcharge. Any anticipated deficits will be offset with project savings found in other completed projects. Any balance will then be returned to that reserve.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
South National Trunk Sanitary Relining (7134005)	\$50,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Queen St. – Prince to South (7144001)	\$40,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
St. John – Menard/Clairview (7144004)	\$250,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Arthur St. – CNR/Seminole (7153000)	\$100,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Peter St. – South/Prince (7153001)	\$58,597	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Olive Dr. – Seminole to CNR (7153002)	\$40,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Fairview Ave. – Edgar/Tranby (7153003)	(\$458)	Anticipated deficit is a result of unfavourable tender pricing from initial budget estimates.
Moy Riverside/Wyandotte (7153004)	\$338,282	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Marentette Ave. – Ellis/Hanna (7153005)	\$60,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.

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Janisse Wyandotte/Raymond CWWF (7161062)	–	\$21,651	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Mt. Carmel Cabana/Lennon CWWF (7161064)	–	\$39,591	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Matthew Brady Edgar/Tranby (7171005)	–	\$500,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Aubin Rd. Guy/Tecumseh Rd. E. (7171008)	–	\$150,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Buckingham – Rose/Iris (7181001)	–	\$200,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.

Storm Sewers:

There are 17 active capital projects in this area that are being administered by the Engineering department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Sanitary Sewers:

There are 5 active capital projects in this area that are being administered by the Engineering department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Corporate Projects:

There are 19 active capital projects in this area that are being administered by the Development, Projects and ROW department. There are three projects with a net projected negative variance totalling approximately \$195,669 as noted below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Tunnel Plaza Improvements (7079901)	(\$4,783)	Project deficit is due to an unfavourable tender pricing from initial budget estimates. Administration is recommending funding this budget shortfall from the PYG (F169) reserve.
Kamloops-Calderwood PTIF (7171095)	\$9,114	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.

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Festival Plaza Retaining Wall (7182021)	(\$200,000)	Anticipated deficit is a result of poor soil conditions that were not included in preliminary budget estimates.
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Border Infrastructure Fund:

There are only 2 active capital projects in this area that are being administered by the Development, Projects and ROW department. These projects are expected to be on budget as they are fully funded by the Ministry of Transportation and expected to be complete by the end of 2020.

Development:

There are 5 active capital projects in this area that are being administered by the Development Projects and ROW department. These projects are all expected to be on budget with no anticipated variance.

Pollution Control:

There are 56 active capital projects in this area that are being administered by the Pollution Control department. All of these projects are primarily funded from their dedicated Pollution Control reserve. There are ten projects as identified in the table below that are anticipating a total net surplus of approximately \$861,961.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
LRWRP Inlet Refurbishment (7152002)	\$40,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
LRWRP PST Drain Valves (7172004)	\$52,452	Project was completed with a surplus and can be closed. Surplus to be returned to its original funding source (i.e. Pollution Control Reserve) as per normal business practice.
LRPCP Diesel #1 and 2/Distribution Switchgear (7141039)	\$145,000	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
LRPCP Plant 1 Aeration/Cell 2 Anoxic (7161020)	\$150,000	Project was completed with a surplus and can be closed. Administration recommends that \$70,763 of the surplus be redirected to fund deficits for Projects 7161066 (\$33,687) and 7161067 (\$37,076), the balance of the surplus to be returned to its original funding source (i.e. Pollution Control Reserve) as per normal business practices
Pontiac Pumping Station	(\$33,687)	Project is complete and can be closed.

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CWWF (7161066)		Administration is recommending mitigating this project shortfall from savings in 7161020 LRPCP Plant 1 Aeration/Cell 2 Anoxic.
St. Paul Pumping Station CWWF (7161067)	(\$37,076)	Project is complete and can be closed. Administration is recommending mitigating this project shortfall from savings in 7161020 LRPCP Plant 1 Aeration/Cell 2 Anoxic.
Maple Wood Pump Station CWWF (7161070)	\$162,678	Anticipated surplus is a result of favourable tender pricing from initial budget estimates.
Pillette Pump Station Repair (7162003)	\$50,000	Project to be closed as works are being prioritized. Surplus funds will be returned to its original funding source (i.e. Pollution Control Reserve) as per normal business practice.
Malden /McGivney Landfill Gas (7161059)	\$280,000	Anticipated surplus is a result of competitive bidding process, tipping fee savings and less amount than expected of volume of garbage that had to be disposed of at the regional landfill.
ESR Great Lakes Sustainability (7163004)	\$52,594	Project was completed with a surplus and can be closed. Surplus to be returned to its original funding source (i.e. Pollution Control Reserve) as per normal business practice.

Environmental Services:

There are 2 active capital projects in this area that are being administered by Environmental Services. Both projects are projected to be on budget with no anticipated variance.

Contracts & Field Services:

There are 8 active capital projects in this area that are being administered by the Public Works Operations department. There are four projects as identified in the table below anticipating a total net surplus of approximately \$230,304.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Storm & Waste – Data	(\$69,874)	Project deficit is due to an unfavourable

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Acquisitions CWWF (7161068)		tender pricing from initial budget estimates. Administration is recommending funding this budget shortfall from the Sewer Surcharge Reserve Fund 153.
South National Relining CWWF (7161072)	\$185,992	Project surplus is due to a reduction in the scope of work to exclude lining of the private residential connections due to accessibility issues. Administration is recommending transferring this surplus over to the Flood Abatement Program project 7169001.
Rossini St. Relining CWWF (7161073)	\$41,473	Project surplus is due to a reduction in the scope of work to exclude lining of the private residential connections due to accessibility issues. Administration is recommending transferring this surplus over to the Flood Abatement Program project 7169001.
Storm Extension – College/Crawford CWWF (7161074)	\$72,713	Project surplus is due to a result of favourable tender pricing from initial budget estimates. Administration is recommending transferring this surplus over to the Flood Abatement Program project 7169001.

Road Rehabilitation:

There are 33 active capital projects in this area that are being administered by the Public Works Operations department. There are eleven projects as identified in the table below anticipating a net total project surplus of \$4,211,129.

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2015 City Wide Road Rehabilitation (7151003)	\$53,337	Project surplus is due to a result of favourable tender pricing from initial budget estimates. Administration is recommending transferring this surplus to the 2019 Road Rehabilitation Program project 7181040 to complete as much priority work possible. Project is then to be closed.
2016 City Wide Road Rehabilitation (7161027)	(\$385,000)	Anticipated project deficit is a result of unexpected work that was required and not included in the original estimates for

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		the year.
North Service Rd. Reconstruction (7161053)	(\$160,000)	Anticipated deficit is due to a result of unfavourable tender pricing from initial budget estimates.
Wyandotte E. – Watson Ave./Riverdale Rd. (7161054)	\$15,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
2017 City Wide Road Rehabilitation (7171016)	\$3,142,792	Anticipated surplus is a result of unspent funds related to E.C. Row and other areas in the City.
2017 Bridge Rehabilitation Program (7171018)	\$1,000,000	Anticipated surplus is a result of unspent funds related to bridge rehabilitation areas in the City.
2017 Lake Trail Dr. Mill/Pave (7171062)	(\$25,000)	Anticipated deficit is due to a result of unfavourable tender pricing from initial budget estimates and applicable financing costs until funded in 2021.
2017 Rossini Reconstruction – Tec./Griffin (7171068)	\$20,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
2017 Reginald – Rossini – Francois (7171069)	\$50,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
2017 Tranby Reconstruction (7171071)	\$200,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
Northwood Cleary/Daytona (7183013)	\$300,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.

