

**THE REGIONAL MUNICIPALITY OF NIAGARA**

**PLANNING AND PUBLIC WORKS COMMITTEE**

**REPORT 10-2007**

Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, July 18, 2007 commencing at 1:05 p.m.

**ATTENDANCE**

- Committee: Councillors Smeaton, Co-Chair, Rigby, Co-Chair; Augustyn, Partington, Regional Chair, Badawey, Baty, Burroughs, Bylsma, Casselman, D'Angela, Gabriel, Goulbourne, Henderson, Hodgson, Lepp, Marshall, McMullan, Timms, Trombetta
- Staff: Messrs. Farley, Director of Planning Services; Friesen, Director, Waste Management Services; Cousins, Director, Transportation Services; Gohier, Acting Director, Water & Wastewater Services; Robson, Director of Community Integration; Ms. Staines, Legislative Assistant.
- Other: Councillor Greenwood, Messrs. Colosimo, Senior Planner; Kyne, Director, Legal Services;

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

**ITEMS FOR CONSIDERATION**

- 308. Memorandum of Understanding  
Planning System in Niagara  
**CAO 8-2007**

Mr. Robson reviewed the process leading up to this report. All twelve municipalities have agreed to sign the Memorandum of Understanding which is supported by the Area Planners, the Area CAO's, and the Planning Review Committee including the Niagara Peninsula Conservation Authority and political representatives from the municipalities. Several comments were expressed respecting the spirit of cooperation among the Region and the area municipalities and the dedicated efforts of the Planning staff, and Councillors Smeaton and Zimmerman, co-chairs of the Planning Review Committee.

*At this point in the meeting quorum was reached.*

Moved by Councillor Badawey  
Seconded by Councillor Burroughs

That Report CAO 8-2007, July 18, 2007, respecting Memorandum of Understanding – Planning System in Niagara, be received;

That the Regional Chairman and Regional Clerk be authorized to sign the attached Memorandum of Understanding related to the Planning System in Niagara;

That this MOU replaces the current MOU between the Region's Planning and Development Department and the Niagara Peninsula Conservation Authority; and

That staff be directed to develop implementation plans, in cooperation with the Area Planners group and with oversight from the Planning Review Committee, related to process changes required to ensure effective functioning of the MOU.

Carried.

309. Amendments to Procedural By-law No. 120-2006  
**CSD 107-2007**

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report CSD 107-2007, July 18, 2007, respecting Amendments to Procedural By-law No. 120-2006, be deferred to the September 18th and 19th Committee meetings, to allow staff the opportunity to include additional provisions within the by-law, as discussed at the Corporate Services Committee meeting.

Carried.

310. Smarter Niagara Incentives Program –  
Local and Regional Partnerships  
City of Niagara Falls Pilot Project Area  
**DPD 86-2007**

Moved by Councillor Gabriel  
Seconded by Councillor D'Angela

That Report DPD 86-2007, July 18, 2007, respecting Smarter Niagara Incentives Program – Local and Regional Partnerships, City of Niagara Falls Pilot Project Area, be received;

That the request from the City of Niagara Falls for funding support in the amount of \$10,000 from the Smarter Niagara Incentives Program to complete planning work

in the Pilot Project Area of the Brownfield Community Improvement Plan 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.

311. Surplus Lands of the Municipality  
Town of Lincoln  
**PWA 118-2007 (CSD 110-2007)**

Moved by Chair Partington  
Seconded by Councillor Casselman

That Report PWA 118-2007 (CSD 110-2007), July 18, 2007, respecting Surplus Lands of the Municipality, Town of Lincoln, be received;

That the former Vineland Reservoir site located in part of Lot 22, Concession 4, Township of Louth and the former Jordan Reservoir site, located in part of Lot 19, Concession 5, Township of Louth, both in the Town of Lincoln, be declared surplus and disposed of according to policy.

Carried.

