

THE REGIONAL MUNICIPALITY OF NIAGARA

PLANNING AND PUBLIC WORKS COMMITTEE

REPORT 2-2006

Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, February 22, 2006 commencing at 1:05 p.m.

ATTENDANCE

Committee: Councillors Rigby, Co-Chair; Smeaton, Co-Chair; Regional Chair Partington, Angelone, Baty, Bentley, Bodner, Brock, Burroughs, Casselman, Eke, Gabriel, Goulbourne, Hodgson, Leavens, Mastroianni, Salci, Timms.

Staff: Messrs. Trojan, Chief Administrative Officer; Neville, Commissioner, Public Works; Cambray, Commissioner, Planning & Development Department; Farley, Director, Planning Services; Brcic, Director, Water & Wastewater Services; Cousins, Director, Transportation Services; Sidawi, Director, Operation Support Services; Friesen, Director, Waste Management Services; Ms. Pilon, Acting Deputy Clerk.

Staff (Part Time): Messrs. Kyne, Director, Legal Services; Robson, Director, Community Integration; Bergen, Transportation Planning Technologist; McQueen, Director of Administration; Mucciarelli, Associate Director, Waste Disposal Operations; Macklem, Coordinator Properties; Semple, Senior Planner, Policy Plan Amendments; Flora, Acting Associate Director, Transportation Systems; Gummo, Senior Policy Coordinator Planner; Brickell, Smart Growth Expeditor; Dr. Klooz, Associate Commissioner, Public Health; Dr. Sider, Associate Medical Officer of Health; Ms. Rae, Legal Counsel; Ms. Jugley, Manager, Community Mental Health; Ms. St. John, Director, Clinical Services; Ms. Lambe, Business Partner, Strategic Communications.

Others: Councillors Collins; Martin.

PRESENTATIONS

118. Final Recommendations Report
Regional Policy Plan Amendment 198
Expansion of Hard Rock Paving – Law Quarry
Township of Wainfleet
DPD 26-2006

Mr. James Parkin, MHBC Planning Ltd. advised the Committee that his clients are in support of the staff recommendations.

Mr. Parkin noted that the need for the expansion is due primarily to the depletion of resources at the existing site. The proposed expansion has been subjected to a Peer Review that has been supported by Hard Rock Paving, who are in agreement with the recommended conditions.

Moved by Councillor Eke
Seconded by Regional Chair Partington

That the presentation by Mr. James Parkin, MHBC Planning Ltd., be received and referred to the Committee's deliberation of DPD 26-2006.

Carried.

119. Redevelopment of Former "Stokes Seeds" Building
Smarter Niagara Incentive Program
City of St. Catharines Request for Funding Commitment
DPD 22-2006

Mr. Saulis Zemaitis, CEO, Goodwill Niagara advised the Committee that Goodwill Niagara in partnership with the City of St. Catharines and the Niagara Region is proposing the redevelopment of the Stokes Building in the Queenston Neighbourhood and the provision for affordable senior housing under the "Opening Doors Together" federal housing initiative.

The Committee members extended their congratulation to Mr. Zemaitis.

Moved by Councillor Hildreth
Seconded by Councillor Burroughs

That the presentation by Mr. Zaulis Zemaitis, CEO, Goodwill Niagara, be received and referred to the Committee's deliberation of DPD 22-2006.

Carried.

120. Alleged Illegal Clear Cutting
Southern Section of Garner Road Forest
PD 12-2006

Dr. John Bacher suggested that the Niagara Region rezone the subject lands as “Environmental Protection”, which would virtually have the same impact as a court order requiring reforestation in response to a conviction of illegal clear cutting.

Dr. Bacher noted that if the subject land was rezoned and simply left alone and not altered or dumped upon the forest would eventually regenerate naturally from the seed sources provided by the northern forest.

Mr. Cambray advised the Committee that we are in receipt of a supplemental brief from Dr. Bacher (PD 15-2006) and that he would request that at the time the Committee deliberates PD 12-2006, that they refer both PD 12-2006 and PD 15-2006 to staff for report.

Moved by Councillor Angelone
Seconded by Councillor Burroughs

That the presentation by Dr. John Bacher be received and referred to the Committee’s deliberation of PD 12-2006.

Carried.

121. West St. Catharines Transportation Study (WSCTS)

Mr. Manoj Dilwaria, Matrix Innovations Inc. provided the Committee with a presentation on the West St. Catharines Transportation Study (WSCTS), the presentation provided the Committee with the study’s purpose; area; process; an overview of the Transportation Plan; the short, medium and long term plan and cost estimates.

