

THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING AND PUBLIC WORKS COMMITTEE

REPORT 13-2007

Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, September 19, 2007 commencing at 1:12 p.m.

ATTENDANCE

- Committee: Councillors Rigby, Co-Chair; Smeaton, Co-Chair; Partington, Regional Chair; Baty, Bylsma, Casselman, D'Angela, Henderson, Hodgson, Marshall, Trombetta.
- Staff: Messrs. Trojan, Chief Administrative Officer; Farley, Director, Planning Services; Cousins, Director, Transportation Services; Baker, Associate Director, Water & Wastewater Engineering; Ms. Torbicki, Manager, Waste Policy & Planning, Waste Management Services; Ms. Staines, Legislative Assistant.
- Other: Messrs. Campbell, Senior Planner; Kyne, Director, Legal Services; Ms. Rae, Legal Counsel.
- Guests: Messrs. Bacher, Durham, Pennachetti, Remple, Richardson, Ms. Grandoni

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

PRESENTATIONS

391. Willoughby Land Use Policies

Ms. Grandoni addressed the proposed estate residential development under Regional Policy Plan Amendment 170 and Official Plan Amendment 66, City of Niagara Falls. She noted the largely forested area covered under these Amendments, and that a portion of the trees have been recently re-planted. Ms. Grandoni asked the Region to indicate more accurately the actual acreage of lands in question and to report any ownership of lands in this area by the Niagara Parks Commission. Ms. Grandoni asserted that the eco-system along the River and the Parkway is being destroyed and approving the whole area for estate residential development will make the bad situation worse.

Mr. Bacher addressed the Committee on behalf of the Preservation of Agricultural Lands Society (PALS). Mr. Bacher noted the extensive area of mature Carolinian forest on both sides of Miller Road and active farmland between Miller Road and Weaver Roads, which is zoned for agricultural use. To change this zoning would be in violation of the Places to Grow Plan, which prevents new zonings for 2-1/2 acre lots to be serviced by septic tanks. Mr. Farley noted that if the area was zoned or designated for residential use before approval of the Growth Plan, estate residential is allowed.

392. Tree and Forest Conservation By-Law

Mr. Helmet Remple spoke in support of retaining the enforcement of the Tree and Forest Conservation By-Law through Regional staff and the Regional Tree and Forest Conservation By-law Advisory Committee (TBAC) and not transferring enforcement to the Niagara Peninsula Conservation Authority (NPCA). Mr. Remple is a full-time farmer and member of the TBAC representing Thorold. The Federations of Agriculture worked with the Region to develop the By-law and were concerned that they were not consulted about transferring authority for its enforcement to the NPCA. Mr. Remple noted that most of the woodlots we have today are in the rural/agricultural areas and are there because the farmers and rural land owners saved them, and noted the "expertise" of this group in supporting healthy and productive woodlots. Mr. Remple indicated that the costs of enforcement by the NPCA would be substantially higher than with the Region. Mr. Remple outlined several concerns with the NPCA including there are no representatives of the agricultural community on their Board. Mr. Remple asked that the Region continue to administer its own Tree By-law with advice from the Advisory Committee, as it is now, with a member of the NPCA joining the Advisory Committee.

Councillor Baty pointed out the Committee would not be disbanded as only the enforcement of the By-law would be given to the NPCA, and he disagreed that this transfer of authority would be more expensive. Councillor Baty noted there was no intent to slight the TBCA and the high regard for their stewardship of forests. Councillor Marshall noted that the correspondence was recommended to be referred to the Planning Review Committee for consideration, and requested that the Federations of Agriculture and the speakers today be invited to attend that meeting.

Mr. Durham addressed the Committee on behalf of Mr. Albert Witteveen and the Niagara North Federation of Agriculture. Mr. Durham noted that the Niagara North Federation of Agriculture fully supported the views expressed in PD 57-2007. Mr. Durham also expressed concern that the decision to transfer authority for enforcement was made not only without consulting the TBAC or the Federations of Agriculture, but also they were not informed until the Memorandum of Understanding was final. Mr. Durham noted the advisory role of the NPCA and gave examples where the enforcement of rules is not done by the advisory agency.

Mr. Durham noted that the Regional transportation by-laws are enforced by the Region, and that the tree by-law should be enforced by Regional staff.

Councillor Baty noted that the NPCA does have enforcement responsibilities in other areas.