PW Maintenance:

There are 5 active capital projects in this area that are being administered by the Public Works Operations department. All projects are projected to be on budget with no anticipated variance.

Traffic Transportation Planning:

There are 9 active capital projects in this area that are being administered by the Transportation Planning department. All projects are projected to be on budget with no anticipated variance.

Fleet Operations:

There are 13 active capital projects in this area that are being administered by the Public Works Operations department. There are seven projects as identified in the table below anticipating a net total surplus of approximately \$163,128:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2017 Fleet Replacement Program (7171021)	\$50,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
GPS Line Painting Equipment (7171058)	(\$21,156)	Anticipated deficit is due to a result of temporary financing and programming costs over the original capital budget funding.
2018 Parks Equipment Replacement (7181015)	\$15,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
2018 Additional Fleet Equipment (7181017)	\$90,000	Projected surplus is due to a result of favourable tender pricing from initial budget estimates. Surplus will be returned to PAYG (169) when the project is closed as is standard practice.
2018 Fire Fleet Replacement (7181025)	\$8,000	Anticipated surplus is due to a result of favourable tender pricing from initial budget estimates.
Fuel Site Improvements – Ward 3 (7181030)	(\$20,000)	Anticipated deficit is a due to a result of unexpected remediation work that was required at the Fire Headquarters fuel site.
Ditch Cutting Equipment – Vacant Properties (7181033)	\$41,284	Anticipated surplus is due to a result of a used piece of equipment purchase which reduced the total acquisition costs.

Transit Windsor:

There are 29 active capital projects in this area that are being administered by Transit Windsor. There are fifteen projects as identified in the table below that are anticipated a net total surplus of approximately \$401,819:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
TW Electronic Farebox Equipment (7045080)	\$243,037	Project surplus is due to a result of favourable tender pricing from initial budget estimates. Administration is recommending that \$43,037 of the

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		surplus be used to offset the various anticipated project deficits sited in this report for TW and the remaining \$200,000 in surplus be transferred to the Farebox Upgrades reserve fund (F211) which can be accessed for future farebox repairs or advancement needs.
TW Intelligent Transportation System/Smart Bus Project (7139007)	\$219,934	Project surplus is due to a result of favourable tender pricing from initial budget estimates. The request for proposal budget was met however Transit Windsor was able to find internal efficiencies by combining modules and parts of the project together in order to minimize costs. Efficiencies were also found during implementation of the new technology which also allowed for a reduction of costs to the project. Administration is recommending that \$19,934 of the surplus be used to offset the various anticipated project deficits sited in this report for TW and the remaining \$200,000 surplus be transferred into a new reserve fund which can be accessed for future ITS repairs or advancement needs.
2017 Fuel System Improvements (7171035)	(\$900)	Project deficit is due to a temporary financing costs variance as a result of funding not available until future years. Administration is recommending transferring funding from the PYG reserve (F169) to mitigate project budget shortfall.
TW Property Safety Assessment (7171036)	(\$960)	Projected deficit is due to a temporary financing costs variance as a result of funding not available until future years. Administration is recommending transferring funding from the PYG reserve (F169) to mitigate project budget shortfall.
Automatic Passenger Count (7171038)	\$271	Project surplus is a result of actual costs lower than estimated. Administration is recommending transferring the surplus to the PYG reserve fund (F169).
TW Pedestrian Shelter	(\$20,000)	Anticipated deficit is due to a temporary

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Restoration (7171043)		financing costs variance as a result of funding not available until future years. To be mitigated by surpluses in 7045080 and or 7139007 as noted above.
TW Garage Rehabilitation – Cleaning Area (7171046)	\$221	Project surplus is a result of actual costs lower than estimated. Administration is recommending transferring the surplus to the PYG reserve fund (F169).
TW Customer Service Parking (7171049)	(\$163)	Project deficit is due to a temporary financing costs variance as a result of funding not available until future years. Administration is recommending transferring funding from the PYG reserve (F169) to mitigate project budget shortfall.
TW Customer Service Area Renovations (7171050)	(\$278)	Project deficit is due to a temporary financing costs variance as a result of funding not available until future years. Administration is recommending transferring funding from the PYG reserve (F169) to mitigate project budget shortfall.
TW Main Terminal Exhaust Unit (7171051)	(\$6,450)	Anticipated deficit is due to a temporary financing costs variance as a result of funding not available until future years. To be mitigated by surpluses in 7045080 and or 7139007 as noted above.
TW Garage Rehabilitation – Floor Sweeper (7171052)	(\$6,185)	Anticipated deficit is a result of unfavourable foreign exchange costs and temporary financing costs. To be mitigated by surpluses in 7045080 and or 7139007 as noted above.
TW Garage Rehabilitation – Commercial Washer (7171053)	(\$4,186)	Project deficit is a result of unfavourable foreign exchange costs and temporary financing costs. Administration is recommending transferring funding from 7045080 and or 7139007 to fund this deficit and close the project.
TW Service Area Renovations/Enhancement (7171054)	(\$2,630)	Anticipated deficit is due to a temporary financing costs variance as a result of funding not available until future years. To be mitigated by surpluses in 7045080 and or 7139007 as noted above.
TW Fleet Inspection Equipment (7171055)	(\$20,000)	Anticipated deficit is due to a temporary financing costs variance as a result of

				funding not available until future years. To be mitigated by surpluses in 7045080 and or 7139007 as noted above.
2019	TW	Fleet	\$108	Project surplus is a result of original budget being an estimate only. Surplus is being returned to its original funding source (i.e. PYG - F169).

Mayor’s Office

Mayor’s Office:

There are only 3 active capital projects in this area administered by the Mayor’s office. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Office of the Chief Administrative Officer

Office of the Chief Administrative Officer:

There is only one project active in this area being administered by the CAO’s Office. The General Economic Development Placeholder project (7141053) is expected to come in on budget.

Office of the City Solicitor

Fire and Rescue:

There are 3 active capital projects in this area that are being administered by the Fire and Rescue department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Legal Services:

There are 10 active capital projects in this area that are being administered by the Legal Department. There is only one project with uncertainty as to whether the project will be on budget or not as noted below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
99 CP Railway Cut (7995537)	TBD	There is much uncertainty on this project’s variance as it is tied to legal proceedings which have not yet been finalized.

