

**THE REGIONAL MUNICIPALITY OF NIAGARA**  
**PLANNING AND PUBLIC WORKS COMMITTEE**

**REPORT 15-2007**

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Minutes of a meeting of the Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, October 31, 2007 commencing at 1:10 p.m.

**ATTENDANCE**

- Committee: Councillors Smeaton, Co-Chair; Augustyn, Badawey, Baty, Bylsma, D'Angela, Goulbourne, Henderson, Hodgson, Lepp, Marshall, Puttick, Salci, Timms, Zimmerman
- Staff: Messrs. Trojan, Chief Administrative Officer; Farley, Director, Planning Services; Brothers, Commissioner, Public Works; Cousins, Director, Transportation Services; Friesen, Director, Waste Management Services; Ms. Mathews-Malone, Director, Water & Wastewater Services; Ms. Staines, Legislative Assistant.
- Other: Messrs. Baker, Associate Director, Water & Wastewater Engineering; Gummo, Associate Director, Comprehensive Community Planning;
- Guests: Mr. Weasner, Ms. McCarthy

**PRESENTATIONS**

455. Frank Weasner Application for Consent  
Part Lot 17, Concession 3, Port Colborne

Mr. Weasner spoke to the Committee requesting that the requirement for a dedication of road widening and daylighting triangle be dropped for this property. On a previous application for severance, which lapsed, this dedication was not required, and Mr. Weasner distributed photographs of the property in question which show the location of gas lines installed since the last severance and new hydro poles which would have to be altered if the road widening took place on his property. Mr. Weasner also noted that any road straightening would likely affect the property across Miller Road from his property making the need for this road dedication unnecessary. Mr. Cousins agreed that this property has unique extenuating circumstances and on this basis the request for dedication could be waived.

Moved by Councillor Badawey  
Seconded by Councillor Baty

That the decision not to require the road dedication on this property be accepted.

Carried.

456. Final Recommendations Report  
Regional Policy Plan Amendment 8-2005  
Animal Sanctuary, City of Thorold  
**DPD 125-2007**

Ms. Tracey McCarthy, representing the group The Exotic Animal Rescue Society (TEARS) explained the background of the TEARS group and their interest in animal welfare and protection. Ms. McCarthy noted the appropriateness of the land in Thorold for the animal sanctuary with 20 acres of mostly wooded area but with some clear acreage so trees could be preserved and the sanctuary could be kept as natural as possible. The society is a rescue facility for exotic animals and works closely with the Lincoln County Humane Society. In a background package provided by TEARS, information from a forester, Gerard Levesque, a description of the physiography, soils and drainage for the property, and an evaluation of stormwater management practices were included. Ms. McCarthy pointed out the potential for education programs for schools, etc., and exposure to exotic animals and training in their handling for emergency services and the Humane Society. Ms. McCarthy advised that TEARS was willing to work with the City of Thorold to meet all of their requirements for approvals.

Mr. Farley noted that the City of Thorold has turned down the application from TEARS and recommended to the Region that it also turn down Regional Policy Plan Amendment 8-2005. Mr. Farley commented that some information in the package prepared by TEARS concerning their search for an alternate site was not submitted previously.

It was noted that the proponent had proceeded with work before the appropriate approvals were granted and that the project was now in jeopardy because the appropriate process was not followed. It was suggested that the report be deferred until staff is comfortable with their recommendations following review of the contents of the new information package offered by TEARS.

Moved by Councillor Timms  
Seconded by Councilor Badawey

That Report DPD 125-2007, Final Recommendations Report, Regional Policy Plan Amendment 8-2005, Animal Sanctuary, City of Thorold, be deferred.

Carried.

(Refer to Councillor Information Requests)

### **ITEMS FOR CONSIDERATION**

457. Implementation of *Smarter Niagara* Incentive Programs  
Local and Regional Partnerships  
City of St. Catharines  
Western Hill Secondary Plan and  
Community Improvement Plan  
**DPD 122-2007**

Moved by Councillor Timms  
Seconded by Councillor Salci

That Report DPD 122-2007, October 31, 2007, respecting Implementation of *Smarter Niagara* Incentive Programs, Local and Regional Partnerships, City of St. Catharines, Western Hill Secondary Plan and Community Improvement Plan, be received;

That the Western Hill Secondary Plan and Community Improvement Plan for the City of St. Catharines be supported, and that staff participation on a project steering committee and funding at the level up to \$40,000 be approved, subject to approval of the 2008 budget for the *Smarter Niagara* Incentives Program; 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.