(Refer to Staff Directions)

*(Please note that Report PWA 118-2007 (CSD 110-2007) can be found behind the JNT RPTS Blue Book Tab)*

312. Initiation of Projects Included in the  
Building & Equipment Capital Budget  
**PWA 120-2007 (CSD 113-2007)**

Moved by Councillor Badawey  
Seconded by Councillor D'Angela

That Report PWA 120-2007 (CSD 113-2007), July 18, 2007, respecting the Initiation of Projects Included in the Building & Equipment Capital Budget, be received;

That financing in the amount of \$2,130,000 gross and net be approved from the 2007 Buildings & Equipment Capital Program for Projects ZGD0701 and ZGD0704;

That approval be given to fund the projects with financing consisting of \$984,000 Capital Levy, \$346,000 Long Term Financing (1-10 years) and \$800,000 in previously approved Capital Levy; 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 120-2007 (CSD 113-2007) can be found behind the JNT RPTS Blue Book Tab)*

313. Transfer of Funds – Contract RN 03-10  
Niagara Falls Water Treatment Plant, Phase 1 Upgrades  
City of Niagara Falls  
Project ZCW9504  
**PWA 122-2007 (CSD 116-2007)**

Moved by Councillor Baty  
Seconded by Councillor Timms

That Report PWA 122-2007 (CSD 116-2007), July 18, 2007, respecting Transfer of Funds – Contract RN 03-10, Niagara Falls Water Treatment Plant, Phase 1 Upgrades, City of Niagara Falls, Project ZCW9504, be received;

That previously approved Long Term Financing in the amount of \$1,380,000 be transferred from Project ZCW0204/CW0529 Capacity Upgrade at Welland Water Treatment Plant to Project ZCW9504/CW0128 Niagara Falls Water Treatment Plant, Phase 1 Upgrades;

That payment in the amount of \$1,271,000 be approved to Maple Reinders Construction for construction services and that payment in the amount of \$109,000 be approved to R. V. Anderson Associates Limited for engineering services for the Niagara Falls Water Treatment Plant, Phase 1 Upgrades, Contract RN 03-10, in the City of Niagara Falls; and

That these costs be charged against Project ZCW9504/CW0128.

Carried.

*(Please note that Report PWA 122-2007 (CSD 116-2007) can be found behind the JNT RPTS Blue Book Tab)*

314. Remediation of the Biggar Lagoon  
Sewage Treatment Facility, Phase 2 (North Pond)  
Town of Grimsby  

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**PWA 123-2007 (CSD 118-2007)**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 123-2007 (CSD 118-2007), July 18, 2007, respecting the Remediation of the Biggar Lagoon, Sewage Treatment Facility, Phase 2 (North Pond), Town of Grimsby, be received;

That previously approved Wastewater Reserve Fund financing in the amount of \$500,000 be transferred from Project ZSW0302/SW0302, Alternative Biosolids Management Project to Cost Centre 5414 Biggar Lagoon;

That previously approved Wastewater Reserve Fund financing in the amount of \$321,835 be transferred from Project ZSW9711/SW0021, Biggar Lagoon Decommissioning to Cost Centre 5414 Biggar Lagoon;

That 2007-RFP-23 be awarded to Hard Rock Construction Inc. at their bid price of \$561,835.00 subject to approval of the Federal Environmental Assessment for this project;

That a contingency amount of \$200,000.00 be provided for this project;

That the engineering assignment with DFA Consulting be extended to provide contract administration and construction supervision services in the amount of \$35,000.00;

That AMEC Earth and Environmental be approved to provide soil sampling and testing services in the amount of \$25,000.00;

That the Regional Clerk be directed to ensure that the appropriate by-laws are 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 costs associated with this project be charged against Cost Centre 5414.

Carried.