The study examined transportation issues that have arisen due to ongoing development and changes in land use within the study area; determined the existing and future quality of transportation services, identifying improvements and their associated costs; developed an overall transportation plan for the area and provided an opportunity for input from key stakeholders, agencies and the public while focusing on Regional, Municipal and Agency objectives to achieve a common goal.

The Committee was advised that staff will be preparing a report for the March 15, 2006 meeting.

Moved by Councillor Mastroianni
Seconded by Councillor Baty

That the presentation on the West St. Catharines Transportation Study (WSCTS),
be received.

Carried.

(Refer to Staff Directions)

CLOSED SESSION

122. Moved by Councillor Angelone
Seconded by Councillor Eke

That this Committee do now meet in Closed Session for the purpose of receiving
information of a confidential nature relating to property matters.

Carried.

123. Community Mental Health Program (CMHP)
Accommodation
PWA 34-2006 (PHD 17-2005) CONFIDENTIAL

Moved by Councillor Timms
Seconded by Councillor Angelone

That Confidential Report PWA 34-2006 (PHD 17-2006), February 22, 2006,
respecting Community Mental Health Program (CMHP) Accommodation, be
received and the recommendations contained therein be approved.

Carried.

124. Moved by Councillor Baty
Seconded by Councillor Eke

That this Committee do now rise with report.

Carried.

*There being a lack of ordinary quorum at the meeting, the Committee Chair
determined that the ordinary quorum for the meeting be reduced to eleven
members, pursuant to Part II, Section 11.7 of the Procedural By-law 7174-93.*

OPERATIONS
(STATUS REPORTS)

125. Redevelopment of Former “Stokes Seeds” Building
Smarter Niagara Incentive Program
City of St. Catharines Request for Funding Commitment
DPD 22-2006

Moved by Regional Chair Partington
Seconded by Councillor Eke

That Report DPD 22-2006, February 22, 2006, respecting the Redevelopment of Former “Stokes Seeds” Building, Smarter Niagara Incentive Program in the City of St. Catharines, Request for Funding Commitment, be received.

That the request from the City of St. Catharines for a commitment of \$168,500 from the Smarter Niagara Incentives Program be approved, subject to final approval of funding for the Smarter Niagara Incentives Program in the 2006 budget;

That the City of St. Catharines be so advised;

That Staff be directed to develop, in consultation with the CIP Contact Group, guidelines to assist in the administration of future requests from the partner municipalities pursuant to the Incentives Program, such guidelines to address priorities for Program investment and monitoring for results.

Carried.

126. New Members – Line 5 Landfill Site Public Liaison Committee
PWA 36-2006

Moved by Councillor Eke
Seconded by Councillor Angelone

That Report PWA 36-2006, February 22, 2006, respecting New Members – Line 5 Landfill Public Liaison Committee, be received.

That the appointment of Peter H. Neuroth as a resident representative and Mr. and Mrs. Kugler as a local business representative on the Line 5 Landfill Site Public Liaison (PLC) Committee, be approved.

Carried.

(Refer to Staff Directions)

127. Extension of Niagara's Biosolids Liquid Land Application Program
PWA 38-2006

As noted in PWC 10-2006, the motion was amended from "with a two year option" to "with a two **to five** year option".

Moved by Councillor Baty
Seconded by Councillor Leavens

That Report PWA 38-2006, February 22, 2006, respecting the Extension of Niagara's Biosolids Liquid Land Application Program, be received as **amended**.

That approval for a contract extension to be signed with Terratec Environmental Ltd. for a three-year term commencing January 1, 2006 with a two **to five** year option for renewal for the management of Niagara's biosolids liquid land application program;

That the 2006 rate for the services included in the contract agreement be approved in accordance with Appendix 'A' attached representing a 3% increase from 2005.

That the annual increases be calculated based on an 80% CPI Ontario Index and 20% Diesel Ontario Index, commencing January 1, 2007.

That a retroactive payment for fuel compensation in the amount of \$131,000.00 (4%) be afforded to Terratec Environmental Ltd. for work carried out in 2005.

That costs associated with this service delivery be charged to the appropriate cost centres in the water and wastewater services current budgets for years 2006, 2007 and 2008.

That the Regional Clerk be directed to ensure that the appropriate by-law is prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the Agreement on behalf of Niagara Region.

Carried.

