

THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING AND PUBLIC WORKS COMMITTEE

REPORT 14-2006

Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, September 20, 2006 commencing at 1:10 p.m.

ATTENDANCE

Committee: Councillors Rigby, Co-Chair; Smeaton, Co-Chair; Angelone, Baty, Casselman, Eke, Gabriel, Harry, Hildreth, Hodgson, Leavens, Marshall, Redekop, Salci, Timms.

Staff: Messrs. Cambray, Commissioner, Planning & Development Department; Farley, Director of Planning Services; Brcic, Director, Water & Wastewater Services; Friesen, Director, Waste Management Services; Hughes, Associate Director of Engineering, Transportation Services; Ms. Gilroy, Regional Clerk; Ms. Staines, Legislative Assistant.

Staff (Part Time): Messrs. Trojan, Chief Administrative Officer; Bowles, Executive Assistant to Regional Chairman; Gouthro, Facilities Manager; McQueen, Director of Administration; Ms. Ray, Legal Counsel; Mr. Steele, Project Manager, Water & Wastewater Services

Guests: Mr. Bruce Cordner, Mr. Tom Richardson

There being a lack of ordinary quorum at the meeting, the Committee Chair determined that the ordinary quorum for the meeting be reduced to ten members, pursuant to Part 15, Section 15.8.2 of the Procedural By-law 120-2005.

PRESENTATIONS

460. Protocol for Meeting, Official Plan Amendment No. 31,
Port Dalhousie Mixed Use Development, City of St. Catharines

Mr. Tom Richardson from the law firm Sullivan-Mahoney, representing the Port Dalhousie Vitalization Corp., referred to Report DPD 97-2006 and his correspondence, PD 46-2006 respecting the Presentation Protocol for Committee Meeting.

Mr. Richardson requested that the order of presentations as outlined in DPD 97-2006 be re-considered to allow his client to respond to those submissions which are made in opposition to the application. Mr. Richardson reviewed his experience with the Public Meetings held by the City of St. Catharines in accordance with the Planning Act. He suggested that it is very difficult to determine if an individual member of the public is associated with a particular group. He suggested that time be given to those in favour of the Amendment and then to those opposed to the Amendment, and that his client be allowed time at the end to rebut arguments made by those in opposition. This process would be similar to that used at the St. Catharines Public Meetings.

Mr. Bruce Cordner spoke to Committee representing the Port Realizing Our Unique Distinction (PROUD) group. PROUD is concerned with the 120 minutes maximum amount of time (90 minutes for organized groups and 30 for individuals) allotted in the Report's recommendations for those in the community who are opposed to the condo tower development. In view of the length of presentations objecting to the proposal at the City of St. Catharines Public Meetings, which included 16 hours over four evenings, Mr. Cordner requested that the length of time be extended to a minimum of 120 minutes for groups and 120 minutes for individuals for a total of four hours.

OPERATIONS (STATUS REPORTS)

461. Official Plan Amendment No. 13
Industrial Park Road Extension
Township of West Lincoln
DPD 94-2006

Moved by Councillor Eke
Seconded by Councillor Angelone

That Report DPD 94-2006, September 20, 2006, respecting Official Plan Amendment No. 13, Industrial Park Road Extension, Township of West Lincoln, be approved;

That Amendment No. 13 to the Township of West Lincoln Official Plan be approved;

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations; and

That staff issue a declaration of final approval for the Amendment if no appeals are lodged against Council's decision within twenty (20) days of giving notice of that decision.

Carried.

462. Official Plan Amendment No. 58
Blackhorse Allanburg Mixed Use Community
Blackhorse Allanburg Planning District
City of Thorold

DPD 95-2006

Moved by Councillor Angleone
Seconded by Councillor Salci

That Report DPD 95-2006, September 20, 2006, respecting Official Plan Amendment No. 58, Blackhorse Allanburg Mixed Use Community, Blackhorse Allanburg Planning District, City of Thorold, be received;

That Amendment No. 58 to the City of Thorold Official Plan be approved with modifications to correctly reflect fish habitat mapping;

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations; and

That staff issue a declaration of final approval for the Amendment 20 days after notice of Council's decision has been given provided that no appeals have been lodged against the decision.

Carried.