(Refer to Staff Directions)

*(Please note that Report PWA 123-2007 (CSD 118-2007) can be found behind the JNT RPTS Blue Book Tab)*

315. Tender Award for 2007-T-109, Contract RN 07-09  
Reconstruction of Regional Road 87 (Lakeshore Road)  
From the Welland Canal to Read Road  
In the City of St. Catharines, Project ZRC0602/RC0602  
**PWA 125-2007 (CSD 120-2007)**

Moved by Councillor Timms  
Seconded by Councillor Baty

That Report PWA 125-2007 (CSD 120-2007), July 18, 2007, respecting the Tender Award for 2007-T-109, Contract RN 07-09, Reconstruction of Regional Road 87 (Lakeshore Road) from the Welland Canal to Read Road in the City of St. Catharines, Project ZRC0602/RC0602, be received;

That previously approved Long Term Financing (1-10 years) in the amount of \$500,000.00 be transferred from Project ZRC0219/RC0750 Rehabilitation of Main Street Bridge over the Old Welland Canal to Project ZRC0602, Reconstruction of Regional Road 87 (Lakeshore Road) from the Welland Canal to Read Road;

That the gross budget be increased by \$44,000.00 to reflect the cost sharing with the City of St. Catharines for the sidewalk construction;

That Contract RN 07-09, Reconstruction of Regional Road 87 (Lakeshore Road) from the Welland Canal to Read Road in the City of St. Catharines be awarded to the low tenderer, Rankin Construction Inc., at its bid price in the amount of \$1,436,421.00, subject to Regional Council approval of a transfer of funding;

That a contingency allowance in the amount of \$135,000.00 be provided for this contract;

That the Engineering agreement with the consulting firm of Urban and Environmental Management Inc. be extended to include contract administration and inspection services of \$67,800.00 with the engineering fees being calculated on a time plus disbursement 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 July 26, 2007; and

That all project costs be charged against Capital Works Parent Project ZRC0602/RC0602.

Carried.

(Refer to Staff Directions)

*(Please note that Report PWA 125-2007 (CSD 120-2007) can be found behind the JNT RPTS Blue Book Tab)*

316. Tree and Forest Conservation By-law Advisory Committee  
June 14, 2007

Moved by Councillor Badawey  
Seconded by Councillor Goulbourne

That the Minutes of the Tree and Forest Conservation By-law Advisory Committee meeting held Thursday, June 14, 2007, be received and the recommendation contained therein respecting By-law enforcement be referred to the Planning Review Committee for consideration.

Carried.

317. Regional Niagara Bicycling Committee  
February 22, 2007, April 5, 2007, and May 17, 2007

Moved by Councillor Badawey  
Seconded by Councillor D'Angela

That the Minutes of the Regional Niagara Bicycling Committee meetings held February 22, April 5 and May 17, 2007, be received and the recommendations contained therein be approved.

Carried.

318. Waste Management Planning Steering Committee  
June 26, 2007

Moved by Councillor Badawey  
Seconded by Councillor D'Angela

That the Minutes of the Waste Management Planning Steering Committee meeting held Tuesday, June 26, 2007, be received and the recommendations contained therein be approved.

Carried.

319. Transportation Strategy Steering Committee  
July 17, 2007

Moved by Councillor Augustyn  
Seconded by Councillor McMullan

That the Minutes of the Transportation Strategy Steering Committee meeting held Tuesday, July 17, 2007, be received and the recommendations contained therein be approved.

Carried.