Planning:

There are 18 active capital projects in this area that are being administered by the Planning department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Transportation Planning:

There are 10 active capital projects in this area that are being administered by the Planning department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Office of the City Clerk

Windsor Public Library:

There are only 6 active capital projects in this area that are being administered by the Windsor Public Library and the Development, Projects and ROW department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Records and Elections:

There is only one active capital project in this area that is being administered by the Council Services department. The Electronic Agendas capital project (7121005) is expected to come in on budget.

Human Resources:

There are only 4 active capital projects in this area that are being administered by the Human Resources department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Council Services:

There is only one project active in this area being administered by the Council Services department. The 311/211 Phone System Upgrades project (7191007) is expected to come in on budget.

Office of the Chief Financial Officer

Financial Planning:

There are 4 active capital projects in this area that are being administered by the Financial Planning division. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Corporate Asset Planning:

There are 17 active capital projects in this area that are being administered by the Asset Planning division. No project variance is anticipated as all of these projects are currently expected to come in on budget.

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Taxation and Financial Projects:

There are only 4 active capital projects in this area that are being administered by the Taxation and Financial Projects division. No project variance is anticipated as both of these projects are currently expected to come in on budget.

Information Technology:

There are 17 active capital projects in this area that are being administered by the Information Technology department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Office of Community Development and Health Services

Housing/Children's Services:

The Windsor Essex County Housing Corporation (WECHC) Capital Improvements project (7189003) is being administered by the Social Services department. No project variance is anticipated as this project is expected to come in on budget.

Huron Lodge:

There are 9 active capital projects in this area that are being administered by Huron Lodge. Two projects are anticipating a net neutral variance as identified in the table below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Huron Lodge Equipment Replacement (7183001)	(\$25,412)	Anticipated deficit is a result of the actual cost of the equipment and temporary financing cost exceeded initial budget estimates.
Huron Lodge Refrigeration Equipment (7183002)	\$25,412	Anticipated surplus is a result of the actual cost being slightly lower than budget estimates.

Office of Parks, Recreation, Culture and Facilities

Facility Operations:

There are 34 active capital projects in this area administered by the Facilities department. Two projects are anticipating a net neutral variance as identified in the table below:

Projects with Projected	(Deficit)/Surplus	Brief Explanation
--------------------------------	--------------------------	--------------------------

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Deficit/Surplus	Amount	
The Bistro – Lease Renegotiation (7101025)	\$4,930	Anticipated surplus is a result of actual costs lower than budget estimates.
Community College Healthcare (7119005)	(\$4,930)	Project deficit is a result of unexpected external professional fees relative to the accessible parking spaces. Administration is recommending funding this project budget shortfall from PAYG (169) reserve.

Forestry:

There are only 2 active capital projects in this area that are being administered by the Forestry division. No project variance is anticipated as both of these projects are currently expected to come in on budget.

Parks Operations:

There are only 2 active capital projects in this area that are being administered by the Forestry division. No project variance is anticipated as both of these projects are currently expected to come in on budget.

Parks Design & Development:

There are 41 active capital projects in this area administered by the Parks Design & Development department. There are six projects that are anticipating a net negative variance totalling approximately \$41,011 as noted below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
2016 Neighbourhood Parks (7161025)	(\$31,693)	Projected deficit is a result of actual costs higher than budget estimates. Administration recommends using the surplus funding from the Mitchell Park Improvements (7171025) to offset this project deficit
Mitchell Park Improvements (7171025)	\$31,693	Projected surplus is a result of actual costs lower than budget estimates. Administration recommends using this surplus to offset the deficit in the 2016 Neighbourhood Parks project (7161025)
2017 Dog Park – Malden Road (7171066)	(\$30,000)	Anticipated deficit is a result of unexpected soil conditions and project management salary allocations not included in original budget estimates.
2017 Realtor Park Tennis Courts (7171073)	(\$10,000)	Anticipated deficit is a result of actual costs higher than budget estimates.
Little River/Radcliff PTIF (7171093)	(\$377)	Anticipated deficit is a result of applicable financing costs incurred until grant funds

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		have been received.
Riverfront Parkland Acquisition (7181019)	(\$634)	Project deficit is a result of actual costs higher than budget estimates. Administration is recommending a transfer from the East Riverside/Little River project 7171026 to mitigate this project variance and then closing the project.

Recreation Facilities:

There are 15 active capital projects in this area that are being administered by the Recreation & Culture department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Cultural Affairs:

There are 7 active capital projects in this area that are being administered by the Recreation and Culture department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Agencies and Boards

Windsor Police Services (WPS):

There are 20 active capital projects in this area that are being administered by various WPS divisions. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Roseland Golf and Curling Club:

There are 3 active capital projects in this area that are being administered by the General Manager at Roseland. There is only one project with a projected surplus as noted below:

Projects with Projected Deficit/Surplus	(Deficit)/Surplus Amount	Brief Explanation
Roseland Golf Cart Acquisition (7191005)	\$11,192	Project surplus is a result of actual costs lower than budget estimates. Surplus to be returned to its original funding source (i.e. F170 PYG Leasing Reserve Fund) as per normal business practice.

Windsor Airport:

There are 5 active capital projects in this area that are being administered by the Development, Projects and ROW department. No project variance is anticipated as all of these projects are currently expected to come in on budget.

Handi-Transit:

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There is only one project active in this area being administered by Handi Transit/Transit Windsor. The Handi-Transit Bus Acquisitions project (7191019) is expected to come in on budget.

APPENDIX A

THE CORPORATION OF THE CITY OF WINDSOR

POLICY

Service Area:	Office of the City Engineer	Policy No.:	
Department:	Engineering	Approval Date:	February 17, 2015
Division:	Development, Projects, Right-of-Way	Approved By:	M67-2015
		Effective Date:	February 17, 2015
Subject:	Encroachment Policy	Procedure Ref.:	Schedule 'A'
		Pages:	Replaces:
Prepared By:	Adam Pillon		Date:

1. POLICY

- 1.1 The encroachment policy governs the computation of encroachment fees and requirements as defined within this policy.

2. PURPOSE

- 2.1 The revised encroachment policy would simplify, provide direction to Administrative staff for processing the encroachment application, streamline the encroachment process, ensuring the exposure to risk and liability is mitigated. Therefore this Policy specifically:
 - 2.1.1 Defines an encroachment; and
 - 2.1.2 Provides a process for approvals, requirements, exemptions; and
 - 2.1.3 Establishes simplified computation of encroachment fees

3. SCOPE

- 3.1 This Policy applies to all encroachments on the public right-of-way including properties with encroachment agreements that have changed ownership since the agreement was executed as defined herein that fall under the delegation of authority under By-Law Number 208-2008, Section 3.2.

