

THE REGIONAL MUNICIPALITY OF NIAGARA
PLANNING AND PUBLIC WORKS COMMITTEE

REPORT 14-2007

Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, October 10, 2007 commencing at 1:10 p.m.

ATTENDANCE

- Committee: Councillors Rigby, Co-Chair; Smeaton, Co-Chair; Partington, Regional Chair; Augustyn, Badawey, Baty, Burroughs, Bylsma, Casselman, D'Angela, Goulbourne, Henderson, Hodgson, Lepp, Marshall, McMullan, Zimmerman
- Staff: Messrs. Brothers, Commissioner, Public Works; Farley, Director, Planning Services; Robson, Director, Community Integration; Cousins, Director, Transportation Services; Friesen, Director, Waste Management Services; Ms. Mathews-Malone, Director, Water & Wastewater Services; Ms. Staines, Legislative Assistant.
- Other: Messrs. Campbell, Senior Planner; Gummo, Associate Director, Comprehensive Community Planning; Kyne, Director, Legal Services; McQueen, Director of Administration; Moffatt, Manager, Property Management.
- Guests: Messrs. Remple, Richardson

ITEMS FOR CONSIDERATION

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

That Report DPD 116-2007, Lifting of Deferral of the Core Natural Heritage Map, City of Port Colborne Section, Regional Policy Plan Amendment 187, be lifted and brought forward for consideration.

Carried.

CONFLICT OF INTEREST

Councillor Badawey declared an indirect pecuniary interest with respect to DPD 116-2007 as he owns property in this area, and he therefore took no part in the discussion of, or voting on, these matters.

425. Lifting of Deferral of the Core Natural Heritage Map
City of Port Colborne Section
Regional Policy Plan Amendment 187
DPD 116-2007

Moved by Councillor Marshall
Seconded by Chair Partington

That Report DPD 116-2007, October 10, 2007, respecting Lifting of Deferral of the Core Natural Heritage Map, City of Port Colborne Section, Regional Policy Plan Amendment 187, be received;

That the deferral of the City of Port Colborne section of the Core Natural Heritage Map contained in Policy Plan Amendment 187 be lifted;

That Regional Council approve the City of Port Colborne section of the Core Natural Heritage Map as modified and shown in Figure 2;

That all interested parties be notified of Regional Council's decision to lift the deferral and approve the Port Colborne section of the Map in accordance with provincial regulations;

That staff issue a declaration that Council's decision to lift the deferral and approve the City of Port Colborne section of the Map is final if no appeals are lodged within twenty (20) days of giving notice of Council's decision;

That a copy of this report be forwarded for information purposes to the City of Port Colborne, Lester Shoalts Limited, Sherkston Shores Recreational Park and all other commenting agencies, departments and individuals.

Carried.

426. Agreement for Road Works
Interamerica Leasing Inc.
Clearance of Condition of Site Plan Approval
Regional Road 98 (Montrose Road)
City of Niagara Falls

PWA 149-2007

Moved by Councillor Badawey
Seconded by Councillor D'Angela

That Report PWA 149-2007, October 10, 2007, respecting Agreement for Road Works, Interamerica Leasing Inc., Clearance of Condition of Site Plan Approval, Regional Road 98 (Montrose Road), City of Niagara Falls, be received;

That the Region enters into an Agreement with Interamerica Leasing Inc. with respect to road requirements for a proposed new auto service centre and car dealership for Hamburg Honda to be constructed in the southeast quadrant of Regional Road 98 (Montrose Road) and McLeod Road (MTO jurisdiction);

That the Agreement outline responsibilities and secure financial commitments to cover 100% of costs associated with the construction of the required road improvements at this location;

That the Director of Legal Services be requested to prepare the necessary Agreement;

That all project costs be charged against Project ZRC0739/RC0763, Development Related Projects;

That the Regional Chair and Regional Clerk be authorized to execute this Agreement;

That the City of Niagara Falls be circulated a copy of this report; and

That the Commissioner of Public Works be authorized to proceed, as necessary, with the publication of a Notice of Meeting, in accordance with the provisions of the Municipal and Environmental Assessment Acts.

Carried.