Mr. Durham noted that this is a very busy time for farmers, and requested that the decision respecting transfer of enforcement be delayed to allow them to participate in discussions.

393. Niagara Parks Commission Lands – Official Plan Amendment 66

Mr. Richardson spoke on behalf of the Niagara Parks Commission (NPC) respecting the proposed Official Plan Amendment 66. Mr. Richardson pointed out the NPC is a crown agency and as such is covered under provisions in the Planning Act as to how provincial and official plans apply to a crown agency. Negotiations to include appropriate wording in this Amendment have taken place with the municipalities of Niagara Falls, Niagara-on-the-Lake, Fort Erie, Regional Niagara and the NPC. Mr. Richardson's letter of September 13, 2007 (PD 60-2007) suggests wording that has been provided by the Ministry of Municipal Affairs and Housing and which is acceptable to all five parties. Mr. Richardson asked that the Planning & Public Works Committee accept and endorse the wording in the letter of September 13, 2007.

ITEMS FOR CONSIDERATION

394. Official Plan Amendment No. 69
Grand Niagara Resort
West of Montrose Road, north of Biggar Road
City of Niagara Falls
DPD 98-2007

Mr. Farley gave an overview of the report and proposed Amendment which allows expansion of the resort within the framework of the Region's Policy Plan. The applicant has provided all support documents and the zoning by-law has been adopted. An Environmental Assessment will be undertaken, along with a Tree Protection Plan and the necessary municipal services will be provided before the development occurs. The setback agreement between this development and the property boundary with Cytec was agreed to at a previous Board hearing. The Planning Department supports this proposal, as did the City of Niagara Falls. In correspondence PD 61-2007, Cytec is requesting a deferral of Committee's decision through their solicitors, Thomson Rogers. As the related zoning by-law has been appealed, an Ontario Municipal Board (OMB) hearing will be scheduled, and it is staff's recommendation to approve the application for Amendment at this time. The reason for the request for deferral is not clear.

Mr. Pennachetti noted that it has been five years since this issue was first reviewed at the OMB. All concerns of the Region, the City of Niagara Falls and Cytec have been addressed by the OMB. A meeting has been requested between the proponents and Cytec and their lawyers to clarify the reasons for their very recent objection, and this meeting has been scheduled for next week.

Moved by Councillor Baty
Seconded by Councillor Marshall

That Report DPD 98-2007, September 19, 2007, respecting Official Plan Amendment No. 69, Grand Niagara Resort, West of Montrose Road, north of Biggar Road, City of Niagara Falls, be received;

That Amendment No. 69 to the City of Niagara Falls Official Plan be approved ***subject to a verbal report at the Council meeting of September 27 regarding the discussions between the proponents and Cytec at their September 26 meeting;***

Carried.

395. Proposed Policy Wording
Niagara Parks Commission Lands
Official Plan Amendment 66
City of Niagara Falls and
Regional Policy Plan Amendment 170
Willoughby Land Use Policies
City of Niagara Falls

DPD 102-2007

Mr. Farley noted the several discussions have taken place with municipal staff and the NPC. There is now agreement with appropriate wording provided recently by Mr. Richardson. ***The proposed wording on Page 4 of the report under the heading "Copy of Policy Supported by Regional and Local Planning Staff" and in Appendix 1 should be changed to reflect the wording suggested in Mr. Richardson's letter of September 13 (PD 60-2007).***

Moved by Councillor Trombetta
Seconded by Councillor Henderson

That Report DPD 102-2007, September 19, 2007, respecting the Proposed Policy Wording, Niagara Parks Commission Lands, Official Plan Amendment 66, City of Niagara Falls and Regional Policy Plan Amendment 170, Willoughby Land Use Policies, City of Niagara Falls, be received **as amended on Page 4 and Appendix 1 of the report**,

That City of Niagara Falls Official Plan Amendment 66 be modified to include an additional policy as set out in Appendix 1 to this report in order to provide a policy guiding development on Niagara Parks Commission property in the City of Niagara Falls;

That the Ontario Municipal Board be advised that the Region supports the inclusion of an additional policy guiding development on Niagara Parks Commission lands as set out in Appendix 1 to this report as part of Regional Policy Plan Amendment 170; and

That a copy of this report be circulated to the City of Niagara Falls, the Town of Fort Erie, the Town of Niagara-on-the-Lake, the Niagara Parks Commission, the Ministry of Municipal Affairs and Housing and to the Ontario Municipal Board.