(Refer to Staff Directions)

463. Contract No. 06-23
Sale of Surplus Property
258 Merritt Street and 1 Pinecrest Avenue
City of St. Catharines

PWA 164-2006

Councillor Eke expressed concern about the difference in price paid for the property and the price being approved to sell the property. It was noted by staff that a house is no longer part of the property and that this piece is a remnant from the original property purchased.

Moved by Councillor Casselman
Seconded by Councillor Eke

That Report PWA 164-2006, September 20, 2006, respecting Contract RN 06-23, Sale of Surplus Property, 258 Merritt Street and 1 Pinecrest Avenue, City of St. Catharines, be received;

That the high tender from Jason Vottero and Bruno Vottero, in the amount of \$750,000.00, for the sale of 258 Merritt Street and 1 Pinecrest Avenue in the City of St. Catharines be accepted;

That the net proceeds be credited to Project RC0238 – Reconstruction of Regional Road No. 89 (Glendale Avenue); and

That the Regional Chair and Regional Clerk be authorized to execute the necessary documents to complete the sale.

Carried.

464. Initiation of Projects Included in the
Buildings & Equipment Capital Budget
PWA 166-2006 (CSD 121-2006)

Moved by Councillor Timms
Seconded by Councillor Baty

That Report PWA 166-2006 (CSD 121-2006), September 20, 2006, respecting Initiation of Projects Included in the Buildings & Equipment Capital Budget, be received;

That financing in the amount of \$55,000 gross and net be approved for Project ZSS0402, Vehicle Lifting Equipment, included in the 2004 Buildings & Equipment Capital budget;

That financing in the amount of \$1,694,000 gross and net be approved for Project ZSS0601, Vehicle and Equipment Replacement Program, included in the 2006 Buildings & Equipment Capital Budget;

That approval be given to fund the projects with financing consisting of \$55,000 from the Capital Levy Reserve and \$1,694,000 from the Fleet Equipment Replacement Reserve Fund; and

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

(Please note that Report PWA 166-2006 (CSD 121-2006) can be found behind the JNT RPTS Blue Book Tab)

465. Trade-marking of the Smart Gardening Name and Logo
PWA 167-2006

Moved by Councillor Harry
Seconded by Councillor Salci

That Report PWA 167-2006, September 20, 2006, respecting the Trade-marking of the Smart Gardening Name and Logo, be received;

That staff be authorized to proceed with an application to register the Smart Gardening name and logo as an official mark under the Trade-marks Act.

Carried.

466. Water and Wastewater Servicing
Comments on Vendor Presentation
Wainfleet Servicing Class EA
PWA 172-2006

Mr. Brcic commented that staff recommends that an assessment of alternative technologies and delivery models be undertaken after a decision is rendered by the Minister of the Environment on the Wainfleet Servicing Class Environmental Assessment (Class EA). Mr. Brcic suggested that a further report on a protocol for reviewing the different technologies will be brought forward once the Class EA approval has been received. An application for COMRIF funding has been submitted and, if approved, may be amended at a later date to allow a less expensive alternative if Council decides to change the technology to be used in the final servicing project to achieve the same result.

Moved by Councillor Timms
Seconded by Councillor Harry

That Report PWA 172-2006, September 20, 2006, respecting Water and Wastewater Servicing Comments on Vendor Presentation, Wainfleet Servicing Class EA, be received for information; and

That Council support the process outlined.

Carried.

467. Greater Niagara Circle Route Committee
September 8, 2006

Moved by Councillor Angelone
Seconded by Councillor Timms

That the Minutes of the Greater Niagara Circle Route Committee meeting held September 6, 2006, be received and the recommendations contained therein be approved.

Carried.

468. Waste Management Planning Strategy Committee
August 29, 2006

Moved by Councillor Eke
Seconded by Councillor Casselman

That the Minutes of the Waste Management Planning Strategy Committee meeting held August 29, 2006, be received and the recommendations contained therein be approved.

Carried.

PLANNING AND PRIORITIES (STRATEGIC PLANNING/POLICY)

469. Presentation Protocol for Committee Meeting
Official Plan Amendment No. 31
Port Dalhousie Mixed Use Development
City of St. Catharines
DPD 97-2006

Councillor Casselman expressed concern that no public viewing of the presentations and debate on this Amendment would be available if the subject is heard at a Standing Committee meeting, and suggested that Cogeco be invited to tape the proceedings. Concern was raised about setting a precedent for taping meetings, and that only people from St. Catharines would be interested in viewing the proceedings.