4. RESPONSIBILITY

The responsibilities related to use of this policy are detailed as follow;

- 4.1 The Mayor and City Council are responsible for:
 - Approving, supporting and enforcing the Encroachment Policy;
 - Make determination of Encroachment Policy and resolve any exceptions or disagreements.
- 4.2 The Chief Administrative Officer is responsible for:
 - Approving , enforcing and supporting the Encroachment Policy
- 4.3 The Office of the City Solicitor:
 - Enforcing the Encroachment Policy
 - Ensuring the Encroachment Agreement is Satisfactory in form.
- 4.4 The Office of the City Engineer:
 - Administer the Encroachment Policy
 - Enforcing the Encroachment Policy
 - Ensuring the Encroachment Agreement is Satisfactory in technical content.
 - Ensures staff process the application and follow the policy.

5. Definitions

- 5.1 **Encroachment**, any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, logs, curbing, vaults, structures (in whole or part), private sewers.
- 5.2 **Residential Encroachment**, being defined as an encroachment located on the public right-of-way abutting land zoned R.1, R.2 in the City of Windsor.
- 5.3 **Partially Exempt Encroachment**, being defined as an encroachment located on the public right-of-way abutting lands owned by a partially exempt organization independent of zoning in the City of Windsor.
 - 5.3.1 **Partially Exempt** will be deemed to be any Public Authority, charitable organization, non-profit charities, churches and similar facilities.
- 5.4 **Bus Bays (lay-by)**, road widening to permit temporary parking/stopping etc.
- 5.5 **Non Residential Encroachments**, being defined as an encroachment located on the public right-of-way abutting area not zoned R.1, R.2 or partially exempt in the City of Windsor.
- 5.6 **Encroachment Term**, 20 years from the agreement execution date or change of zoning or change in ownership, whichever occurs first.
- 5.7 **Encroachment Agreement**, refers to a legal and binding agreement between the Corporation of the City of Windsor and the property owner having permission to occupy the right-of-way. The Council Resolution or Chief Administrative Officer approval requires the owner to enter into a legal and binding agreement as a condition of approval to use the public right-of-way.
- 5.8 **Encroachment caused by gratuitously conveyed lands**, is an encroachment caused as a result of a property owner gratuitously conveying lands to the Corporation of the City of Windsor for road widening purposes.
- 5.9 **Long Term Hoarding**, for properties that have hoarding on City rights-of- ways for two (2) or more years with no intention of construction (no Building Permit application submitted) and repair is not proceeding or ongoing.
- 5.10 **Land Value**, the value of property (\$ per square foot) as per the current User Fee Schedule as

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- determined by the City Solicitor, based on zoning designation and not use of the property.
- 5.11 **Area of Encroachment**, the square footage of the personal property of any description that is placed, occupied or maintained upon any highway.
 - 5.12 **Downtown Land Value**, the value of property (\$ per square foot) as per the current User Fee Schedule as determined by the City Solicitor used for non residential encroachment located within the Downtown Windsor Business Improvement Area.
 - 5.13 **No Fee Encroachment**, the application fee and agreement preparation fee are waived. The right of way permit fee, inspection and billing fee, and the annual or one-time encroachment fee are applicable including a certificate of insurance.
 - 5.14 **Hedge, Planting Ground Cover**, includes but limited to plants, shrubs, flowers, ornamental grasses, and hedges.
 - 5.15 **Parking Space**, an area used for parking on any type of surface with an area of approximately 13.75 square metres (144 square feet).
 - 5.16 **A frame signs or „Sandwich Board Signs”**, are signs not permanently anchored to the ground.
 - 5.17 **Permanent**, lasting or intended to last or remain unchanged indefinitely.
 - 5.18 **Temporary**, lasting for only a limited period of time; not permanent; less than one (1) year.
 - 5.19 **Exception**, a person or thing that is excluded from a general statement or does not follow a rule.
 - 5.20 **Sidewalk Cafe**, is an outdoor seating area located within a public right-of- way pursuant to a valid Sidewalk Cafe Permit, which functions as an outdoor seasonal extension of the primary business of food and/or beverage service and may include other outdoor seating areas as approved by City Council.
 - 5.21 **Public Authority**, means a School Board, Public Library Board, Board of Health, Board of Commissioners of Police or any other board or commission or committee or authority established or exercising any power or authority under any general or special statute of Ontario with respect to the affairs or purposes of the City of Windsor.

6. **Encroachment fees**

- 6.1 Multiple encroachments may exist on a single property, if approved.
- 6.2 Encroachment application fees are based on the current User Fee Schedule; the User Fee Schedule should be referenced for the current rates.
- 6.3 Minimum (Annual or One Time) Encroachment Fees
 - The Residential fee is based on the encroachment term, with the fee computed in accordance Schedule ‘A’ hereafter.
 - One time fees payable to City Engineer upon demand (invoice).
 - The Partial Exempt fee is based on the encroachment term, with the fee computed in accordance Schedule ‘A’ hereafter.
 - One time fees payable to City Engineer upon demand (invoice).
 - The Non Residential fee is based on an encroachment term, with the fee computed in accordance Schedule ‘A’ hereafter.
 - Annual Non Residential fee is added to property taxes.

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7. Land Values

- 7.1 Land Values are based on zoning designation of the property, not use of the property.
- 7.2 Land values are based on the current User Fee Schedule; the User Fee Schedule should be referenced for the current rates.

8. Approvals

- 8.1 Approval may be granted by the City Administrator on the recommendation of the City Engineer.
- 8.2 Denials are referred to City Council for decision. Also encroachments of concern to City Engineer or Chief Administrative Officer that may require a broader consultation may be referred to City Council for decision.

9. Encroachment Application

- 9.1 One (1) application per property identified by Assessment Roll Number, see Appendix 'G'.
- 9.2 Multiple encroachments may exist on a single property, if approved.
- 9.3 A new encroachment application is required to amend existing agreements if one (1) or more encroachments are removed, or added or altered.
- 9.4 A new encroachment application is required for succeeding property owners.
- 9.5 The property owner is required to give ten (10) days notice to the Corporation of The City of Windsor Risk Management Department before any sale.
- 9.6 The applicant agrees to remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.

10. Encroachment Agreement

- 10.1 General encroachment agreements are attached with standard legal requirements of the one-time encroachments (Appendix E) and annual encroachments (Appendix F).

11. Insurance requirements

- 11.1 For the life of the encroachment agreement, the Licencee will provide a Certificate of Insurance in its legal name confirming the Licencee has in force insurance coverage. The Certificate of Insurance must be satisfactory in form and content to the City's Risk Management Division.
 - 11.1.1 Residential Properties – A Certificate of Insurance with proof of General Liability Insurance in the amount of at least \$2,000,000.00 per occurrence, containing an endorsement naming **“The Corporation Of The City Of Windsor”** as an additional insured, and containing a 30-day cancellation notice requirement.
 - 11.1.2 Commercial Properties – A Certificate of Insurance with proof of same coverage as Residential Properties (See 11.1.1) but must also include proof of a cross-

liability clause.