(Refer to Councillor Information Requests)

458. Implementation of *Smarter Niagara* Incentive Programs  
Local and Regional Partnerships  
Town of Pelham  
Community Improvement Plan for Downtown Pelham  
**DPD 123-2007**

Councillor Augustyn asked that the report ***be amended*** and the amount of the request for funding be changed from “up to \$25,000” to “up to \$30,000” to reflect the same 50/50 ratio of funding that other municipalities have received.

Moved by Councillor Timms  
Seconded by Councillor Salci

That Report DPD 123-2007, October 31, 2007, respecting Implementation of *Smarter Niagara* Incentive Programs, Local and Regional Partnerships, Town of Pelham, Community Improvement Plan for Downtown Pelham, be received ***as amended***;

That the Community Improvement Plan for Downtown Pelham be supported, and that staff participation on a project steering committee and funding at the level up to ***\$30,000*** be approved, subject to approval of the 2008 budget for the *Smarter Niagara* Incentives Program; 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.

(Refer to Councillor Information Requests)

459. The Correlation Between “The Niagara to GTA Corridor: Strengthening International Economic Gateways” and “The International Charter for Walking: Creating Healthy Efficient and Sustainable Communities”  
DPD 124-2007

Moved by Councillor Badawey  
Seconded by Councillor D’Angela

That Report DPD 124-2007, October 31, 2007, respecting The Correlation Between “The Niagara to GTA Corridor: Strengthening International Economic Gateways” and “The International Charter for Walking: Creating Healthy, Efficient and Sustainable Communities” be received; and

That the Region continue to engage in dialogue regarding both the Niagara to GTA Corridor and the International Charter for Walking, recognizing that the two address transportation issues facing Niagara at different levels of analysis.

Carried.

460. Revised Terms of Reference  
Glenridge Landfill Liaison Committee  
Glenridge Quarry Naturalization Site  
St. Catharines  

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**PWA 160-2007**

Moved by Councillor Henderson  
Seconded by Councillor Lepp

That Report PWA 160-2007, October 31, 2007, respecting Revised Terms of Reference, Glenridge Landfill Liaison Committee, Glenridge Quarry Naturalization Site, St. Catharines, be received; and

That the revised Terms of Reference for Glenridge Landfill Liaison Committee for the Glenridge Quarry Naturalization Site in St. Catharines be approved.

Carried.

461. Load Capacity Evaluation for  
Structure No. 020220 (Highway 20 Bridge)  
Over the Decew Raw Water Supply Canal  
(Adjacent to the Welland Ship Canal)  
In the City of Thorold  

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**PWA 161-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 161-2007, October 31, 2007, respecting the Load Capacity Evaluation for Structure No. 020220 (Highway 20 Bridge) Over the Decew Raw Water Supply Canal (Adjacent to the Welland Ship Canal) In the City of Thorold, be received;

That the *“Bridge Load Capacity Evaluation and Rehabilitation/Replacement Analysis Report for Highway 20 Bridge (Structure No. 020220)”* prepared by Ellis Engineering Inc., dated April 2007, be received;

That a load limit posting of 47, 34, and 19 tonnes be posted, using a triple posting sign, for Highway 20 Bridge (Structure No. 020220), which carries Regional Road

20 (Canboro Road, locally known as Highway 20) over the Decew Raw Water Supply Canal (adjacent to the Welland Canal) in the City of Thorold; and

That the Regional Clerk be requested to ensure the necessary by-laws are presented to Council on November 8, 2007.

Carried.

462. Niagara Specialized Transit Amending Agreement  
with the Canadian Red Cross – Niagara Branch  
**PWA 162-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 162-2007, October 31, 2007, respecting the Niagara Specialized Transit Amending Agreement with the Canadian Red Cross – Niagara Branch, be received;

That the report and recommendations, approved by the Transportation Strategy Steering Committee at its October 9, 2007, meeting be recommended to Regional Council; and

That the Regional Chair and the Regional Clerk be authorized to execute the Niagara Specialized Transit (NST) Amending Agreement with the Red Cross.

Carried.

463. Approval of the 2007 Vehicle and Equipment  
Replacement Program, Phase II  
**PWA163-2007**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report DPD 163-2007, October 31, 2007, respecting the Approval of the 2007 Vehicle and Equipment, Replacement Program Phase II, be received;

That staff be authorized to proceed with the proposed 2007 Vehicle and Equipment Replacement Program Phase II as outlined in this report; and

That the Regional Clerk be directed to ensure that the appropriate by-laws are prepared for submission to Regional Council

Carried.