320. Application for Funding – Federation of Canadian Municipalities (FCM)

At a meeting of the Niagara Inter-Municipal Transit Strategic Steering Group held July 17, 2007 attended by Regional Councillors, representatives of six municipalities, transit authorities and Opportunities Niagara, an FCM application for funding was discussed. The Letter of Intent submitted to FCM for funding from the Municipalities Green Fund respecting Capital Transportation Funding has received favourable consideration and a formal detailed proposal is required by August 15, 2007 to apply for a loan for \$1,000,000 and a grant of \$300,000. The amount of the loan for the purchase of equipment is based on a 2002 study and may be lower as a result of the detailed input by stakeholders and the consultant. The lower tier municipalities would be receiving the loan and would be responsible for its repayment, and the original recommendation by Councillor Papp was amended to include this condition. The Region is acting as a broker to support the municipalities with the application. If the application is not moved forward, the opportunity to receive the grant and low-interest loan will be lost. It was noted that the City of Niagara Falls is also applying to FCM to fund their Master Transportation Plan study, which will include a component for inter-municipal transit. Due to the tight timeline to complete the application, the Niagara Inter-Municipal Transit Strategic Steering Group is requesting the Region pay for hiring a consultant to assist with the preparation of the application.

Councillor Papp addressed the Committee and offered to attend the July 26 Council meeting with further details of the application. Councillor D'Angela spoke of the very positive meetings of the Steering Group and the excellent spirit of cooperation between the municipalities involved. These municipalities will be encouraged to formulate a Memorandum of Understanding regarding the application for funding.

Moved by Councillor Augustyn  
Seconded by Councillor Timms

That, based on the deliberations of the Niagara Inter-Municipal Transit Strategic Steering Group meeting of July 17, 2007, a formal detailed proposal for Capital Transportation funding be submitted to the Federation of Canadian Municipalities (FCM) Green Fund by August 15, 2007, and, if successful, the grant and loan received would be assumed by the existing and potential transit system partners by agreement;

That the costs of preparing the aforesaid application including technical assistance, support and input be underwritten within the Region's procurement procedures; and

That Opportunities Niagara continue to take the lead with the collaborative municipal partners in facilitating, brokering and finalizing the FCM Application.

Carried.

321. Moved by Councillor Badawey  
Seconded by Councillor D'Angela

That Regional Council encourage the preparation of a Memorandum of Understanding among the partners wishing to participate in this project.

Carried.

### **ITEMS FOR DEBATE**

322. Official Plan Amendment No. 72  
Proposed Mixed Residential Development  
North of Portage Road, West of Stanley Avenue  
City of Welland  
**DPD 87-2007**

Moved by Councillor Timms  
Seconded by Councillor Gabriel

That Report DPD 87-2007, July 18, 2007, respecting the Official Plan Amendment No. 72, Proposed Mixed Residential Development, North of Portage Road, West of Stanley Avenue, City of Welland, be received;

That Amendment No. 72 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;

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.

### **PUBLIC MEETINGS**

323. Regional Policy Plan Amendment 5-2007  
Proposed Wind Energy Policies  
Date: Wednesday, August 15, 2007  
Open House: 6:00 p.m.  
Public Meeting: 7:00 p.m.  
Place: Regional Council Chambers

Councillors: Marshall, \_\_\_\_\_, \_\_\_\_\_

**ITEMS FOR INFORMATION**

324. Moved by Councillor Badawey  
Seconded by Councillor Timms

That the following items be received for information:

DPD 88-2007	Consent Summary From May 22, 2007 to June 30, 2007
DPD 89-2007	Regional Comments on Development Proposals From June 11, 2007 to June 30, 2007
PWP 46-2007	Project/Studies Activity Report Waste Management Services Division

Carried.

325. Leachate Management Project, Line 5 Landfill Site, Niagara-on-the-Lake  
**PWP 47-2007**

Councillor Burroughs expressed the concerns of the Town of Niagara-on-the-Lake respecting the construction of the forcemain to handle the leachate from the Line 5 Landfill Site and the treatment of this leachate at the Stanley Avenue Wastewater Treatment Plant. The Town is concerned about the potential for discharging heavy metals into Four-Mile Creek, the Niagara River and Lake Ontario. Councillor Burroughs noted that Regional staff have been very helpful to the Town of Niagara-on-the-Lake regarding this project, but read the following motion from the Town:

*That Niagara Region retain a qualified professional engineering firm to carry out a Peer Review of the Class Environmental Assessment completed by Leachate Management Works at the Line 5 Landfill Site in the Town of Niagara-on-the-Lake; and furthermore That Staff report back to Regional Council on the results of the Peer Review.*

Moved by Councillor Burroughs  
Seconded by Councillor Lepp

That Report PWP 47-2007 Leachate Management Project, Line 5 Landfill Site, Niagara-on-the-Lake, July 18, 2007, be deferred pending a further report from Regional Staff on a recommended solution for the treatment of leachate from the Line 5 Landfill Site.