Carried.

396. Official Plan Amendment No. 73
New Minimum Distance Separation Formulae
City of Niagara Falls

DPD 99-2007

Moved by Councillor Baty
Seconded by Councillor Henderson

That Report DPD 99-2007, September 19, 2007, respecting Official Plan Amendment No. 73, New Minimum Distance Separation Formulae, City of Niagara Falls, be received;

That Amendment No. 73 to the City of Niagara Falls 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 notice of final decision 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.

397. Regional Policy Plan Amendment 187 – Environmental Policies
Settlement of Remaining Issues
DPD 100-2007

Mr. Farley noted that since the last Planning & Public Works Committee meeting staff has met with Lafarge Canada and their consultants and they have proposed modifications to the Amendment as outlined on pages 5 and 6 of this report. These modifications are satisfactory to Lafarge and the Region is recommending changes noted in Appendix 1.

Moved by Councillor Trombetta
Seconded by Councillor Bylsma

That Report DPD 100-2007, September 19, 2007, respecting Regional Policy Plan Amendment 187 – Environmental Policies, Settlement of Remaining Issues, be received;

That Regional Council ask the Ontario Municipal Board to approve the further modifications to Amendment 187 set out in Appendix 1;

That this report be forwarded to the Ontario Municipal Board, the appellants, the Ontario Ministry of Municipal Affairs and Housing, the local municipalities and other interested parties; and

That the Ministry of Natural Resources be requested to provide Niagara Region with the opportunity to review and comment on proposed changes to the Fonthill Kame Earth Science Area of Natural and Scientific Interest (ANSI).

Carried.

(Refer to Staff Directions)

398. Background Information Report
Proposed Amendment to Regional Road Allowance Policies
Regional Policy Plan Amendment 7-2007
DPD 101-2007

Moved by Councillor Marshall
Seconded by Councillor Bylsma

That Report DPD 101-2007, September 19, 2007, respecting the Background Information Report, Proposed Amendment to Regional Road Allowance Policies, Regional Policy Plan Amendment 7-2007, be received;

That a copy of this report be circulated to the local municipalities and Provincial agencies for review and comments; and

That Regional staff be authorized to hold one public meeting at the Regional Municipal Building to obtain comments on the proposed Policy Plan Amendment 7-2007.

Carried.

399. Implementation of Smarter Niagara Incentive Programs
Local and Regional Partnerships
City of Port Colborne
Community Improvement Plan for Main Street West
DPD 103-2007

Mr. Farley noted that the report suggests that funding is available under the Smarter Niagara Incentive Programs for this project, but in fact when all other projects are taken into consideration the fund will be \$10,000 short should this project be approved. It was noted that the wording of the report states funding “at the level up to \$60,000” and it was suggested that any unfunded balance could be carried over to the next fiscal year.

Moved by Councillor Baty
Seconded by Councillor Marshall

That Report DPD 103-2007, September 19, 2007, respecting the Implementation of Smarter Niagara Incentive Programs, Local and Regional Partnerships, City of Port Colborne Community Improvement Plan for Main Street West, be received;

That the Community Improvement Plan for Main Street West in the City of Port Colborne be supported, and that staff participation on a project steering committee and funding at the level up to \$60,000, be approved; and

That a copy of this report be sent to all the local municipalities with an invitation to partner with the Region in the implementation of the Smarter Niagara Incentives Program.

Carried.

400. Final Recommendation Report
Official Plan Amendment 66
Willoughby Land Use Policies
City of Niagara Falls
DPD 115-2006

Official Plan Amendment 66 generally reflects Regional Policy Plan Amendment 170 previously supported by Council. The latter was appealed by the province and it appears both the proposed Amendment to the Niagara Falls Official Plan and the

Regional Policy Plan Amendment will be adjudicated by the Ontario Municipal Board. This report sets out some minor modifications to the proposed Amendment noted in the report on Pages 5 and 6, and reflects recommendations with respect to the Region's Growth Management Study and Regional Public Health Department concerns. Also, provisions in this Amendment will not take effect until the approval of Regional Policy Plan Amendment 170.

Moved by Councillor Henderson
Seconded by Councillor Bylsma

That Report DPD 115-2006, November 1, 2006, respecting the Final Recommendation Report, Official Plan Amendment 66, Willoughby Land Use Policies, City of Niagara Falls, be received;

That City of Niagara Falls Official Plan Amendment 66 be approved as modified;

That Notice of Council's decision to modify and approve Amendment 66 be circulated in accordance with Planning Act requirements; and

That a copy of this report be circulated to the City of Niagara Falls.