Councillor Timms expressed concern about separating presenters by those belonging to established groups and those making individual presentations, and suggested that the only distinction for scheduling speakers be by "those opposed" and "those for" the Amendment.

A question was raised as to whether the Planning & Public Works Committee had the authority to restrict presentations to Committee and not allow any presentations at the Council meeting where an item would be approved. It was suggested that holding a special Committee of the Whole meeting, where all Councilors could hear the presentations, would be more appropriate and eliminate the need to have any presentations at a regular Council meeting without losing the opportunity for public input. The rationale for holding a special meeting would relate to the time commitment necessary to hear the arguments.

It was noted that any Presentations and discussions should be on the effect of the development on the Official Plans. Some of the details of the development (such as parking, etc.) fall under the jurisdiction of the local municipality.

The Committee **agreed** by consensus to approve the following:

- Rather than holding the discussion on the Proposed Official Plan Amendment No. 31 at a Planning & Public Works Committee meeting, a special meeting of the Committee of the Whole will be convened with this issue being the only item on the agenda.
- The meeting will be scheduled for Thursday, October 12, 2006, at 1:00 p.m. with Council approval of decisions at the regular meeting of October 19, 2006.
- The order of presentations will be: one and a half hours for those supporting the Amendment (including proponent), one and a half hours for those opposed to the Amendment, and ten minutes for rebuttal by the proponent, followed by debate by the Committee of the Whole.

A notice will be circulated by Mr. Cambray to all who have expressed interest in being notified of the meeting that will include the details shown above, and include information on the content of presentations related to issues of regional policy and provincial policy to be dealt with in the Planning & Development Department's report.

Considerable discussion arose related to who will be allowed to speak. The number of speakers will be limited by the timeframe allotted and may not allow all who wish to speak the opportunity to do so within that timeframe.

It was **agreed** by consensus that the Regional Clerk will be asked to prepare a protocol for allotting speaking time to the various groups and individuals for approval at the September 28th Council meeting. This protocol will also be outlined in the notice issued by the Planning Department to the parties interested in making a presentation on the proposed Official Plan Amendment No. 31.

Moved by Councillor Casselman
Seconded by Councillor Leavens

That Report DPD 97-2006, September 20, 2006, respecting the Presentation Protocol for Committee Meeting, Official Plan Amendment No. 31, Port Dalhousie Mixed Use Development, City of St. Catharines, be received;
That the proponent, the City, and any person or public body who requested to be notified of Regional Council's decision on the proposed Amendment be notified of the proposed meeting protocol; and

That Cogeco be requested to record the special meeting of the Committee of the Whole on October 12, 2006.

Carried.

At this point in the meeting, Councillor Rigby assumed the Chair.

470. Status Report
Regional Policy Plan Amendment 4-2005
Reeb Quarry Proposal
Township of Wainfleet
DPD 98-2006

Moved by Councillor Leavens
Seconded by Councillor Timms

That Report DPD 98-2006, September 20, 2006, respecting the Status Report, Regional Policy Plan Amendment 4-2005, Reeb Quarry Proposal, Township of Wainfleet, be received for information; and

That staff report back to Committee and Council on the status of the Policy Plan Amendment review prior to November 30, 2006.

Carried.

PUBLIC MEETING

Members of Committee were requested to contact the Planning Department if they are available for this Public Meeting.

471. Regional Policy Plan Amendment 154
Industrial Area Expansion
Town of Lincoln
Date: October 10, 2006
Time: 7:00 p.m.
Place: Town of Lincoln Council Chambers

Councillors: Hildreth, _____, _____

INFORMATION

472. Information Items

Moved by Councillor Baty
Seconded by Councillor Leavens

That the following items be received for information:

Report DPD 99-2006, September 20, 2006, respecting the Consent Summary From August 14, 2006 to August 31, 2006;

Report DPD 100-2006, September 20, 2006, respecting the Regional Comments on Development Proposals From August 14, 2006 to August 31, 2006;

Report DPD 102-2006/PWP 70-2006, September 20, 2006, respecting the Forecast of Year End Results and Budget to Actual Comparison for the Month Ended June 30, 2006;

Report PWP 68-2006, September 20, 2006, respecting the Public Works Staff Comments on Development and Related Proposals;

Report PWP 69-2006, September 20, 2006, respecting the Public Works Staff Comments on Municipal Servicing Applications; and

Report PWP 71-2006, September 20, 2006, respecting the 2006 Environmental Days (E Days).