- 11.2 The insurance requirements may increase or change from the basic requirements set out in 11.1 at the outset of the encroachment or throughout the Encroachment Term, at the discretion of the City's Solicitor or designate.

12. Encroachment Exemptions/Special Exceptions Circumstances

12.1 Sign (wall or fascia)

- Any overhead /fascia wall sign that projects less than 0.3m (1 foot) into the Public right-of-way allowance, in whole or in part and is a minimum 8 feet above grade.

12.2 Re-facing or similar feature of Building (Veneer, Building Cladding)

- Permitting existing to encroach or further encroach upon a right-of-way to such extent, not exceeding 100mm (4 inches), as may be necessary to provide for re-facing any such building.

12.3 Bus Bays (lay-by).

- Notwithstanding the City contributions to bus bays; bus bays (lay-by) in the right-of-way will require an encroachment agreement to mitigate the risk of liabilities.

12.4 Encroachment caused by gratuitously conveyed lands

- An encroachment is caused as a result of a property owner gratuitously conveying lands to the Corporation of the City of Windsor for road widening purposes. The property owner may either remove the said encroachment or apply for a no-fee encroachment agreement (no application or agreement preparation fee) with the Corporation if recommended by the City Solicitor or City Engineer and approved by CAO or Council.
- Encroachment fee and annual inspection and billing fee will apply.

12.5 Temporary Encroachments (Door Swings and A Frame Signs)

- No encroachment agreement is required for any door that is encroaching into the public right-of-way only when the door is open.
- A frame signs removed daily from the right of way do not require an agreement, however will require a right of way permit as per the current user fee schedule.
12.5.1. Any other encroachment the City Engineer and/or City Solicitor deem temporary.

12.6 Long Term Hoarding

- A Encroachment Agreement will be required and that the fee for use of City right-of-ways will be calculated on the following formula;

Annual Encroachment Fee =
Area of Encroachment x Land Value x Encroachment Factor (1.25)

- 12.6.1** The encroachment agreement shall contain the following terms;
- 12.6.2** The encroachment agreement must be approved yearly by City Council;
- 12.6.3** Proper Insurance must be submitted, to the satisfaction of the City Solicitor;
- 12.6.4** The City Engineer and Chief Building Official (CBO), upon concurrence by the CAO, can extend the temporary hoarding to a period beyond two (2) years if construction is ongoing and the construction schedule is presented;
- 12.6.5** Any other terms deemed appropriate by the City Solicitor or City Engineer.
- 12.6.6** That the CAO and City Clerk BE AUTHORIZED to sign the agreement satisfactory in technical content to the City Engineer and form satisfactory to the City Solicitor.

12.7 Hedges, Plantings, Ground Cover

- Hedges/plantings located within the right-of-way that does not comply with Engineering Best Practice BP-3.2.2 and drawing 4M-157 (attached) as amended from time to time, must be removed from the right-of-way or obtain permission via permit as per the current user fee schedule.
 - 12.7.1** Right-of-way permit fee will be required as per current fee schedule.
 - 12.7.2** Permit will be cancelled and all objects will have to be removed from the right-of-way at the discretion of the City Engineer.
 - 12.7.3** Any hedges, plantings, ground cover that the City Engineer and/or City Solicitor deem acceptable.

12.8 Sidewalk Cafe

- As per Council Resolution CR133/2011.

12.9 Additional Exemptions/ Special Exceptions

- Any additional approved by Council.

SCHEDULE 'A'

2015 FEE SCHEDULE

Residential & Partially Exempt Encroachment Formula
<i>Land Value x Area of Encroachment x Residential & Non Profit Factor x Risk Factor = Fee</i>

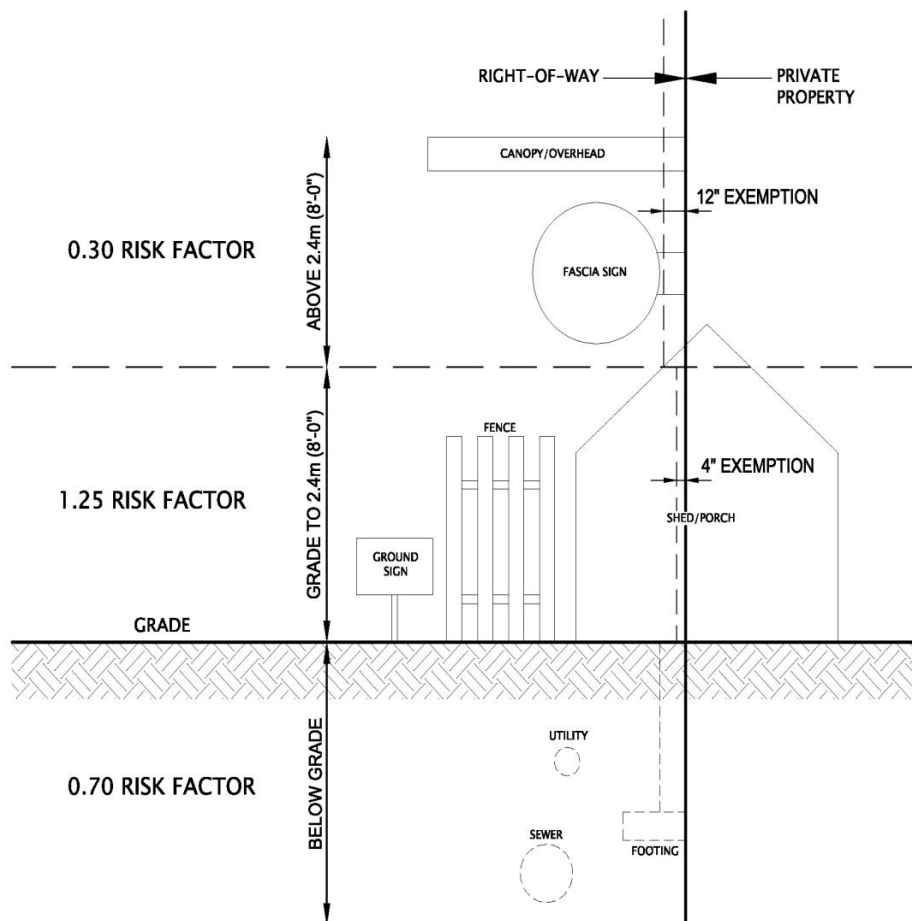
Non Residential Encroachment Formula
<i>Land Value x Area of Encroachment x Non Residential Factor x Risk Factor = Fee</i>