Carried.

(Refer to Staff Directions)

401. Funding of Bikeway Facilities
Fitch Street Reconstruction
City of Welland
PWA 142-2007

Mr. Cousins noted that Reports PWA 142-2007, PWA 143-2007 and PWA 144-2007 deal with funding requests to provide bikeway facilities on local roads included in the Region's Bikeways Master Plan approved by Council. Mr. Cousins noted that funding was not provided under this year's budget for bikeway facilities on local roads and will have to be taken from the Roads Rehabilitation Budget, but consideration of funding for municipalities for bikeway facilities on local roads will be part of the 2008 capital budget deliberations. Councillor D'Angela requested that when the 2008 budget is discussed there be a policy in place to determine who would receive the money if requests exceeded availability of funds. Mr. Cousins suggested it would be up to Council to approve funding requests, but Public Works could prioritize the requests.

Moved by Councillor Marshall
Seconded by Councillor Bylsma

That Report PWA 142-2007, September 19, 2007, respecting the Funding of Bikeway Facilities, Fitch Street Reconstruction, City of Welland, be received;

That the Region agrees to fund the additional costs for bikeway facilities along Fitch Street between Prince Charles Drive and South Pelham Road, in the City of Welland, estimated at \$119,776;

That all project costs be charged against Parent Project ZRC0701; and

That the Regional Clerk's Department forward a copy of this report to the City of Welland and the Regional Niagara Bicycling Committee for their information.

Carried.

402. Funding of Paved Shoulders
East and West Line Road Rehabilitation
Town of Niagara-on-the-Lake
PWA 143-2007

This is the second section of the East and West Line Road Rehabilitation to be funded to allow safe bicycle traffic with the final section expected to be completed next year. It was suggested that signing for the Circle Route could be changed to direct bicycles down East and West Line Road and Highway 55 as an alternative to Lakeshore Road which does not yet have safe bicycle lanes.

Moved by Councillor Marshall
Seconded by Councillor Bylsma

That Report PWA 143-2007, September 19, 2007, respecting the East and West Line Road Rehabilitation, Town of Niagara-on-the-Lake, be received;

That the Region agree to fund the additional costs for paved shoulders along East & West Line, east of Niagara Stone Road to Concession 2 Road, in the Town of Niagara-on-the-Lake, estimated at \$110,000;

That all project costs be charged against Parent Project ZRC0701; and

That the Regional Clerk's Department forward a copy of this report to the Town of Niagara-on-the-Lake and the Regional Niagara Bicycling Committee for their information.

Carried.

403. Funding of On-Road Bikeway Facilities
Lake Street Neighbourhood Traffic Calming Study
Town of Grimsby

PWA 144-2007

Councillor Hodgson noted that the Town of Lincoln was never consulted on this project even though part of the work crosses into their jurisdiction. Mr. Cousins advised that this is a Town of Grimsby project and the Region was not aware that Lincoln had not been consulted. Mr. Cousins will notify Town of Lincoln staff and apologize for this oversight.

Moved by Councillor Marshall
Seconded by Councillor Bylsma

That Report PWA 144-2007, September 19, 2007, respecting the Funding of On-Road Bikeway Facilities, Lake Street Neighbourhood Traffic Calming Study, Town of Grimsby, be received;

That the Region agrees to fund the additional costs for bikeway facilities along Lake Street between Ontario Street and the North Service Road/Town of Lincoln boundary, in the Town of Grimsby, estimated at \$158,000.00;

That all project costs be charged against Parent Project ZRC0701;

That the existing 50 km/hr posted speed on Regional Road 39 (North Service Road) be extended 200 metres easterly;

That the Regional Clerk be requested to ensure that the appropriate amendment to Niagara Region's Traffic By-law 89-2000 imposing this change in the speed limit reduction on Regional Road 39 (North Service Road) be presented to Council for approval on September 27, 2007; and

That the Regional Clerk's Department forward a copy of this report to the Town of Grimsby and the Regional Niagara Bicycling Committee for their information.

Carried.