464. Niagara Water Strategy  
CSO Management Action Plan  
Project ZSW0004  
**PWA 165-2007 (CSD 169-2007)**

Discussion took place on the funding model for treatment plants. It was noted that the Region employs a “cost recovery model” for funding to cover both their fixed operating costs and other costs that may fluctuate with the amount of rainfall.

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 165-2007 (CSD 169-2007), October 31, 2007, respecting the Niagara Water Strategy CSO Management Action Plan, Project ZSW0004, be received;

That this Committee recommends to Regional Council approval of the allocation of \$6,476,061 for 2007 Area Municipal projects identified in Table 1 for funding under the CSO Management Action Plan;

That Wastewater Reserve Fund financing in the amount of \$476,061 be transferred from Project ZSW9407 Improvements to Garner Road Lagoon to Project ZSW0004 Wet Weather Control Program, to accommodate the recommended 2007 Niagara Water Strategy CSO Management Action Plan projects;

That Area Municipalities be advised of the results of Regional funding support as set out in Table 1;

That Regional staff prepare and execute the respective partnership funding agreements for up to 50% funding support to Area Municipalities for qualifying projects to reflect the terms and conditions set out in the attached Appendix 3; and

That 2008 projects identified in Table 1 be given priority for CSO Management Action Plan funding, subject to approval of the 2008 Regional capital budget.

Carried.

(Refer to Councillor Information Requests)

*(Please note that Report PWA 165-2007 (CSD 169-2007) can be found behind the JNT RPTS Blue Book Tab)*

465. Tender Award for Contract 2007-T-122 (RN 07-22)  
For the Lockview Combined Sewer Overflow Storage Tank  
In the City of St. Catharines  
Project ZSW9809/SW0625  
**PWA 166-2007 (CSD 168-2007)**

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report PWA 166-2007 (CSD 168-2007) respecting the Tender Award for Contract 2007-T-122 (RN 07-22) for the Lockview Combined Sewer Overflow Storage Tank in the City of St. Catharines, Project ZSW9809/SW0625, be received;

That subject to City of St. Catharines approval of their share of the project costs in the amount of \$1,758,500, Contract 2007-T-122 (RN 07-22) Lockview Combined Sewer Overflow (CSO) Storage Tank in the City of St. Catharines be awarded to ROMAG Contracting Limited at their bid price of \$4,620,000.00.

That a contingency amount of \$500,000.00 be provided for additional construction costs on this project.

That a contingency amount of \$29,314.00 for additional engineering services be provided for GENIVAR Ontario Inc.

That long term financing in the amount of \$6,000,000 approved in the 2007 capital budget , gross and net, be allocated to Project ZSW0004, Wet Weather Flow Control Program; and that, subsequently \$1,366,641 of this financing be transferred to Project ZSW9809/SW0625, Lockview Combined Sewer Overflow Storage Tank;

That the gross budget for Project ZSW9809//SW0625, Lockview Combined Sewer Overflow Storage Tank, be increased in the amount of \$3,712,334, representing financing as follows:

• City of St. Catharines	\$1,758,500
• Millennium Partnership Initiative – Federal	\$ 976,917
• Millennium Partnership Initiative – Provincial	<u>\$ 976,917</u>
<b>Total</b>	<b><u>\$3,712,334</u></b>

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 cost associated with this project be charged against Project ZSW9809/SW0625.

Carried.

*(Please note that Report PWA 166-2007 (CSD 168-2007) can be found behind the JNT RPTS Blue Book Tab)*

466. Moved by Councillor Timms  
Seconded by Councillor Goulbourne

That the following minutes be received and the recommendations contained therein be approved.

Culture Committee  
For Monday, July 30, 2007

Ecological and Environmental Advisory Committee  
For Thursday, September 27, 2007

Greater Niagara Circle Route Committee  
For Wednesday, September 26, 2007

Transportation Strategy Steering Committee  
For Tuesday, October 9, 2007

Niagara-Hamilton WastePlan Joint Working Group  
For Thursday, August 9, 2007

Carried.