Residential & Partially Exempt Factor = 0.5

Non Residential Factor = 0.05

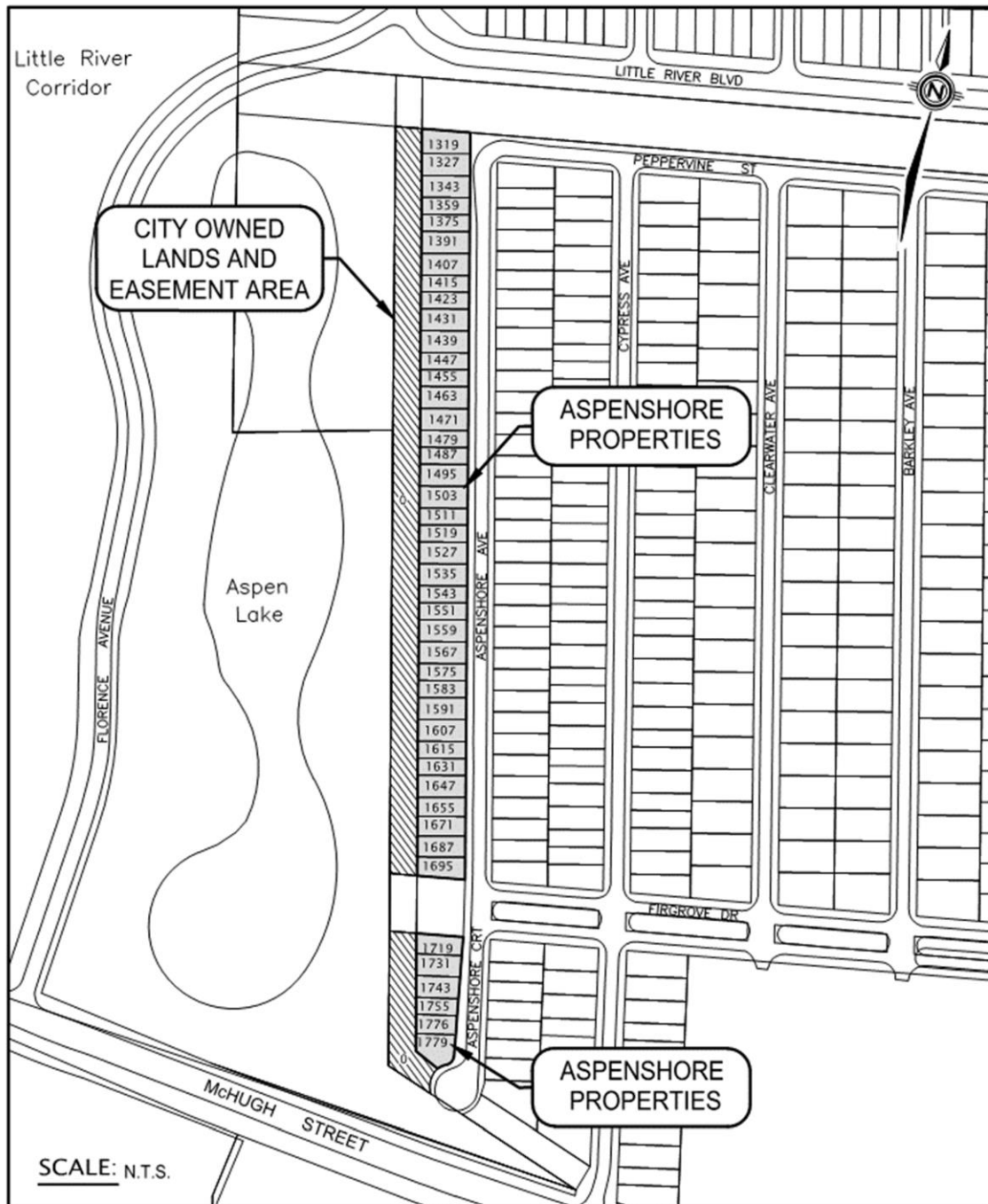
LAND VALUES (Based on Current User Fee Schedule)	
Residential (R1 & R2 only)	\$7.00/ft ²
Commercial (and >=R3)	\$10.00/ft ²
Industrial	\$1.75ft ²
Institutional	\$4.00/ft ²
Downtown	\$15.00/ft ²

RISK FACTOR	
Below Grade	0.75 Risk Factor
Grade to 2.4m (8'-0")	1.25 Risk Factor
Above 2.4m (8'-0")	0.30 Risk Factor
PARKING SPACE (Based on Current User Fee Schedule)	
Parking	\$240.00 (per space)

