

# THE REGIONAL MUNICIPALITY OF NIAGARA

## INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

### REPORT 13-2009

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Minutes of a meeting of the Integrated Community Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, October 14, 2009 commencing at 1:08 p.m.

#### ATTENDANCE

Committee: Councillor Rigby and Smeaton, Co-Chairs; Augustyn, Badaway, Baty, Casselman, D'Angela, Gabriel, Goulbourne, Henderson, Hodgson, Lepp, Marshall, Timms, Trombetta, Zimmerman.

Staff: Messrs. Robson, Commissioner Integrated Community Planning; Brothers, Commissioner Public Works; Hughes, Associate Director Transportation; Pollock, Director, Waste Management Services; Colosimo, Director Development Services; Ms. Matthews-Malone, Director Water and Wastewater; Weaver, Director Community & Corporate Planning; Mr. Bain, Regional Clerk; Ms. McManus, Legislative Assistant.

Other: Messrs. Weir, Director Administration; Steele, Associate Director, Strategy Business Management; Pilon, Associate Director, Service Quality & Improvement; Flora, Associate Director Transportation Systems; Mr. Lockyer, Treasurer/Director, Financial Management & Reporting; Moffat, Manager Property Management; Murphy, Manager Policy Development; Ms. Papaiz, Senior Manager, Corporate Communications; Ms. Habermehl, Associate Director, Collection and Diversion Operations; Ms. Torbicki, Manager, Waste Policy and Planning; Ms. Beyer, Health Promoter; Ms. Brigantino, Manager, Chronic Disease; Inspector Coulis, Niagara Regional Police Services; Mr. Gummo, Associate Director, Comprehensive Community Planning; Mr. Campbell, Planner; Mr. Pelette, Manager Housing Hostels Homelessness.

**PUBLIC MEETINGS**

355. Stop up, Close, Declare Surplus and Transfer  
Portions of Regional Road No. 70 (Taylor Road)  
Douglas and Debra Brown  
City of Niagara Falls
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Councillor Rigby called the Public meeting to order at 1:09 p.m.

Councillor Rigby, in accordance with the Planning Act Requirements and with respect to the Regional Policy Plan Amendment, read out the following:

Public Meeting – Proposed Stop up, Close, Declare Surplus and Transfer Portions of Regional Road No. 70 (Taylor Road) Douglas and Debra Brown City of Niagara Falls:

Purpose of the meeting

Pursuant to the Municipal Act and Regional Policy, a public meeting must be held to hear any public objections to this proposed disposal and stopping up and closing of part of Regional Road 89 (Report PWA 100-2009/CSD 128-2009).

In accordance with Regional Policy, the public notice of the meeting was advertised on the Region's website at least 10 days prior to this meeting (Corporate Policy - Public Notice C3.P09).

Mr. Brothers, Commissioner Public Works introduced the matter for public hearing and advised the committee that the notice of the meeting was published on the Region's website.

Councillor Rigby asked whether there were any persons in the gallery who wished to speak to the Proposed Stop up, Close, Declare Surplus and Transfer Portions of Regional Road No. 70 (Taylor Road) Douglas and Debra Brown City of Niagara Falls. There were no members of the public in attendance wishing to be heard.

Councillor Rigby called a second and third time for persons in the gallery who wished to speak to the Proposed Stop up, Close, Declare Surplus and Transfer Portions of Regional Road No. 70 (Taylor Road) Douglas and Debra Brown City of Niagara Falls. There being no response he declared the Public Meeting closed.

**PRESENTATIONS**

356. Appeal of Zoning By-law 431A-09  
Agricultural Community Zoning District  
Town of Niagara-on-the-Lake  
**ICP 50-2009**

Mr. John and Mrs. Austin Kirkby were present to provide historical information and visual mapping displays in an effort to inform Committee members of past practice.

Mr. John and Mrs. Austin Kirkby further requested that the Region proceed to the Ontario Municipal Board (OMB) appeal table with a recognition that many things have changed over 150 years and that unrealistic development buffers and some of the environmental policies that refer to “unmanaged natural buffers” in an area that is zoned for specialty crop production will have a negative impact on the ability to farm and live in the Greenbelt.