427. Accessible Parking
Regional Road 18 (Ontario Street)
Town of Lincoln
PWA 151-2007

In response to a question, Mr. Cousins explained that according to existing legislation the Region is responsible for all parking restrictions on Regional Roads. Mr. Cousins noted that his department works closely with the local municipalities to act on their desires for changes. These requests come to Planning & Public Works Committee because a By-law to effect the changes has to be prepared and brought to Council for approval.

Moved by Councillor Hodgson
Seconded by Councillor Badawey

That Report PWA 151-2007, October 10, 2007, respecting Accessible Parking, Regional Road 18 (Ontario Street), Town of Lincoln, be received;

That an on-street accessible parking area be provided on the east side of Regional Road 18 (Ontario Street) located in front of St. Alban's Church;

That this report be forwarded to the Regional Niagara Accessibility Advisory Committee for their information; and

That the Regional Clerk be requested to ensure that the appropriate amendment to Niagara Region's Traffic By-law 6200-91 imposing this change in creating an accessible parking area on Regional Road 18 (Ontario Street) be presented to Council for approval on October 18, 2007.

Carried.

428. Request for Removal of the One Hour Parking Duration
On Regional Road 100 (Four Mile Creek Road)
Town of Niagara-on-the-Lake
PWA 152-2007

Moved by Councillor Hodgson
Seconded by Councillor Badawey

That Report PWA 152-2007, October 10, 2007, respecting Request for Removal of the One Hour Parking Duration on Regional Road 100 (Four Mile Creek Road), Town of Niagara-on-the-Lake, be received;

That the request from the Town of Niagara-o-the-Lake to remove the one hour parking duration on the east side of Regional Road 100 (Four Mile Creek Road) in front of #221 and #231 Four Mile Creek Road be approved; and

That the Regional Clerk be requested to ensure that the appropriate amendment to Niagara Region's Traffic By-law No. 89-2000 imposing this change in removing the time duration parking on Regional Road 100 (Four Mile Creek Road) be presented to Council for approval on October 18, 2007.

Carried.

429. Parking Prohibition
Regional Road 63 (Canborough Road)
Township of West Lincoln
Township of Wainfleet
PWA 153-2007

Moved by Councillor Hodgson
Seconded by Councillor Badawey

That Report PWA 153-2007, October 10, 2007, respecting Parking Prohibition, Regional Road 63 (Canborough Road), Township of West Lincoln, Township of Wainfleet, be received;

That parking be prohibited at anytime on the north side of Regional Road 63 (Canborough Road) from 70 metres west to 80 metres east of Caistor-Gainsborough Townline Road (Attercliffe Road); and

That the Regional Clerk be requested to ensure that the appropriate amendment to Niagara Region's By-law 89-2000 imposing this change in prohibiting parking on Regional Road 63 (Canborough Road) be presented to Council for approval on October 18, 2007.

Carried.

430. Tender Award for Contract 2007-T-106
Elm Street Landfill Site
Leachate Collection System Phase IV and
Leachate Pump Station Upgrades
City of Port Colborne
Project ZGL0629
PWA 155-2007

Moved by Councillor Badawey
Seconded by Councillor D'Angela

That Report PWA 155-2007, October 10, 2007, respecting the Tender Award for Tender Award for Contract 2007-T-106, Elm Street Landfill Site, Leachate Collection System Phase IV and Leachate Pump Station Upgrades, City of Port Colborne, Project ZGL0629, be received;

That Contract 2007-T-106, Elm Street Landfill Site Leachate Collection System Phase IV and Leachate Pump Station Upgrades in the City of Port Colborne be awarded to V. Gibbons Contracting Inc. at its tender price of \$946,075.80;

That Urban & Environmental Management Inc. be retained to provide contract administration and inspection services at an estimated cost of \$150,000.00;

That a contingency allowance of \$150,000.00 be provided for this project;

That the Regional Clerk be directed to ensure that the appropriate by-law be prepared for submission to Regional Council authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of the Regional Municipality of Niagara; and

That the project costs be charged against Capital Works Parent Project ZGL0629.

Carried.