Carried.

326. Enterprise Risk Management  
Water and Wastewater Division – Water Section  
**PWP 48-2007**

Moved by Councillor Badawey  
Seconded by Councillor Timms

That Report PWP 48-2007, July 18, 2007, Enterprise Risk Management, Water and Wastewater Division – Water Section be received for information;

That the balance of the Water Section be completed in 2007;

That an Enterprise Risk Management exercise be conducted for the Wastewater Section in 2008; and

That additional funding requirements be identified separately in the 2008 budget, for consideration during the budget review process.

Carried.

327. Moved by Councillor Badawey  
Seconded by Councillor Timms

That Correspondence Item PD 48-2007, a Notice from Ministry of Municipal Affairs & Housing that Niagara is now a prescribed Region for Community Improvement Planning, be received for information.

Carried.

328. Moved by Councillor Timms  
Seconded by Councillor Gabriel

That Correspondence Items PD 49-2007, a letter from James Webb objecting to Official Plan Amendment 72, City of Niagara Falls on behalf of Modern Corporation, and PD 50-2007, a letter from Thomson Rogers asking for a deferral of Official Plan Amendment 72, City of Niagara Falls on behalf of Cytec Canada Inc., be received and considered with Report DPD 87-2007.

Carried.

329. Elimination and Potential Alternatives of Plastic Grocery Bags  
**PWC 29-2007**

Moved by Councillor Augustyn  
Seconded by Councillor D'Angela

That Correspondence Item PWC 29-2007, a Resolution from the City of Thorold, June 21, 2007, respecting Elimination and Potential Alternatives of Plastic Grocery Bags, be received, supported and endorsed.

Carried.

330. Resolution from City of Welland  
**PWC 30-2007**

Moved by Councillor Timms  
Seconded by Councillor Badawey

That the Resolution from City of Welland respecting Letter of Intent for submission to the Federation of Canadian Municipalities (FCM) for access to FCM's Green Municipal Fund (Transportation) regarding the development of a Niagara Inter-Municipal Transit Green System, be received.

Carried.

331. QEW Contractor Haul Routes  
**PWC 31-2007**

A revised copy of the Minutes of Meeting No. 1, July 11, 2007, was distributed. Councillor Hodgson acknowledged the work of Mr. Cousins and his staff in preparing a plan to protect public safety and public and private property from damage. Councillor Hodgson asked when a public meeting might be held on this issue. Mr. Cousins responded that depending on the Ministry's responses, it is anticipated that a Public Meeting could be held before the end of September, in cooperation with Town staff, to present the proposed plan for haul routes. Proposed routes will be assessed and monitored during the construction to ensure appropriate action is taken to maintain Regional roads.

Moved by Councillor Trombetta  
Seconded by Councillor Lepp

That the PWC 31-2007, Revised Minutes of Meeting No. 1, July 11, 2007, QEW Contractor Haul Routes, be received for information.

Carried.

**OTHER BUSINESS**

332. New Regulation for Community Improvement Plan (CIP)

In response to a question, Mr. Farley advised that the Region has been given authority to prepare upper-tier community improvement plans respecting infrastructure within the upper-tier municipality's jurisdiction, land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment and affordable housing. Funding for these improvements will be requested in the next budget. Funds are presently available to partner with municipalities for local CIP projects.

333. Medians – Glenridge Avenue

In response to a question, Mr. Cousins advised that work is continuing to complete the water service for the medians in cooperation with the City of St. Catharines. It is anticipated that the work will be completed by the end of next week.