128. Capital Budget Allocation By-law for the
2006 Waste Management Capital Program
PWA 39-2006 (CSD 34-2006)

Moved by Councillor Angelone
Seconded by Councillor Timms

That Report PWA 39-2006 (CSD 34-2006), February 22, 2006, respecting Capital Budget Allocation By-law for the 2006 Waste Management Capital Program, be received.

That financing in the amount of \$3,355,000 gross and \$3,167,500 net be approved from the 2006 Waste Management Capital Program and allocated to the individual projects as summarized in Appendix A.

That approval be given to fund the projects with financing consisting of \$930,000 (Long Term Financing 1- 10 years), \$2,237,500 (Waste Management Capital Reserve Fund) and \$187,500 (External Cost Sharing).

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council.

Carried.

(Please note that Report PWA 39-2006 (CSD 34-2006) can be found behind the JNT RPTS Blue Book Tab)

PLANNING AND PRIORITIES
(STRATEGIC PLANNING/POLICY)

129. Final Recommendations Report
Regional Policy Plan Amendment 198
Expansion of Hard Rock Paving – Law Quarry
Township of Wainfleet
DPD 26-2006

Mr. Cambray noted that the comments from the Ministry of Municipal Affairs and Housing have been received as PD 14-2006 and do not change the recommendations contained in the report.

Moved by Councillor Hildreth
Seconded by Councillor Mastroianni

That Report DPD 26-2006, February 22, 2006, respecting the Final Recommendations Report, Regional Policy Plan Amendment 198, Expansion of Hard Rock Paving – Law Quarry in the Township of Wainfleet, be received.

That Amendment 198 to the Regional Policy Plan to permit an expansion to the Law Quarry in the Township of Wainfleet be approved. A copy of Amendment 198 is attached as Appendix VI.

That the Township of Wainfleet Official Plan Amendment 17 to permit the Law Quarry expansion be approved. A copy of OPA 17 is attached as Appendix V.

That approval of the license under the Aggregate Resources Act be supported subject to the inclusion of the draft license conditions as amended as set out in Appendix I and subject to the acceptance of the revised conditions by the Ministry of Natural Resources.

That a copy of this report be circulated to the applicant, to the Township of Wainfleet and to the Ministry of Natural Resources.

Carried.

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to twelve members, pursuant to Part II, Section 11.7 of the Procedural By-law 7174-93.

130. Background Information Report
Regional Policy Plan Amendment 1-2006
Proposed Compost Facility on Zimmerman Road
Town of Lincoln
DPD 27-2006

Moved by Councillor Timms
Seconded by Councillor Casselman

That Report DPD 27-2006, February 22, 2006, respecting the Background Information Report, Regional Policy Plan Amendment 1-2006, Proposed Compost Facility on Zimmerman Road in the Town of Lincoln, be received of information as ***amended***.

That this report be forwarded to the Town of Lincoln, for distribution to their Council.

Carried.

131. Bill 51 – The Planning and Conservation
Land Statute Law Amendment Act 2005
DPD 28-2006

Moved by Councillor Baty
Seconded by Councillor Leavens

That Report DPD 28-2006, February 22, 2006, respecting the Bill 51 – The Planning and Conservation Land Statute Law Amendment Act 2005, be received for information as ***amended***.

That staff prepare a further report proposing possible amendments to the Regional Policy Plan to reflect the relevant enabling provisions in Bill 51.

That this report and any related subsequent reports be circulated to the Planning Review Committee, for their information.

Carried.

(Refer to Staff Directions)

132. Update on Sustainability Planning with The Melbourne Principles
DPD 29-2006

Moved by Councillor Baty
Seconded by Regional Chair Partington

That Report DPD 29-2006, February 22, 2006, respecting the Update on Sustainability Planning with The Melbourne Principles, be received.

That staff be directed to pursue potential future partnership discussions with Environment Canada, discussions aimed at Niagara maintaining a lead role in helping to shape the application of the community sustainability agenda in Niagara and across Ontario's and Canada's municipal sector, as well as investigating further potential for Niagara as a Green Energy Center of Excellence.

Carried.

(Refer to Staff Directions)

133. Greater Niagara Circle Route Committee
February 1, 2006

Moved by Councillor Rigby
Seconded by Councillor Eke

That the minutes of the Greater Niagara Circle Route Committee meeting held on February 1, 2006, be received and the recommendations contained therein be approved.

Carried.

(Refer to Other Business – Minute Item # 159)

134. Waste Management Planning Steering Committee
January 31, 2006

Moved by Councillor Rigby
Seconded by Councillor Eke

That the minutes of the Waste Management Planning Steering Committee meeting held on January 31, 2006, be received and the recommendations contained therein be approved.