431. Downtown Street System Conversion Study
In the City of St. Catharines
PWA 156-2007

Councillor Augustyn noted his appreciation for the Executive Summary distributed at the Committee meeting. Councillor Augustyn questioned whether William Street would remain designated a regional road once the conversion to two-way traffic was complete, and if any reconstruction on William Street funded by the Region was planned. Mr. Cousins replied that no reconstruction was planned and that William Street would no longer be considered an upper-tier road if two-way traffic was reinstated on Ontario Street.

Moved by Councillor McMullan
Seconded by Councillor Marshall

That Report PWA 156-2007, October 10, 2007, respecting the Downtown Street System Conversion Study in the City of St. Catharines, be received;

That the City of St. Catharines Downtown Street System Conversion Study, dated December, 2005, prepared by Paradigm Transportation Solutions Limited, be received and accepted; and

That the recommended conversion plan and implementation strategy be accepted and staff be authorized to proceed with the recommendations related to regional roads subject to Capital budget approval of the individual projects.

Carried.

432. Final Recommendations Report
Regional Policy Plan Amendment 6-2007
Regional Road Allowance Policies
DPD 117-2007

Moved by Councillor Baty
Seconded by Councillor D'Angela

That Report DPD 117-2007, October 10, 2007, respecting the Final Recommendations Report, Regional Policy Plan Amendment 6-2007, Regional Road Allowance Policies, be received;

That Regional Policy Plan Amendment 6-2007 as set out in Appendix 1 be approved;

That the Regional Clerk ensure that a Regional Amendment by-law is prepared for Council adoption;

That a notice of Council's decision be circulated in accordance with Planning Act requirements; and

That a copy of this report be forwarded to Pelham, Welland and Port Colborne for information.

Carried.

433. N.E.C. Development Permit Decisions
From July 1, 2007 to September 21, 2007
DPD 118-2007

Moved by Councillor Burroughs
Seconded by Councillor Casselman

That Report DPD 118-2007, October 10, 2007, respecting N.E.C. Development Permit Decisions from July 1, 2007 to September 21, 2007, be received for information.

Carried.

434. Smarter Niagara Incentives Program
Pilot Public Domain Incentives Program
DPD 119-2007 (CSD 153-2007)

It was noted by Councillor Casselman that at the Corporate Services Committee meeting earlier today there was some discussion around the word “competitive” and funding accountability. Councillor Casselman also noted that it was recommended that a representative from the Culture Committee participate in the review of projects which include heritage and/or public art components.

Moved by Councillor Casselman
Seconded by Councillor Henderson

That Report DPD 119-2007 (CSD 153-2007), October 10, 2007, respecting the Smarter Niagara Incentives Program – Pilot Public Domain Incentives Program, be received;

That a Public Domain Incentives Program as a new component in the Smarter Niagara Incentives Program be implemented and tested as a pilot in 2007, subject to individual funding requests being brought back to Council for approval;

That the available funding for the pilot Public Domain Incentives Program be capped at an offset limit of \$300,000 for 2007; and

That this report be circulated to the Area Municipalities for their information.

Carried.

(Please note that Report DPD 119-2007 (CSD 153-2007) can be found behind the JNT RPTS Blue Book Tab)

435. Consent Summary
From July 1, 2007 to September 21, 2007
DPD 120-2007

Moved by Councillor Burroughs
Seconded by Councillor Casselman

That Report DPD 120-2007, October 10, 2007, respecting the Consent Summary from July 1, 2007 to September 21, 2007, be received for information.

Carried.

436. Update on Bi-national
Planning and Cooperation Efforts
DPD 121-2007

Mr. Robson pointed out two separate themes dealt with in the recommendations: the Fifteen Recommendations of the Niagara 10 is referred to in the first and second recommendations, and the Great lakes St. Lawrence Cities Initiative (GLSLCI) in the balance of the recommendations.

It was noted by Chair Partington that the "Legacy Council" will be meeting shortly to finalize their action planning, the background work has been carried out and the public process will begin within the next month. Staff is preparing a report to support the provision of funding to the Legacy Council.