(A copy of Mr. Kirkby’s speaking notes can be found behind the Integrated Community Planning and Public Works Committee Minutes)

357. The Niagara Sport Commission

Dr. Laura Cousens, Assistant Professor, Department of Sport Management, Brock University addressed the Committee and provided a presentation on “The Niagara Sport Commission”.

Moved by Councillor Smeaton  
Seconded by Councillor Goulbourne

That Dr. Cousen’s Presentation respecting The Niagara Sport Commission, be received;

That Regional Councillors forward to staff their interest in providing Regional representation on the Niagara Sports Commission Advisory Committee; and

That the Staff Report on Regional representation be provided to the November 4, 2009 Integrated Community Planning and Public Works Committee meeting.

Carried.

(A copy of Dr. Cousen’s presentation can be found behind the Integrated Community Planning and Public Works Committee Minutes)

358. Moved by Councillor Lepp  
Seconded by Councillor Trombetta

That Report ICP 50-2009, October 14, 2009, respecting the Appeal of Zoning By-law 431A-09 Agricultural Community Zoning District Town of Niagara-on-the-Lake, be brought forward and dealt with at this time.

Carried.

### **INTEGRATED COMMUNITY PLANNING – ITEMS FOR CONSIDERATION**

359. Appeal of Zoning By-law 431A-09  
Agricultural Community Zoning District  
Town of Niagara-on-the-Lake  
**ICP 50-2009**

Moved by Councillor Marshall  
Seconded by Councillor Zimmerman

That Report ICP 50-2009, October 14, 2009, respecting Appeal of Zoning By-law 431A-09 Agricultural Community Zoning District Town of Niagara-on-the-Lake, be received as ***amended***;

***That Regional Council support the position of the Agricultural Task Force, as outlined in Appendix 1 of the report;***

That Regional Council confirm the appeal of Town of Niagara-on-the-Lake Zoning By-law 4316A-09 - Agricultural Community Zoning District to the Ontario Municipal Board; and

That the Town of Niagara-on-the-Lake and the Ministry of Municipal Affairs be notified of Council's decision.

Carried.

**PUBLIC WORKS – ITEMS FOR CONSIDERATION**

360. Think and Drive Road Safety Campaign  
Evaluation Report  
**PWA 99-2009(PHD 47-2009)**

Moved by Councillor Badawey  
Seconded by Councillor Lepp

That Report PWA 99-2009(PHD 47-2009), October 14, 2009, respecting Think and Drive Road Safety Campaign Evaluation Report, be received;

That a presentation by the Regional Niagara Road Safety Committee (RNRSC) be made at Regional Council; and

That this report be circulated to local area municipalities for information.

Carried.

(Please note that PWA 99-2009(PHD 47-2009) can be found behind the Joint Report Blue Book Tab.)

361. Stop Up, Close, Declare Surplus and Transfer  
Portions of Regional Road No. 70 (Taylor Road)  
Douglas and Debra Brown  
City of Niagara Falls  
**PWA 100-2009(CSD 128-2009)**

Moved by Councillor Timms  
Seconded by Councillor Lepp

That Report PWA 100-2009(CSD 128-2009), October 14, 2009, respecting Proposed Stop up, Close, Declare Surplus and Transfer Portions of Regional Road No. 70 (Taylor Road) Douglas and Debra Brown City of Niagara Falls, be received;

That a portion of Taylor Road, more particularly described as Parts 12, 13, 14, 16, 17 and 18 on Plan 59R-12873 being portions of Regional Road No. 70, be stopped up, closed, declared surplus to the Region's needs and transferred to Douglas and Debra Brown for \$1.00;

That the transfer of these lands be subject to any identified easement requirements being retained by the Region, or established for such purposes as utilities, access, or granting to other levels of government/utilities upon transfer; and

That the Regional Chairman and the Regional Clerk be authorized to execute the necessary documents on behalf of The Regional Municipality of Niagara.

Carried.

(Please note that PWA 100-2009(CSD 128-2009) can be found behind the Joint Report Blue Book Tab.)