Carried.

PUBLIC MEETINGS

135. Joint Public Meeting
Regional Policy Plan Amendment 5-2005
Proposed Urban Boundary Expansion
Town of Grimsby
Date: Tuesday, February 28, 2006
Time: 7:00 p.m.
Place: Town of Grimsby Council Chambers
- Councillors: Zimmerman, _____, _____.

INFORMATION

136. Moved by Councillor Hildreth
Seconded by Councillor Eke

That Communication PD 12-2006 a brief from the Preservation of Agricultural Lands Society on the need to re-prosecute alleged tree cutting of Garner Road Woodlot, City of Niagara Falls, be received and referred to staff for report.

Carried.

137. Moved by Councillor Hildreth
Seconded by Councillor Eke

That Communication PD 15-2006 a Supplemental Brief from Dr. John Bacher respecting the Alleged Illegal Clear Cutting of the Southern Section of Garner Road Forest – February 15, 2006, be received and referred to staff for report.

Carried.

138. Consent Summary
From January 16, 2006 to February 6, 2005
DPD 24-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report DPD 24-2006, February 22, 2006, respecting the Consent Summary from January 16, 2006 to February 6, 2006, be received for information.

Carried.

139. Regional Comments on Development Proposals
From January 16, 2006 to February 6, 2005
DPD 25-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report DPD 25-2006, February 22, 2006, respecting Regional Comments on Development Proposals from January 16, 2006 to February 6, 2006, be received for information.

Carried.

140. Tree By-law Advisory Committee
November 3, 2005

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That the minutes of the Tree By-law Advisory Committee meeting held on November 3, 2005, be received for information.

Carried.

141. Smarter Niagara Steering Committee
January 25, 2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That the minutes of the Smarter Niagara Steering Committee meeting held on January 25, 2006, be received for information.

Carried.

142. Ecological and Environmental Advisory Committee
January 26, 2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That the minutes of the Ecological and Environmental Advisory Committee meeting held on January 26, 2006, be received for information.

Carried.

143. Agricultural Sub-Committee
January 31, 2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That the minutes of the Agricultural Sub-Committee meeting held on January 31, 2006, be received for information.

Carried.

144. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PD 8-2006 a letter to the Ministry of Agriculture, Food and Rural Affairs on proposed revisions to the Minimum Distance Separation (MDS) Formulae, be received with a copy being forwarded to the Agricultural Sub Committee.

Carried.

145. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PD 9-2006, the Planning Niagara Newsletter: Winter 2006, be received and circulated.

Carried.

146. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PD 10-2006 Notice of Expropriation for subsurface property rights from Ontario Power Generation landowners along the proposed water diversion tunnel alignment in Niagara Falls, be received.

Carried.

147. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PD 11-2006 a letter from the Town of Grimsby Planning Director asking that the application for an Urban Boundary Expansion proceed, be received with a Joint Public Meeting being arranged for February 28, 2006.

Carried.

148. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PD 13-2006 a letter from Regional staff to Mr. Kozicki agreeing to additional time to seek septic system approval for proposed lot, be received.

Carried.

149. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PD 14-2006 a letter from the Ministry of Municipal Affairs and Housing (February 8, 2006) respecting the Request for Comments, Regional Policy Plan Amendment 198, Expansion of Law Quarry, Hard Rock Paving in the Township of Wainfleet, be received.

Carried.

150. Waste Collection Contractor Performance Report
Fourth Quarter and Annual Summary
PWP 15-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report PWP 15-2006, February 22, 2006, respecting the Waste Collection Contractor Performance Report, Fourth Quarter and Annual Summary, be received.

Carried.

151. 2005 Stewardship Ontario Funding for
Blue Box Recycling Program
PWP 16-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report PWP 16-2006, February 22, 2006, respecting the 2005 Stewardship Ontario Funding for Blue Box Recycling Program, be received.

Carried.

152. Waste Management Level of Service
Review and Financing Options Study
PWP 17-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report PWP 17-2006, February 22, 2006, respecting the Waste Management Level of Service, Review and Financing Options Study, be received for information.

Carried.

153. Project Activity Report
Water & Wastewater Services
PWP 18-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report PWP 18-2006, February 22, 2006, respecting the Project Activity Report, Water & Wastewater Services, be received for information.

Carried.