404. Assignment of Simcoe Engineering Group Limited's
July 6, 2005 Engineering Agreement
to Hatch Mott MacDonald
Project ZCW0405/CW0523
PWA 146-2007

Moved by Councillor Trombetta
Seconded by Councillor Baty

That Report PWA 146-2007, September 19, 2007, respecting the Assignment of Simcoe Engineering Group Limited's July 6, 2005 Engineering Agreement to Hatch Mott MacDonald, Project ZCW0405/CW0523, be received; and

That in response to Simcoe Engineering Group Limited's July 24, 2007, request, Simcoe be advised that the Regional Municipality of Niagara consents to the assignment of Simcoe's July 6, 2005 Engineering Agreement to Hatch Mott MacDonald and that the Commissioner of Public Works be granted the authority to sign all necessary documents to effect such assignment.

Carried.

405. Transfer of Funds - Contract RN 05-12
Central Pumping Station & Combined Sewer Overflow
High Rate Treatment Facility
In the City of Niagara Falls
Project ZSW9305/SW0230
PWA 148-2007 (CSD 146-2007)

Moved by Councillor Trombetta
Seconded by Councillor Baty

That Report PWA 148-2007 (CSD 146-2007), September 19, 2007, respecting the Transfer of Funds - Contract RN 05-12, Central Pumping Station & Combined Sewer Overflow, High Rate Treatment Facility In the City of Niagara Falls, Project ZSW9305/SW0230, be received;

That payment in the amount of \$2,261,000 be approved to V. Gibbons Contracting Ltd. for construction services and that payment in the amount of \$489,000 be approved to Associated Engineering for engineering services for the Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility, Contract RN 05-12, in the City of Niagara Falls;

That the project's costs be charged to Project ZSW9305/SW0230 Central Pumping Station & Combined Sewer Overflow High Rate Treatment Facility;

That previously approved Wastewater Reserve Fund financing in the amount of \$300,000 be transferred from Project ZSW0202/SW0202 Wastewater Facilities Condition Assessment to Project ZSW9305/SW0230 Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility;

That previously approved Wastewater Reserve Fund financing in the amount of \$1,000,000 be transferred from Project ZSW0112/SW0112 SCADA Updates to Project ZSW9305/SW0230 Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility;

That previously approved Wastewater Reserve Fund financing in the amount of \$350,000 be transferred from Project ZSW0304/SW0304 Wastewater Facilities Security Improvements to Project ZSW9305/SW0230 Central Pumping Station and Combined Sewer Overflow High Rate Treatment Facility; and

That the gross budget be increased by \$1,100,000 to reflect the additional cost sharing contribution from the City of Niagara Falls.

Carried.

(Please note that Report PWA 148-2007 (CSD 146-2007) can be found behind the JNT RPTS Blue Book Tab)

406. Contract RN 07-21 (2007-T-121)
Main Street Bridge (Structure No. 027220) – Improvements
Over the Old Welland Canal
In The City of Welland
PWA 150-2007 (CSD 147-2007)

As detailed in the report, Mr. Cousins pointed out the reasons behind the comparatively inflated figures shown on Page 4 for contingency allowance and consulting engineering services. Single lane traffic will be maintained on the bridge during construction with minor exceptions.

Moved by Chair Partington
Seconded by Councillor Casselman

That Report PWA 150-2007 (CSD 147-2007), September 19, 2007, respecting Contract RN 07-21 (2007-T-121), Main Street Bridge (Structure No. 027220) – Improvements, Over the Old Welland Canal, In The City of Welland, be received;

That Contract RN 07-21 (2007-T-121) Main Street Bridge (Structure No. 027220) – Improvements over the Old Welland Canal in the City of Welland be awarded to the low tenderer, Holloway Philp Construction Ltd., at the bid price of \$630,470.00;

That a contingency allowance in the amount of \$100,000.00 be provided for this contract;

That the Engineering Agreement with the consulting firm of Urban & Environmental Management Inc., be extended to include the review of shop drawings and occasional site visits as required, with the fees being calculated on a time plus disbursements basis;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara, are presented to Regional Council on September 27, 2007;

That Long Term Financing (1-10 years) in the amount of \$150,000.00 be transferred from ZRC0701/RC0701 Roads Rehabilitation Program to Capital Works Project ZRC0219/RC0750 Main Street Bridge (Structure No. 027220) – Improvements Over the Old Welland Canal; and

That all project costs be charged against Capital Works Project ZRC0219/RC0750.

Carried.