Councillor Burroughs noted that the University of Buffalo (UB) had made a presentation to Council about the partnership between the municipalities on both sides of the border respecting environmental and economic issues and the opportunity for municipalities on both sides of the river to meet on a regular basis. Councillor Burroughs noted the importance of closer political ties with our neighbours in the U.S. for social and economic interaction. Councillor Goulbourne noted that this is an important opportunity and this report should not just be received for information but acted on, and in particular noted that Proposal 8 (of the Fifteen Recommendations of the Niagara 10) should be forwarded to NEDCO for follow-up. Councillor Badawey suggested that the Niagara 10 Recommendations need to have action plans attached to them and that Council needs to see the next steps. Councillor Badawey asked that staff come back to the next meeting with possible action plans attached to the Recommendations in Appendix A. Mr. Robson pointed out a number of items that have already been initiated, such as securing the Centenary Celebrations of the International Joint Commission for 2009 and the War of 1812 bi-centennial celebrations.

It was suggested that a Council Business Planning session be initiated to identify priorities within this process. It was agreed that this suggestion be sent to the Chair's office to move forward.

Moved by Councillor Badawey
Seconded by Councillor Burroughs

That Report DPD 121-2007, October 10, 2007, respecting the Update on Bi-national Planning and Cooperation Efforts, be received; and

- a) That the Regional Municipality of Niagara endorse, in principle, the Fifteen Recommendations of the Niagara 10, recommendations addressing actions for cross-border sustainability under the categories of Environmental/Development, Capacity Building/Governance, Programs/Projects and Access/Transportation (as outlined in Appendix A to this report);

- b) That staff be directed to report back to Council prior to any potential resources being allocated relative to the Region's involvement in future actions pursuant to the Fifteen Niagara 10 Recommendations;
- c) That Council secure endorsement of the Ontario and Quebec Caucuses of the Great Lakes St. Lawrence Cities Initiative (GLSLCI) for securing senior government resource support for the production of a Canadian counterpart version of the *Healthy Waters, Strong Economy: The Benefits of Restoring the Great Lakes Ecosystem* report from the Brookings Metropolitan Institution (attached as Appendix B to this report);
- d) That immediately following Council's endorsement of recommendation (c) above, a letter under the signature of the Regional Chairman and copied to Councillor McMullan (in his capacity as the Chairman of the Ontario Caucus of the GLSLCI) be sent to the Chicago and Toronto offices of the GLSLCI with the request that said letter be circulated to, at a minimum, the Ontario and Quebec members of the GLSLCI members for their respective endorsement; and
- e) That Council request, through the Chairman of the GLSLCI Caucus, that the subject of recommendation (c) of this report be placed, within reason, on the next meeting agenda of said Caucus and similarly request that the outcome of the related discussion be communicated back to this Council, and via the assistance of the Chicago and Toronto offices of the GLSLCI, the Quebec Caucus of the GLSLCI;

And Further, that the fifteen Recommendations outlined in Appendix A of this report be referred to the Regional Chair's office, supported by the Planning Department, with recommendations for staff to identify the next steps, what projects are in place, and what more can be done, and

That an additional Council business planning meeting be scheduled to prioritize what steps can be taken.

Carried.

437. Smarter Niagara Steering Committee
For Wednesday, September 12, 2007

Moved by Councillor Marshall
Seconded by Councillor McMullan

That the Minutes of the Smarter Niagara Steering Committee meeting held Wednesday, September 12, 2007, be received and the recommendations contained therein be approved.

Carried.

438. Waste Management Planning Steering Committee
For Tuesday, September 18, 2007

Councillor Burroughs expressed concern about passing the recommendations of the Waste Management Planning Steering Committee for approval as there was not enough detail provided in the minutes. Councillor Burroughs particularly noted the direction being taken with the recycling process and future trips for the Municipal Partnership Program with Viet Nam were not fully described in the minutes. It was clarified that approval of level of service or program changes and approval of further trips were not recommended at the meeting, and the Viet Nam report was only received for information.

The process for approval of minutes was reviewed. Minutes are received by this Committee and recommendations for approval are ratified at Council when the Standing Committee minutes are approved. Discussion of the approval of any of the recommendations contained therein can take place at Planning & Public Works and Council meetings.