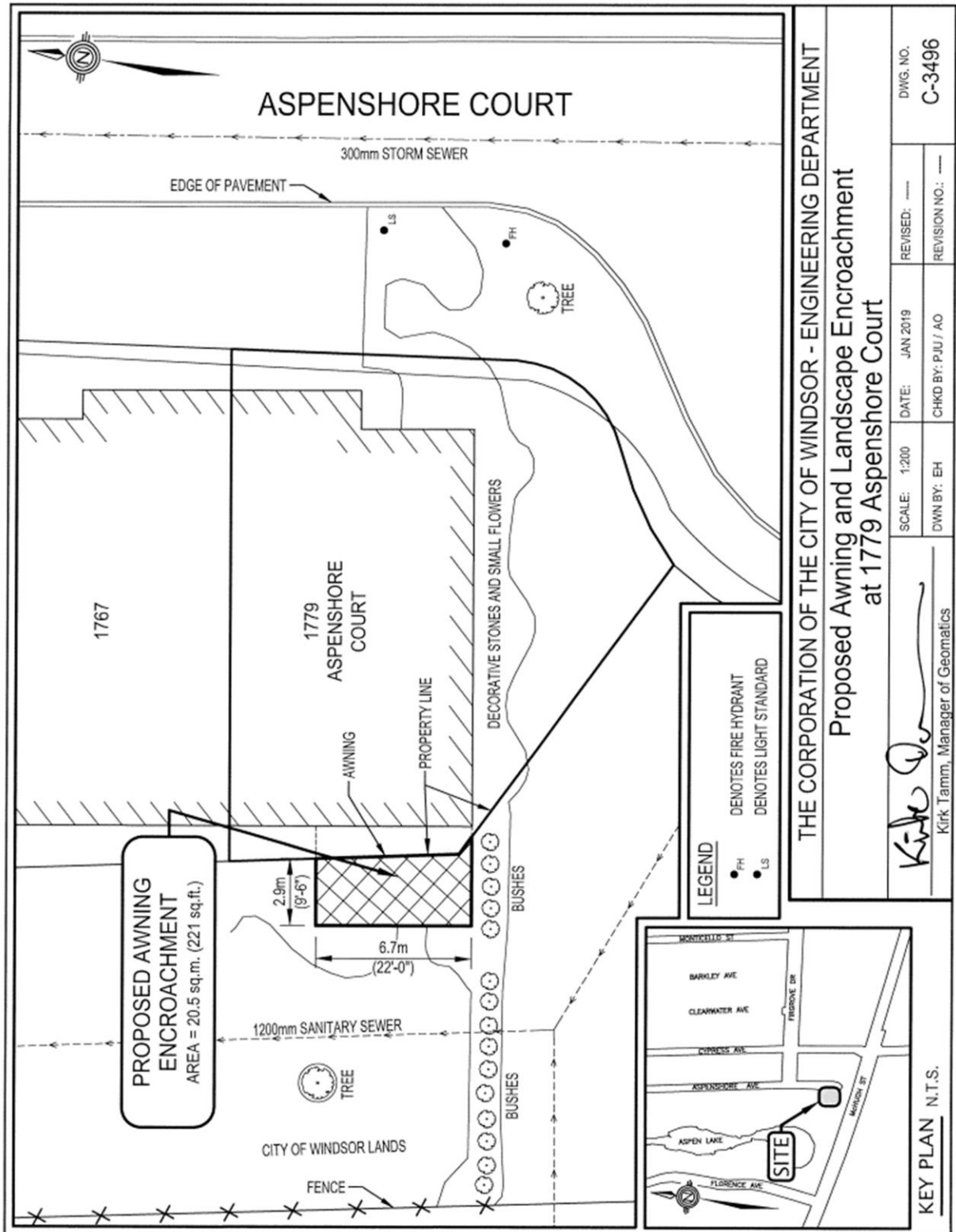


APPENDIX C

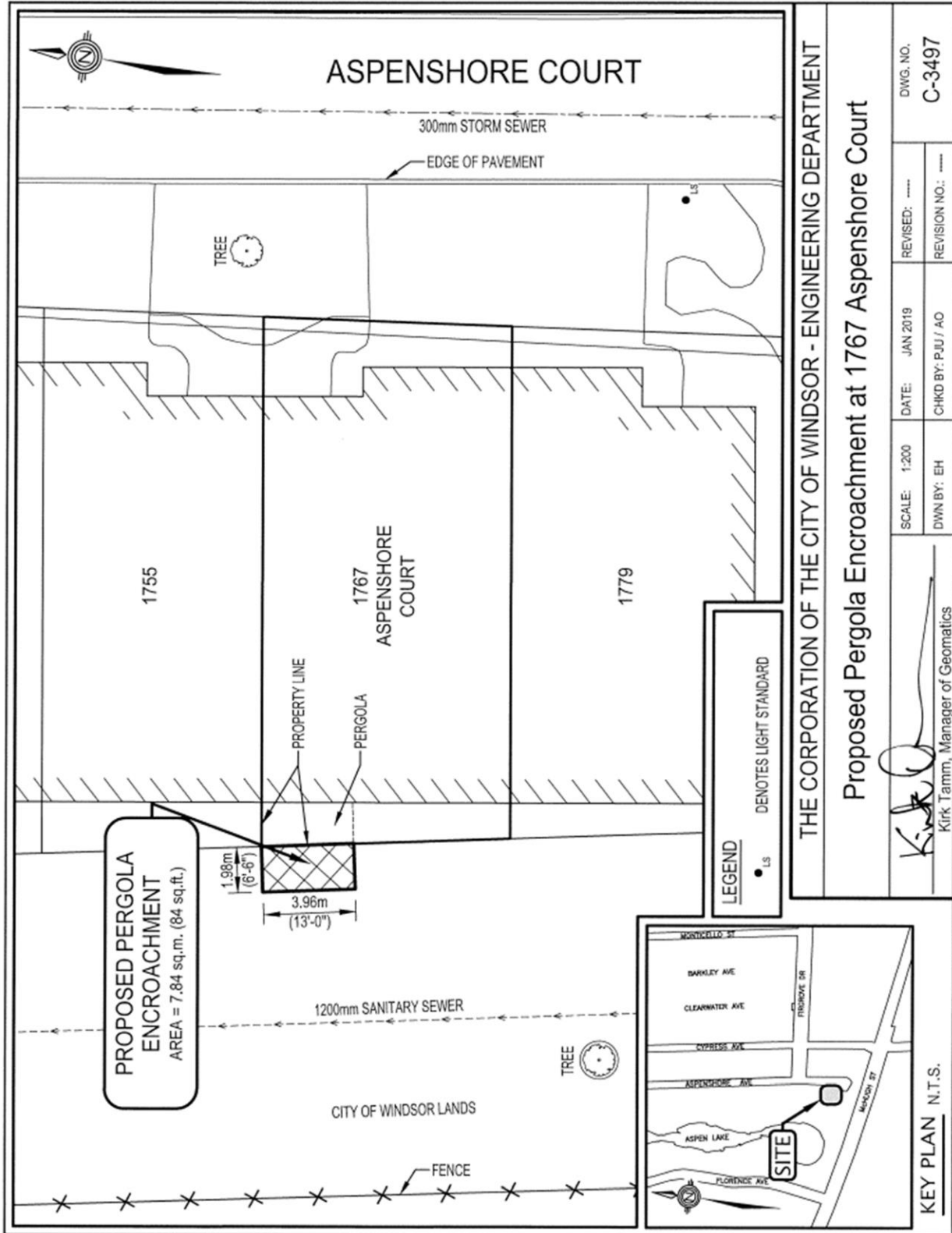
**ASPENSHORE PROPERTIES
ADJACENT TO CITY LANDS & EASEMENT**



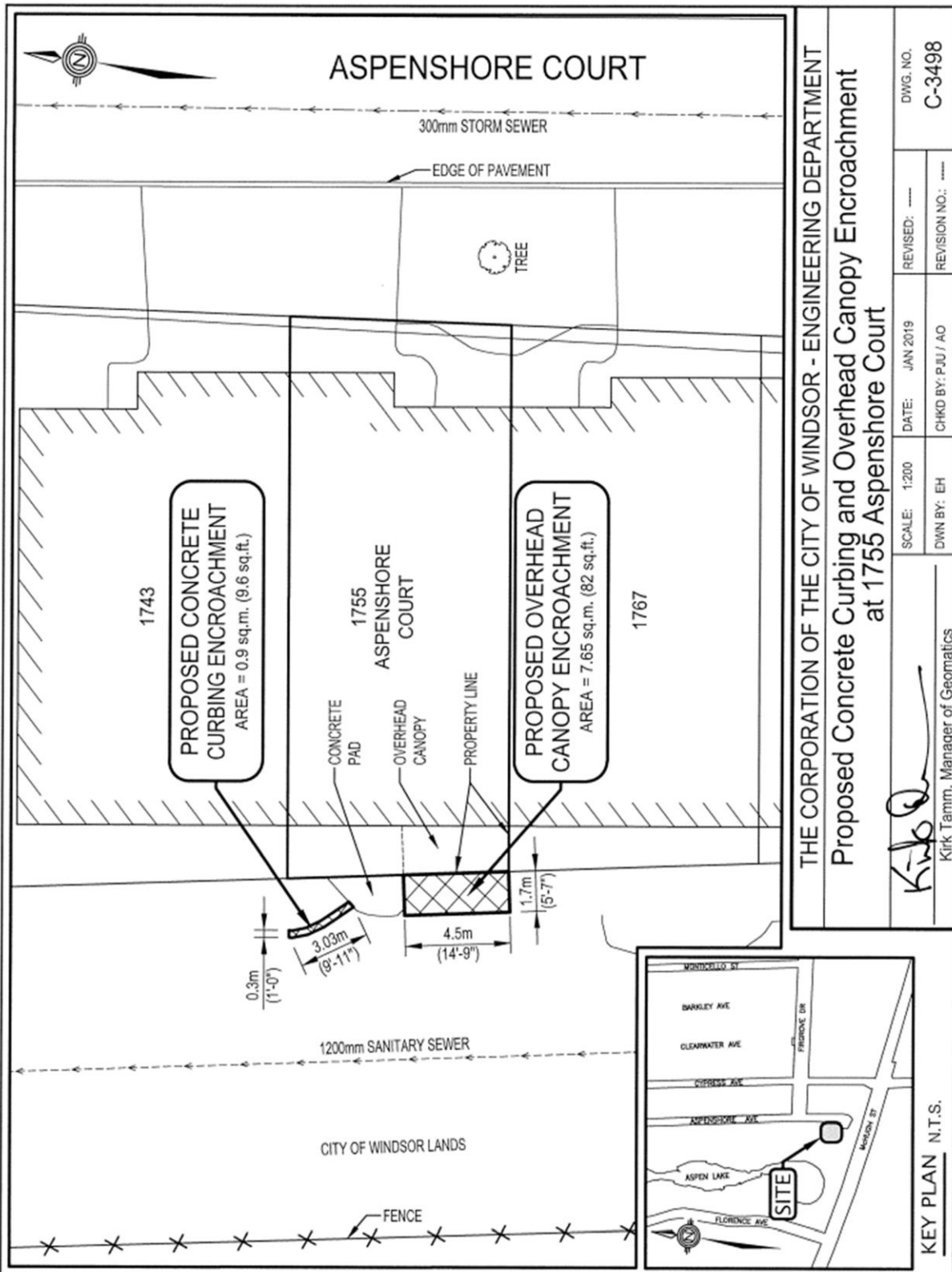
APPENDIX D
C-3496



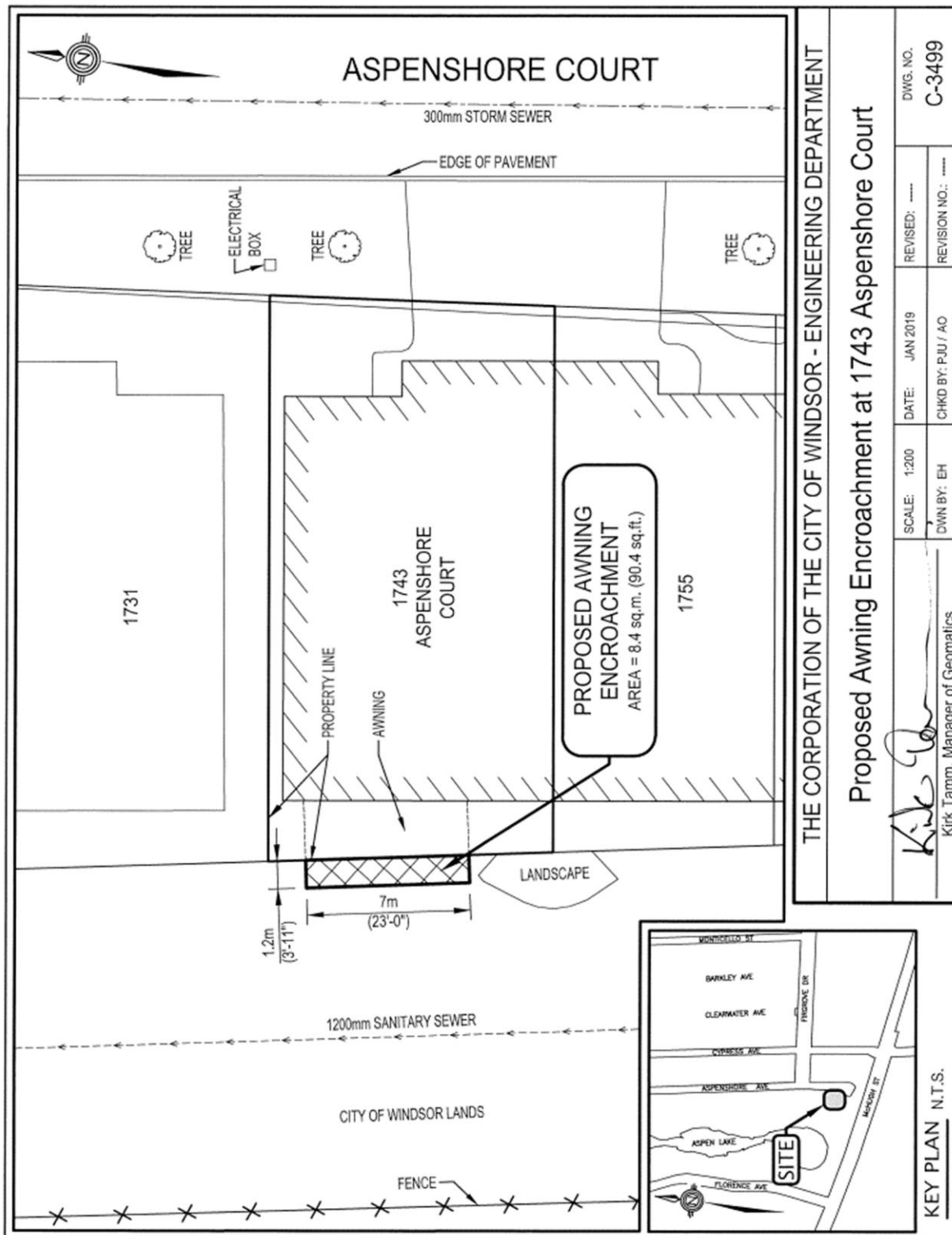
C-3497



C-3498



C-3499

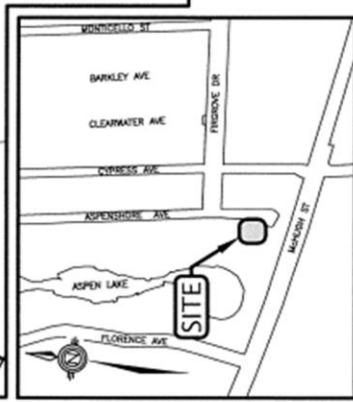


THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Awning Encroachment at 1743 Aspenshore Court

DWG. NO.	C-3499
REVISION NO.:	----
REVISOR:	----
DATE:	JAN 2019
SCALE:	1:200
DWN BY:	EH
CHKD BY:	PJU / AO

Kirk Tamm
 Kirk Tamm, Manager of Geomatics



KEY PLAN N.T.S.

C-3500