(Please note that Report PWA 150-2007 (CSD 147-2007) can be found behind the JNT RPTS Blue Book Tab)

407. Waste Management Planning Steering Committee
August 7, 2007

Moved by Councillor Marshall
Seconded by Councillor Henderson

That the Minutes of the Waste Management Planning Steering Committee meeting held Tuesday, August 7, 2007, be received and the recommendations contained therein be approved.

Carried.

408. Transportation Strategy Steering Committee
August 28, 2007

Moved by Councillor Marshall
Seconded by Councillor Henderson

That the Minutes of the Transportation Strategy Steering Committee meeting held Tuesday, August 28, 2007, be received and the recommendations contained therein be approved.

Carried.

ITEMS FOR DEBATE

409. **Amendments to Procedural By-law No. 120-2005 – Updated**
CSD 142-2007

Decisions of the Public Health and Social Services Committee and the Corporate Services Committee concerning this report, the memorandum from Ms. Rae, and the confidential memo from Mr. Kyne, were read to this Committee.

Moved by Chair Partington
Seconded by Councillor Baty

That Report CSD 142-2007, September 19, 2007, respecting the Amendments to Procedural By-law No. 120-2005 – Updated, and the memorandum from Mary C. Rae, Legal Counsel, (September 12, 2007) respecting Amendments to Procedural Bylaw be received and referred to Regional Council on September 27, 2007 for consideration pending further information from legal counsel as requested by Corporate Services Committee.

Carried.

PUBLIC MEETINGS

410. Regional Policy Plan Amendment 6-2007
Proposed Amendment to the Road Allowance Policies
Date: Wednesday, September 12, 2007
Time: Public Meeting 7:30 p.m.
Place: City of Port Colborne
City Hall, Council Chambers
66 Charlotte Street, Port Colborne
Councillors: Badawey, _____, _____

ITEMS FOR INFORMATION

411. **Capital Projects, June 2007 Variance Report**
CSD 141-2007

Moved by Councillor Baty
Seconded by Councillor D'Angela

That Report CSD 141-2007, September 19, 2007, respecting Capital Projects, June 2007 Variance Report, be received for information.

Carried.

412. Movd by Councillor Rigby
Seconded by Councillor Marshall

That the following reports be received for information.

PWP 57-2007 Niagara Region – Tuy Hoa, Viet Nam
Municipal Partnership Program
FCM Municipal Partnerships Program

PWP 63-2007 Projects/Studies Activity Report
Waste Management Services Division

PWP 64-2007 Project Activity Report
Transportation Services

Carried.

413. Correspondence

Councillor Trombetta expressed appreciation to Regional Staff, in particular Messrs. Farley, Goldsworthy and Kyne for their services during an incident in West Lincoln involving clear-cutting of trees. Councillor Trombetta noted the concerns of West Lincoln that the Tree Cutting By-Law have more “teeth” to ensure appropriate use of land, and requested a report from Planning staff outlining possible remedial action, including advice of the Legal Department, for the next meeting.

Councillor Rigby also requested clarification of how the requests for permits can be covered with the present staff allotted. Harvesters are having difficulty as staff cannot cover all requests in a timely manner. Clarification is required on how certificates can be issued, along with how these can be policed. The process needs to be improved.

Councillor Marshall noted comments of the two presenters that are being referred to the Planning Review Committee, and asked if the Memorandum of Understanding, which has been signed by all parties, would need to be revised if enforcement stayed with the Region.

Councillor Hodgson commented that municipalities have a responsibility to secure wooded areas within their jurisdictions to preserve as urban woodlots. Municipalities must compensate those who own the land to be preserved.

Moved by Councillor Trombetta
Seconded by Councillor Marshall

That Correspondence Item PD 56-2007, a Letter of Request from Township of West Lincoln To Support Amendment to Tree-Cutting By-Law, be received for information and referred to staff for a detailed look at enforcement and content of the By-law.

Carried.

414. Moved by Councillor Trombetta
Seconded by Councillor Marshall

That Correspondence Item PD 57-2007, a Letter from J. Schonberger, President, Niagara South Federation of Agriculture Re Future Enforcement of the Tree and Forest Conservation By-Law be received for information and referred to the Planning Review Committee.

Carried.