362. Agreement for Part 8 Sewage System Management  
Town of Fort Erie  
**PWA 103-2009(CSD 141-2009)**

Moved by Councillor Trombetta  
Seconded by Councillor D'Angela

That Report PWA 103-2009(CSD 141-2009), October 14, 2009, respecting Agreement for Part 8 Sewage System Management Town of Fort Erie, be received;

That the Region enter into an agreement with the Town of Fort Erie, satisfactory to the Director, Legal Services, with respect to the administration and enforcement of the Ontario Building Code Part 8 (Sewage System);

That the agreement outline the responsibilities and respective duties in the transfer of the administration of sewage system management from the Town of Fort Erie to the Development Services Division of the Public Works Department;

That the effective date of providing this service to the Town of Fort Erie be established as November 1, 2009;

That Bylaw No. 125-2008, a Bylaw for the Regulation of small on-lot sewage systems in the Regional Municipality of Niagara, which came into force on December 18, 2008, be amended to include the Town of Fort Erie;

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

That the Town of Fort Erie be circulated a copy of this report.

Carried.

(Please note that PWA 103-2009(CSD 141-2009) can be found behind the Joint Report Blue Book Tab.)

363. Water and Wastewater Common Rate Setting and  
Cost Recovery Review  
**PWA 104-2009(CSD 131-2009)**

Moved by Councillor Augustyn  
Seconded by Councillor Goulbourne

That Report PWA 104-2009(CSD 131-2009), October 14, 2009, respecting Water and Wastewater Common Rate Setting and Cost Recovery Review, be received;

That the Memorandum of Understanding (MOU) for Feasibility Study entitled "Common Rate Structure for Niagara's Water and Wastewater Systems" (Review) be received and approved in principle,

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council authorizing the Regional Chair to execute the agreement on behalf of the Regional Municipality of Niagara,

That this report and MOU be forwarded to each of the lower tier municipalities responsible for water distribution and/or wastewater collection for their consideration and approval of the MOU committing their participation to the Review, and

That staff report back on the status of the proposed Memorandum of Understanding relative to those municipalities willing to proceed with the Review, complete with an estimated cost and duration of the review.

Carried.

364. Waste Management Planning Steering Committee  
**Minutes - Tuesday, October 6, 2009**

Moved by Councillor Augustyn  
Seconded by Councillor Baty

That Minute Item #56 and Minute Item #57 of the Minutes of the Waste Management Planning Steering Committee (6-2009) meeting of October 6, 2009, be lifted and dealt with at this time.

Carried.

Moved by Councillor Augustyn  
Seconded by Councillor Goulbourne

That Minute Item #57 of the Minutes of the Waste Management Planning Steering Committee (6-2009) meeting of October 6, 2009 respecting Same Side Collection, be referred to the October 22, 2009 meeting of Regional Council for consideration.

Carried.

Moved by Councillor Goulbourne  
Seconded by Councillor Lepp

That Minute Item #56 of the Minutes of the Waste Management Planning Steering Committee (6-2009) meeting of October 6, 2009 respecting Banning of Grass from Curbside Collection, be referred to the November 4, 2009 meeting of the Integrated Community Planning and Public Works Committee for consideration and a further Staff report.

Carried.

Moved by Councillor Goulbourne  
Seconded by Councillor Lepp

That the remainder of the Minutes of the Waste Management Planning Steering Committee (6-2009) meeting of October 6, 2009, be received for information.

Carried.

365. Regional Niagara Bicycling Committee  
**Minutes – Thursday August 6, 2009**

Moved by Councillor Baty  
Seconded by Councillor Augustyn

That the Minutes of the Regional Niagara Bicycling Committee meeting of August 6, 2009, be received and the recommendations be referred to the November 4, 2009 meeting of the Integrated Community Planning and Public Works Committee for consideration and a further Staff report.

Carried.

**PUBLIC WORKS – ITEMS FOR INFORMATION**

366. Moved by Councillor Trombetta  
Seconded by Councillor Zimmerman

That the following items be received for information:

- PWP 35-2009      Project Activity Report Water & Wastewater Services  
PWP 36-2009      2009 Water and Wastewater YTD Volume Update  
PWP 37-2009      Project Activity Report – Transportation Services

Carried.

367. Letter from MOE to Cytec Industries Re: Risk Management Options for Site  
Decommissioning – Niagara  
**PWC 55-2009**

Moved by Councillor Marshall  
Seconded by Councillor Augustyn

That the Correspondence PWC 55-2009 (dated September 18, 2009) from MOE to Cytec Industries respecting Risk Management Options for Site Decommissioning – Niagara, be received for information.