Moved by Councillor Goulbourne
Seconded by Councillor Marshall

That the Minutes of the Waste Management Planning Steering Committee meeting held Tuesday, September 18, 2007, be received and the recommendations contained therein be approved.

Carried.

439. Planning Review Committee
For Monday, September 24, 2007

Discussion ensued concerning the status of the delegation of authority for Tree By-law Enforcement to the Niagara Peninsula Conservation Authority (NPCA). The Memorandum of Understanding has been signed by all parties authorizing the transfer of enforcement. It was suggested that the NPCA schedule a meeting with the farmers' representatives to discuss the logistics of the transfer of enforcement responsibility, and the future role of the Advisory Committee. Concern was raised about the standards for the enforcement and whether they would be continued at the same level as the Region's standards. Mr. Robson noted that a report will be forthcoming from staff dealing with how the transfer will take place and the quality/standards of enforcement. Clear communication should be given to the agricultural community that the transfer of enforcement has been approved at Regional Council.

Moved by Councillor Baty
Seconded by Councillor Badawey

That the Minutes of the Planning Review Committee meeting held Monday, September 24, 2007, be received and the recommendations contained therein be approved.

Carried.

(Refer to Staff Directions)

440. Moved by Councillor Baty
Seconded by Councillor Badawey

That Correspondence Item C6958, a letter from the Niagara South Federation of Agriculture respecting future Enforcement of the Tree and Forest Conservation By-law, be received for information.

Carried.

441. Moved by Councilor Baty
Seconded by Councillor Badawey

That Correspondence Item PD 62-2007, a letter of Transmittal to Vince Goldsworthy, Regional Planning staff, from Adele Arbour, Director Planning & Building Services, City of Thorold, re City Staff Report on Delegation of Enforcement of the Tree and Forest Conservation By-law to the Niagara Peninsula Conservation Authority, be received for information.

Carried

442. Regional Chair's Agricultural Task Force
For Tuesday, September 25, 2007

Councillor Hodgson brought attention of the Committee to two recommendations in this report, namely that "the Niagara Area Planners Group begin a collaborative and comprehensive review of land use policy (local, regional and provincial) and current land use issues, regarding on farm value-added activities (including processing, agri-tourism, culinary tourism, etc.) to better inform the Greenbelt process", and that Regional Council "increase awareness and recognition of the very significant contribution of our farming community to environmental and public health objectives and to the economic sustainability of rural communities" as a priority in this term of Council.

Councillor Hodgson noted these directives are necessary as there are significant barriers to the development of a sustainable rural greenbelt economy. There is also a significant concern within Niagara's farm community that there exists a lack of awareness and appreciation for the historic stewardship of resources, water protection and conservation of wetlands by the agricultural community. The Task Force is asking for resources to put toward an action plan to launch a campaign of public awareness and the recognition of the farming community's role in achieving conservation and public health objectives in Niagara.

Moved by Councililior McMullan
Seconded by Councillor D'Angela

That the Minutes of the Regional Chair's Agricultural Task Force meeting held Tuesday, September 25, 2007, be received and the recommendations contained therein be approved.

Carried.

ITEMS FOR INFORMATION

443. Forecast and Year-End Results and Budget to Actual Comparison for the Month Ended August 31, 2007
PWP 65-2007

Moved by Councillor Burroughs
Seconded by Councillor Badawey

That Report PWP 65-2007, October 10, 2007, respecting the Forecast and Year-end Results and Budget to Actual Comparison for the Month Ended August 31, 2007, be received for information.

Carried.

444. Regional Niagara Bicycling Committee August 9, 2007

Moved by Councillor D'Angela
Seconded by Councillor Marshall

That the Minutes of the Regional Niagara Bicycling Committee meeting held August 9, 2007, be received for information.

Carried.

445. O'Reilly's Bridge

It was noted that the Region has been requested to preserve O'Reilly's Bridge for heritage purposes. Staff are reviewing opportunities to re-locate the bridge and will report back if this request can be accommodated and what the cost will be. In response to a question it was noted that the cost of refurbishing the bridge and building a new structure cannot be compared since the refurbishing would require further work in five to ten years and only allow one lane of traffic, and the new two-lane bridge should last fifty years with minimum maintenance.