### **PUBLIC MEETINGS**

467. Regional Policy Plan Amendment 7-2007  
Portage Road, Niagara-on-the-Lake  
Date: Wednesday, November 14, 2007  
Public Meeting: 7:30 p.m.  
Place: Regional Municipality of Niagara  
Council Chambers

Councillors: \_\_\_\_\_ Lepp \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**ITEMS FOR INFORMATION**

468. Moved by Councillor Augustyn  
Seconded by Councillor Baty

That the following items be received for information:

PWP 66-2007	WaterSmart Niagara Launch
PWP 68-2007	Projects/Studies Activity Report Waste Management Services Division
PWP 70-2007/ DPD 126-2007	Meeting of the Municipal Executive Advisory Group (MEAG) For Niagara GTA Corridor Environmental Assessment
Minutes	Tree & Forest Conservation Bylaw Advisory Committee Meeting held Thursday, September 6, 2007;
Minutes	Tree & Forest Conservation Bylaw Advisory Committee Meeting held Thursday, October 4, 2007;
Minutes	Smarter Niagara Steering Committee Meeting held Wednesday, October 3, 2007
PD 64-2007	Notice of Ontario Municipal board Pre-hearing Conference Regional Policy Plan Amendment 4-2006 Fort Erie Urban Area Modifications
PD 65-2007	Notice of Motion to Sullivan, Mahoney Barristers & Solicitors to Dismiss an Appeal by the Preservation of Agricultural Lands Society Against Official Plan Amendment No. 41 (the Good Earth Cooking School)
PWC 44-2007	Letter from D. Cansfield, Minister, Ministry of Transportation, October 9, 2007, respecting the Highway 406 and Woodlawn Road interchange Environmental Assessment (EA) Study Addendum

Carried.

469. Moved by Councillor Augustyn  
Seconded by Councillor Baty

That Correspondence Item PWC 43-2007, Letter from Thorold re: Transfer of Collier Road from the City of Thorold to the Region, be received and referred to the Transportation Strategy Steering Committee for report.

Carried.

**OTHER BUSINESS**

470. Meeting between Niagara Peninsula Conservation Authority (NPCA) and Agricultural Groups

Councillor Baty reported that a meeting held recently between the Niagara Peninsula Conservation Authority and local Agricultural groups to discuss the transfer of enforcement of the Tree By-law was very positive, and agreement was reached for these groups to meet four times per year.

471. Microphones in Council Chambers

Problems with the audio system in Council Chambers were noted and a question raised if anything could be done to improve the system. It was noted that a report respecting improvements to Council Chambers, including the audio/visual equipment, was brought forward at the Corporate Services Committee earlier today, with a recommendation to establish a committee to review the proposed improvements. It was suggested that the microphone system be replaced prior to the total improvements being completed.

**CLOSED SESSION**

472. 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.

473. A Matter of Litigation Affecting the Municipality  
Tree Conservation By-law  
Town of Fort Erie  
**DPD 127-2007 (Confidential)**

Moved by Councillor Puttick  
Seconded by Councillor Baty

That Confidential Report DPD 127-2007, October 31, 2007, A Matter of Litigation Affecting the Municipality, Tree Conservation By-law, Town of Fort Erie, be received, and the recommendations contained therein be approved.

Carried.

474. Moved by Councillor Augustyn  
Seconded by Councillor Salci

That this Committee do now rise with report.

Carried.

### **OPEN SESSION**

475. Moved by Councillor Salci  
Seconded by Councillor Puttick

That staff report on remedial action that can be taken to help prevent the clearing of trees on proposed development sites prior to receiving development approval.

Carried.

### **COUNCILLOR INFORMATION REQUESTS**

Staff was requested to:

- Provide Councillors with information from Thorold when this application next comes to Committee/Council (See Minute Item #456)
- Provide Councillors with a status report on the *Smarter Niagara* Incentives Program funding including the programs that have been approved to date (See Minute Item #457)
- Apply to province for funding for Smart Growth under *Smarter Niagara* Incentive Programs. Include argument that urban expansion was given up under greenbelt requirements and the Region would like something in return, namely funding for urban growth and intensification programs that the greenbelt plan has necessitated (See Minute Item #458)
- Encourage municipalities to standardize reporting information on CSO's for uniform reporting (See Minute Item #464)
- Discuss roles and responsibilities for CSO's with respect to financial perspective and due diligence perspective with local municipal staff to ensure no duplication in communication with other government agencies, etc. and report back to committee. (See Minute Item 464)

**ADJOURNMENT**

The Committee adjourned at 2:35 p.m., to meet again on Wednesday, November 21, 2007 in Council Chambers, Regional Headquarters.

Bill Smeaton  
Co-Chair

Pam Gilroy  
Regional Clerk

Betty Staines  
Legislative Assistant