Carried.

368. Moved by Councillor Casselman  
Seconded by Councillor Gabriel

That the following items be received for information:

- PWC 56-2009      Notice of Highway Closure – Saturday night October 17<sup>th</sup> at midnight until Sunday October 18<sup>th</sup> at 10:00 a.m. Ten-Hour Full Closure of the QEW during QEW/Martindale Bridge Demolition, St. Catharines  
PWC 57-2009      Notice to Emergency Services; Detailed Visual Inspection of Burgoyne Bridge (Structure No. 081220) Regional Road 81 (St. Paul Street West) over Twelve Mile Creek and Highway 406 in the City of St. Catharines

Carried.

369. Letter (dated October 2, 2009) from the City of Port Colborne Mayor Badawey to the Integrated Community Planning and Public Works Committee  
Re: Killaly Street West, Port Colborne  
**PWC 58-2009**

Moved by Councillor Badawey  
Seconded by Councillor Henderson

That the Correspondence PWC 58-2009 (dated October 2, 2009) from the City of Port Colborne Mayor Badawey to the Integrated Community Planning and Public Works Committee respecting Killaly Street West, Port Colborne, be received;

That this Committee recommend that Regional Council consider, in the 2010 Capital Roads Budget, the full reconstruction of Killaly Street West, from Steele Street to King Street, to full urban section, compatible to its arterial designation; and

That Regional Council consider, in the 2010 Capital Roads Budget, the resurfacing of Killaly Street West from Highway #3 to Steele Street to significantly reduce the ongoing maintenance of this roadway in the future.

Carried.

370. Memorandum (dated October 7, 2009) from Ms. Tanner, Manager Design Construction and Mr. Hunter, Manager Environmental Health to Co-Chairs and members of the Integrated Community Planning and Public Works Committee  
re: Councillor Information Request (September 23, 2009) re: PWC 52-2009 correspondence from the Long Beach Property Owner's Association  
**PWC 59-2009**

Moved by Councillor Baty  
Seconded by Councillor Trombetta

That the Memorandum PWC 59-2009 (dated October 7, 2009) from Ms. Tanner, Manager Design Construction and Mr. Hunter, Manager Environmental Health to Co-Chairs and members of the Integrated Community Planning and Public Works Committee re: Councillor Information Request (September 23, 2009) re: PWC 52-2009 correspondence from the Long Beach Property Owner's Association, be received and referred to the November 4, 2009 Integrated Community Planning and Public Works Committee for a further Staff report.

Carried.

**INTEGRATED COMMUNITY PLANNING – ITEMS FOR INFORMATION**

371. Accessibility for Ontarians with Disabilities Act (2005) Compliance  
**ICP 49-2009**

Moved by Councillor Casselman  
Seconded by Councillor Henderson

That Report ICP 49-2009, October 14, 2009, respecting Accessibility for Ontarians with Disabilities Act (2005), be received for information.

Carried.

372. Correspondence re: Local Food Action Plan  
**ICP-C 93-2009**

Moved by Councillor Lepp  
Seconded by Councillor Henderson

That Correspondence ICP-C 93-2009 (dated September 14, 2009) respecting Local Food Action Plan, be received for information.

Carried.

373. Accessibility Advisory Committee  
**Minutes – August 18, 2009**

Moved by Councillor Timms  
Seconded by Councillor Marshall

That the Minutes of the Accessibility Advisory Committee meeting of August 18, 2009, be received for information.

Carried.

374. Housing Properties Purchased by the Niagara Region  
**COM 55-2009 / CSD 140-2009**

Committee members were informed of a motion passed respecting COM 55-2009(CSD 140-2009) at the Corporate Services Committee meeting held earlier in the day.

It was therefore:

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Report CSD 140-2009, October 14, 2009 (COM 55-2009, October 13, 2009), respecting Housing Properties Purchased by the Niagara Region be referred for consideration at the Council meeting of October 22, 2009, pending receipt of further information as requested by Committee prior to this meeting.

Carried.

(A copy of Report CSD 140-2009 / COM 55-2009 is behind the Joint Reports Tab in the Blue Book.)