Carried.

CORRESPONDENCE

473. Moved by Councillor Leavens
Seconded by Councillor Marshall

That the following correspondence items be received for information:

PD 46-2006, a letter from Tom Richardson dated September 15, 2006, respecting the Presentations Protocol for Community Meeting, Official Plan Amendment No. 31, Port Dalhousie Mixed Use Development, City of St. Catharines (see DPD 97-2006) requesting to address the Committee about the order of presentations related to the Port Dalhousie development; and

PWC 35-2006, September 8, 2006, respecting the Tender Ad for Contract RN 06-28, Regional Road 81 (King Street) Culvert Replacements between Bartlett Road and Vinehaven Trail in the Town of Lincoln.

Carried.

474. Moved by Councillor Timms
Seconded by Councillor Baty

That Correspondence Item PD 47-2006, a letter from Mr. Dave Bedwell and Mr. David Roberts, Niagara Citizens for Smart Development (NCSD), September 18, 2006, respecting the Proposed Presentation Protocol for Committee Meeting, Official Plan Amendment No. 31, Port Dalhousie Mixed Use Development, City of St. Catharines, be received for information.

Carried.

OTHER BUSINESS

475. Children's Water Festival

Councillor Baty congratulated the organizers of the Children's Water Festival for their excellent organization of this event. Councillor Baty noted that approximately 5,000 students attended the event with forty tents presenting various displays and activities. Councillor Rigby added his congratulations to all the partners who staged the event.

476. Niagara Wine Festival

Councillor Rigby noted that the kick-off lunch for this year's Niagara Wine Festival was held today (September 20) highlighted by the speaker, Dan Ackroyd. Councillor Rigby invited all to attend the many events associated with the Festival.

CLOSED SESSION

477. Moved by Councillor Salci
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.

478. Ontario Municipal Board Hearing, Town of Fort Erie
DPD 93-2006 CONFIDENTIAL

Moved by Councillor Marshall
Seconded by Councillor Timms

That Confidential Report DPD 93-2006, September 20, 2006, respecting the Ontario Municipal Board Hearing, Town of Fort Erie, be received and the recommendations contained therein be approved.

Carried.

479. Ontario Municipal Board Hearing, City of Niagara Falls
DPD 101-2006 CONFIDENTIAL

Moved by Councillor Casselman
Seconded by Councillor Eke

That Confidential Report DPD 101-2006, September 20, 2006, respecting the Ontario Municipal Board Hearing, City of Niagara Falls, be received and referred to Council for approval.

Carried.

480. A Matter of Security of the Property of
The Municipality or Local Board
PWA 173-2006 (CSD 125-2006)

Moved by Councillor Leavens
Seconded by Councillor Baty

That Confidential Report PWA 173-2006 (CSD 125-2006), September 20, 2006, respecting A Matter of Security of the Property of the Municipality or Local Board, be received and the recommendations contained therein be approved.

Carried.

481. A Matter of Security of the Property
Of the Municipality and/or Litigation
PWA 168-2006 CONFIDENTIAL

Moved by Councillor Eke
Seconded by Councillor Timms

That Confidential Report PWA 168-2006, September 20, 2006, respecting a Matter of Security of the Property of the Municipality and/or Litigation, be received and the recommendations contained therein be approved.

Carried.

482. License Agreement, City of Welland Site
PWA 169-2006 (COM 55-2006) CONFIDENTIAL

Moved by Councillor Eke
Seconded by Councillor Timms

That Confidential Report PWA 169-2006 (COM 55-2006), September 20, 2006, respecting License Agreement, City of Welland Site be received and the recommendations contained therein be approved

Carried

483. Moved by Councillor Eke
Seconded by Councilor Timms

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Planning staff was requested to:

- Provide information on how many acres of “employment lands”, including industrial/commercial, are included in the development – (See Minute Item 462)
- Provide information concerning consideration of a tunnel instead of a bridge at the Welland Canal Allanburg crossing (See Minute Item 462)

ADJOURNMENT

The Committee adjourned at 4:30 p.m., to meet again in Council Chambers, October 11, 2006 at 1:00 p.m.

Tim Rigby
Co-Chair

Bill Smeaton
Co-Chair

Betty Staines
Legislative Assistant

Pam Gilroy
Regional Clerk