Moved by Councillor D'Angela
Seconded by Councillor Augustyn

That Correspondence Item PWC 40-2007, a letter from G.P. MacDonald and PWC 42-2007, a letter from Mark Shoalts, respecting O'Reilly's Bridge, be received for information.

Carried.

(Refer to Staff Directions)

446. Moved by Councillor Baty
Seconded by Councillor Henderson

That Correspondence Item PWC 41-2007, Notice of Availability of Draft Environmental Impact Statement and Notice of Public Hearing, Buffalo and Fort Erie Public Bridge Authority, be received for information.

Carried.

447. Moved by Councillor D'Angela
Seconded by Councillor Lepp

That Correspondence Item PD 63-2007, a News Release from Waterfront Regeneration Trust Celebrating the Completion of 52 Projects under the Canada-Ontario Infrastructure Program including a description of Fourteen Projects in Niagara, be received for information.

Carried.

OTHER BUSINESS

448. Introduction of Bill Moffatt.

Mr. Kyne introduced Bill Moffatt who is the new replacement for the retired Larry Bousfield, Manager, Property Management in Corporate Services.

449. Geneva and Westchester Intersection
City of St. Catharines

Moved by Councillor McMullan
Seconded by Councillor Casselman

That the Commissioner of Public Works be directed to investigate and report on the operational concerns that occur during peak traffic periods at the Geneva Street/Westchester Crescent signalized intersection. In particular the investigation should assess the feasibility of providing southbound dual left turn lanes on Geneva Street at Westchester Crescent to minimize queuing and delay to motorists.

Carried.

450. Motions from Agricultural Task Force Minutes

Moved by Councillor Hodgson
Seconded by Councillor Badawey

That the two motions noted in Minute Item 442 respecting “the Niagara Area Planners Group begin a collaborative and comprehensive review of land use policy (local, regional and provincial) and current land use issues, regarding on farm value-added activities (including processing, agri-tourism, culinary tourism, etc.) to better inform the Greenbelt process”, and “that Regional Council increase awareness and recognition of the very significant contribution of our farming community to environmental and public health objectives and to the economic sustainability of rural communities” as a priority in this term of Council, be referred to Council to be noted as motions approved by Council.

Carried.

451. Highway 20/406 Interchange

Councillor Baty advised that the tree planting and landscaping at this interchange is very positive, but he noted his concern respecting a lack of guardrails, a definite safety issue at this interchange. Mr. Cousins advised that concerns have been forwarded to the Ministry and he will report back to the Committee once a response has been received. Councillors Augustyn and D’Angela also voiced their concern about the unsafe conditions (lack of guardrails).

CLOSED SESSION

452. Moved by Councillor Casselman
Seconded by Councillor Baty

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.

453. Moved by Councillor Casselman
Seconded by Councillor Augustyn

That the following Confidential Reports be received, and the recommendations contained therein be approved.

PWA 157-2007 (CSD 151-2007) -
A Proposed Acquisition of Land by the Municipality, City of Niagara Falls

PWA 158-2007 (CSD 152-2007) -
A Proposed Acquisition of Land by the Municipality, Reconstruction of Regional Road No. 89 (Glendale Avenue), Town of Niagara-on-the-Lake

PWA 159-2007 (CSD 155-2007) -
A Proposed Acquisition of Land by the Municipality, Reconstruction of Regional Road No. 20, City of Thorold

Carried.

454. Moved by Councillor Zimmerman
Seconded by Councillor Burroughs

That this Committee do now rise with report.

Carried.

STAFF DIRECTIONS

Staff was requested to:

- Provide Councillors with a copy of the 2007 Resident Survey Discussion Paper and Leger Marketing Survey (See Minute Item #439)
- Provide a copy of the correspondence referring to O'Reilly's Bridge to the Culture Committee (See minute Item #445)

ADJOURNMENT

The Committee adjourned at 2:45 p.m., to meet again on Wednesday, October 31, 2007 in Council Chambers, Regional Headquarters.

Tim Rigby
Co-Chair

Bill Smeaton
Co-Chair

Pam Gilroy
Regional Clerk

Betty Staines
Legislative Assistant