334. Use of Roundabouts for Traffic Control

Councillor Gabriel asked if roundabouts are still being considered when designing traffic control in the Region as they reduce carbon emissions from idling cars at stoplights. Mr. Cousins advised that a roundabout has been proposed for Mountain Road in Niagara Falls and is being considered where appropriate for other locations.

**CLOSED SESSION**

335. Moved by Burroughs  
Seconded by Councillor Casselman

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.

336. A Proposed Acquisition of Land by the Municipality  
Town of Grimsby  
**PWA 116-2007 (CSD 108-2007) CONFIDENTIAL**

Moved by Councillor Burroughs  
Seconded by Councillor Trombetta

That Confidential Report PWA 116-2007 (CSD108-2007), July 18, 2007, respecting A Proposed Acquisition of Land by the Municipality, Town of Grimsby, be received, and the recommendations contained therein be approved.

Carried.

337. A Proposed Disposition of Land by the Municipality  
Town of Lincoln  
**PWA 117-2007 (CSD 109-2007) CONFIDENTIAL**

Moved by Councillor Henderson  
Seconded by Councillor D'Angela

That Confidential Report PWA 117-2007 (CSD109-2007), July 18, 2007, respecting A Proposed Disposition of Land by the Municipality, Town of Lincoln, be received, and the recommendations contained therein be approved.

Carried.

338. Initiation of Expropriation Procedures  
Reconstruction of Regional Road No. 20  
City of Thorold  
**PWA 119-2007 (CSD 111-2007) CONFIDENTIAL**

Moved by Councillor Burroughs  
Seconded by Councillor D'Angela

That Confidential Report PWA 119-2007 (CSD111-2007), July 18, 2007, respecting Initiation of Expropriation Procedures, Reconstruction of Regional Road No. 20, City of Thorold, be received, and the recommendations contained therein be approved.

Carried.

339. A Proposed Acquisition of Land by the Municipality  
City of Niagara Falls  
**PWA 121-2007 (CSD 114-2007) CONFIDENTIAL**

Moved by Councillor Trombetta  
Seconded by Councillor Augustyn

That Confidential Report PWA 121-2007 (CSD114-2007), July 18, 2007, respecting A Proposed Disposition of Land by the Municipality, City of Niagara Falls, be received, and the recommendations contained therein be approved.

Carried.

(Refer to Staff Directions)

340. A Matter Affecting the Security of Property of the Municipality  
**PWA 124-2007 (CSD 119-2007) CONFIDENTIAL**

Moved by Councillor Goulbourne  
Seconded by Councillor Bylsma

That Confidential Report PWA 124-2007 (CSD119-2007), July 18, 2007, respecting A Matter Affecting the Security of Property of the Municipality, be received, and the recommendations contained therein be approved.

Carried.

341. Moved by Councillor Casselman  
Seconded by Councillor Trombetta

That this Committee do now rise with report.

Carried.

### **STAFF DIRECTIONS**

Staff was requested to:

- Provide information respecting the size of the property (See Minute Item #311)
- Investigate the possibility of purchasing the property (See Minute Item #314)
- Ensure the contours remain as they are currently (See Minute Item #314)
- Have a map of this area available for the July 26 Council meeting (See Minute Item #315)
- Consider including maps for all future reports dealing with reconstruction of roads ((See Minute Item #315)
- Add the presentation by Councillor Papp to the Council agenda for July 26 (See Minute Item #320)
- Proceed with investigation of alternatives (See Minute Item #340)

**ADJOURNMENT**

The Committee adjourned at 3:45 p.m., to meet again on Wednesday, August 8, 2007 in Council Chambers, Regional Headquarters.

Bill Smeaton  
Co-Chair

Tim Rigby  
Co-Chair

Betty Staines  
Legislative Assistant

Pam Gilroy  
Regional Clerk