415. Moved by Councillor Trombetta
Seconded by Councillor Marshall

That the following Correspondence Items be received for information:

PD 58-2007 Correspondence to Ontario Municipal Board from David Farley, Director, Planning & Development Department, re Appeal of Regional Council's Decision to Approve Official Plan Amendment 72, Proposed Mixed Residential Development North of Portage Road, West of Stanley Avenue, City of Niagara Falls

PD 59-2007 Correspondence from Cheryl Miclette, Town Clerk, Town of Pelham to Susan Daniels, Deputy Clerk, City of Thorold re Support for City of Thorold's Resolution re Heritage Designation of the Welland Canals Corridor

PD 60-2007 Letter from T. Richardson on behalf of the Niagara Parks Commission suggesting revised wording for DPD 102-2007

PD 61-2007 Letter from Thomson Rodgers on behalf of Cytec Canada requesting deferral of DPD 98-2007 (OPA 69 – Grand Niagara Resort)

Carried.

416. Moved by Councillor Baty
Seconded by Councillor D'Angela

That the following Correspondence Items be received for information:

- PWC 37-2007 Letter from Trillium Railway Co. Ltd., August 2, 2007, respecting operation of Townline Spur rail connection.
- PWC 38-2007 Letter to Town of Fort Erie, August 23, 2007, respecting Intersection Improvement on Regional Road 116 (Gorham Road) at Regional Road 1 (Dominion Road), Town of Fort Erie
- PWC 39-2007 Letter from The Niagara Parks Commission, August 22, 2007, respecting the Transfer of Portage Road between Stanley Avenue and the Niagara Parkway, Niagara Parks Commission to the Regional Municipality of Niagara

Carried.

OTHER BUSINESS

417. Children's Water Festival

Councillor Baty congratulated staff for the excellent Children's Water Festival that he was part of this past weekend. He noted this is an excellent venue to show residents what the Region does and to educate children about conservation and how they can contribute. Councillor Baty noted that approximately 1,000 students per day attended this event, in addition to the general public.

Councillor D'Angela also participated in the Festival and attended with his son. It was a very enjoyable experience and the Balls Falls venue was great. Councillor D'Angela also commended staff for the organization of this event.

418. Thank You

Councillor Trombetta expressed appreciation to staff for their timely and helpful response to residents in her area, in particular Mr. Farley, Mr. Friesen and Mr. Cousins, and asked that her thanks be passed along to appropriate staff in their divisions.

419. South Niagara Roads Study

Councillor Rigby asked about the status of this study. Mr. Cousins reported that the funds for studies had been exhausted and this study was to be a priority in the 2008 budget. Councillor Rigby asked about consideration of advance approval for this study to get it underway as Council has identified this as a priority item. Mr. Cousins noted that his staff could seek proposals from consultants now for review

and evaluation, possibly in October, which would coincide with capital budget discussions for 2008.

Moved by Chair Partington
Seconded by Councillor Marshall

That staff proceed to seek proposals from consultants respecting a South Niagara Roads Study.

Carried.

CLOSED SESSION

420. Moved by Councillor Baty
Seconded by Councillor Bylsma

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

Carried.

421. Memorandum from Michael Kyne, Director, Legal Services
(August 21, 2007) respecting Confidential Information.

Moved by Chair Partington
Seconded by Councillor Baty

That the Memorandum from Michael Kyne, Director, Legal Services (August 21, 2007, respecting confidential information, be received be received and referred to Regional Council on September 27, 2007 for consideration pending further information from legal counsel as requested by Corporate Services Committee.

Carried.

422. A Proposed Acquisition of Land by the Municipality
Reconstruction of Regional Road No. 20
City of Thorold
PWA 145-2007 (CSD 143-2007) CONFIDENTIAL

Moved by Councillor Baty
Seconded by Councillor D'Angela

That Confidential Report PWA 145-2007 (CSD143-2007), September 19, 2007, respecting A Proposed Acquisition of Land by the Municipality, Reconstruction of Regional Road No. 20, City of Thorold, be received, and the recommendations contained therein be approved.

Carried.

423. Moved by Councillor Casselman
Seconded by Councillor D'Angela

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was requested to:

- Provide Councillor Baty with information respecting whether this report covers all of the property owned by Lafarge (See Minute Item #397)
- Provide Councillor Baty with information respecting conservation measures in place to protect this area (See Minute Item #400)

ADJOURNMENT

The Committee adjourned at 3:25 p.m., to meet again on Wednesday, October 10, 2007 in Council Chambers, Regional Headquarters.

Tim Rigby
Co-Chair

Bill Smeaton
Co-Chair

Pam Gilroy
Regional Clerk

Betty Staines
Legislative Assistant