154. Sheldrick/Modern
Waste Transfer Station, Smithville
Township of West Lincoln
PWP 19-2006

Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Report PWP 19-2006, February 22, 2006, respecting the Sheldrick/Modern, Waste Transfer Station, Smithville, Township of West Lincoln, be received for information.

Carried.

155. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PWC 08-2006, a letter from Susan Pohorly (January 21, 2006) to Chado Brcic, Director, Water & Wastewater Services respecting the decommissioning of the John Street Water Tower in the Town of Niagara-on-the-Lake, be received.

Carried.

156. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PWC 09-2006, a letter from Russ Howell, Manager of Fleet Services (January 12, 2006) to Doug Campbell, Operations Manager, Town of Fort Erie, respecting Chainsaw Certification Training, be received.

Carried.

157. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PWC 10-2006, a memorandum from Chado Brcic, Director, Water and Wastewater Services (February 10, 2006) respecting an amendment to Report PWA 38-2006, Extension of Niagara's Biosolids Liquid Land Application Program, be received and approved.

Carried.

158. Moved by Councillor Casselman
Seconded by Councillor Mastroianni

That Communication PWC 11-2006, a letter from Mayor Katie Trombetta, Township of West Lincoln (January 31, 2006) to Minister David Caplan, Ministry of Public Infrastructure Renewal respecting Watertight: The Case for Change in Ontario's Water and Wastewater Sector, be received.

Carried.

OTHER BUSINESS

159. Opening Ceremony – May 27, 2006

Councillor Timms advised the Committee of the completion of the Canada-Ontario Infrastructure Program, which represents a major stage in the construction of the Greater Niagara Circle Route Trails System and that a major Opening Ceremony is being planned for Saturday, May 27, 2006. The Opening will take place at the Pedestrian Bridge location at the former Third Canal crossing.

Councillor Timms noted that he had been interviewed by Dan MacLean of CHTV on February 17, 2006 respecting the Bridging the Gap Program.

(Refer to Staff Directions)

CLOSED SESSION (Continued)

160. Moved by Councillor Mastroianni
Seconded by Councillor Bodner

That this Committee do now meet in Closed Session for the purpose of receiving information of a confidential nature relating to legal and property matters.

Carried.

161. Appeal to the Ontario Municipal Board
Town of Fort Erie
DPD 23-2006 CONFIDENTIAL

Moved by Regional Chair Partington
Seconded by Councillor Bodner

That Confidential Report DPD 23-2006, February 22, 2006, respecting the Appeal to the Ontario Municipal Board, Town of Fort Erie, be received.

That staff be directed to proceed in accordance with the recommendations contained within the report.

Carried.

162. A Matter Concerning the Security of Regional Property,
Litigation or Potential Litigation and/or Solicitor/Client Advice
PWA 40-2006 CONFIDENTIAL

Moved by Regional Chair Partington
Seconded by Councillor Leavens

That Confidential Report PWA 40-2006, February 22, 2006, respecting the a Matter Concerning the Security of Regional Property, Litigation or Potential Litigation and/or Solicitor/Client Advice, be received and the recommendations contained therein be approved.

Carried.

Councillor Hildreth requested that she be recorded as opposed to the aforementioned motion.

163. Renegotiation of Area 1 Collection Contract
PWA 43-2006 CONFIDENTIAL

Moved by Councillor Leavens
Seconded by Councillor Hildreth

That Confidential Report PWA 43-2006, February 22, 2006, respecting the Renegotiation of Area 1 Collection Contract, be received and the recommendations contained therein be approved.

Carried.

164. Moved by Councillor Leavens
Seconded by Councillor Timms

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was requested to:

- ensure that future projections are included in the report being prepared on the West St. Catharines Transportation Study. (Refers to Minute Item # 121)
- ensure that the minutes of all the Public Liaison Committees are reported through the Waste Management Planning Steering Committee and that any amendments to their Terms of Reference are made to reflect this change. (Refers to Minute Item # 126)
- report back to Committee as to whether a group of municipalities can form an appeal body under Bill 51. (Refers to Minute Item # 131)
- invite the new Minister to the 2006 Smarter Niagara Summit. (Refers to Minute Item # 132)
- obtain a copy of the tape from CHTV on the Greater Niagara Circle Route, Bridging the Gap Program. (Refers to Minute Item # 159)

ADJOURNMENT

The Committee adjourned at 3:50 p.m., to meet again in Council Chambers, February 28, 2006 at 11:00 a.m.

Tim Rigby
Co-Chair

Bill Smeaton
Co-Chair

Janet Pilon
Acting Deputy Clerk

Pam Gilroy
Regional Clerk