**OTHER BUSINESS**

375. Letter (dated September 4, 2009)  
Re: the possible designation of Welland Canals Heritage Corridor Cultural  
Landscape as a National Historic Site  
**ICP-C 94-2009**

Moved by Councillor Rigby  
Seconded by Councillor Timms

That Correspondence ICP-C 94-2009 (dated September 4, 2009) respecting the possible designation of Welland Canals Heritage Corridor Cultural Landscape as a National Historic Site, be received and referred to Staff for further report on processes.

Carried.

**CLOSED SESSION**

376. Moved by Councillor Baty  
Seconded by Councillor Marshall

That this Committee do now meet in Closed Session for purpose of dealing with A Matter of Litigation or Potential Litigation Before the Ontario Municipal Board Appeal of Decision to Change a Condition of Draft Plan of Approval for The Neighbourhood of Rolling Meadows Subdivision City of Thorold, Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality Reconstruction of Regional Road No. 89 (Glendale Avenue) City of St. Catharines, Proposed Acquisition of Land by the Municipality Reconstruction of Regional Road 87 (Lakeshore Road) City of St. Catharines and Matters Concerning Identifiable Individuals And Employee Negotiations.

Carried.

377. A Matter of Litigation or Potential Litigation  
Before the Ontario Municipal Board  
Appeal of Decision to Change a Condition of Draft Plan of Approval for  
The Neighbourhood of Rolling Meadows Subdivision  
City of Thorold  

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**Confidential PWA 92-2009**

Moved by Councillor Casselman  
Seconded by Councillor Henderson

That Confidential Report PWA 92-2009, October 14, 2009, respecting A Matter of Litigation or Potential Litigation Before the Ontario Municipal Board Appeal of Decision to Change a Condition of Draft Plan of Approval for The Neighbourhood of Rolling Meadows Subdivision City of Thorold, be deferred.

Carried.

378. Proposed Acquisition of Land by the Municipality and  
Potential Litigation Affecting the Municipality  
Reconstruction of Regional Road No. 89 (Glendale Avenue)  
City of St. Catharines  

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**Confidential PWA 101-2009(CSD 129-2009)**

Moved by Councillor D'Angela  
Seconded by Councillor Gabriel

That Confidential Report PWA 101-2009(CSD 129-2009), October 14, 2009, respecting Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality Reconstruction of Regional Road No. 89 (Glendale Avenue) City of St. Catharines, be received and the recommendation contained therein approved.

Carried.

379. Proposed Acquisition of Land by the Municipality  
Reconstruction of Regional Road 87 (Lakeshore Road)  
City of St. Catharines  
**Confidential PWA 102-2009(CSD 130-2009)**

Moved by Councillor Trombetta  
Seconded by Councillor Augustyn

That Confidential Report PWA 102-2009(CSD 130-2009), October 14, 2009, respecting Proposed Acquisition of Land by the Municipality Reconstruction of Regional Road 87 (Lakeshore Road) City of St. Catharines, be received and the recommendation contained therein approved.

Carried.

380. Matters Concerning Identifiable Individuals  
And Employee Negotiations  
**Confidential ICP 48-2009**

Moved by Councillor Marshall  
Seconded by Councillor Gabriel

That Confidential Report ICP 48-2009, October 14, 2009, respecting Matters Concerning Identifiable Individuals And Employee Negotiations, be received and the recommendation contained therein approved.

Carried.

381. Moved by Councillor Badawey  
Seconded by Councillor Trombetta

That this Committee do now rise with report.

Carried.

382. Moved by Councillor Timms  
Seconded by Councillor Lepp

That this Committee reconvene in to Open Session to deal with a matter of Other Business.

Carried.

**OTHER BUSINESS (continued)**

383. Current United Way Campaign

Councillor Rigby, as Council representative for the United Way, reminded Committee members of the importance of contributing to the current United Way Campaign. He suggested that members contribute via their municipalities or the Region but that their support was indeed needed.

**ADJOURNMENT**

The Committee adjourned at 3:11 p.m. to meet again at 1:00 p.m. on Wednesday, November 4, 2009 in Council Chambers, Regional Headquarters.

Councillor Rigby  
Co-Chair

Councillor Smeaton  
Co-Chair

Lisa McManus  
Legislative Assistant

Kevin Bain  
Regional Clerk