

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

**REPORT 5-2008**

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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, April 2, 2008 commencing at 1:05 p.m.

**ATTENDANCE**

Committee: Regional Chair Partington, Councillors, Co-Chair, Rigby; Co-Chair Smeaton; Burroughs; Augustyn, Baty, Casselman, D'Angela, Henderson, Hodgson, Lepp, Marshall, McMullan, Puttick, Salci, Timms, Trombetta.

Staff: Messrs. Trojan, CAO; Farley, Director, Special Initiatives; Brothers, Commissioner, Public Works; Cousins, Director Transportation Services, Mr. Baker, Associate Director, Water & Wastewater; Mr. Robson, Director of Community Integration; Ms. Habermehl, Acting Director Waste Management; Ms. Gilroy, Regional Clerk; Ms. Ricci, Legislative Assistant.

Other: Ms. Emeneau, Planner; Ms. Colosimo, Planner; Mr. Gummo, Associate Director, Comprehensive Community Planning; Mr. J. Murphy, Manager, Policy Development; Mr. Weaver, Manager, Special Initiatives.

**Quorum**

There being a lack of ordinary quorum at the meeting, the Committee Co-Chairs determined that the ordinary quorum for the meeting be reduced to ten members, pursuant to Section 22.10 of the Procedural By-law 96-2007.

**PRESENTATION**

68. Wind Energy Policies  
Regional Policy Plan Amendment 5-2007  
**DPD 13-2008**

Mr. Thomas Rankin was present to speak to Committee members with respect to Report DPD 13-2008 Final Recommendations Report Regional Policy Plan Amendment 5-2007 Wind Energy Policies.

Further highlights of his views respecting the Policy amendments were, in part, as follows:

- too stringent
- may discourage future projects
- impedes upon current projects
- 2 year process to amend
- buried cabling; huge financial implications
- grandfathering current projects should be considered

Mr. Rankin thanked Committee members for the opportunity to speak to this report and express his views respecting Policy amendments.

Moved by Councillor Baty  
Seconded by Councillor Hodgson

That Mr. Rankin's presentation on Wind Energy Policies Regional Policy Plan Amendment 5-2007, be received for information.

Carried.

Quorum

At this point in the meeting, quorum was achieved.

69. Wind Energy Policies  
Regional Policy Plan Amendment 5-2007  
**DPD 13-2008**

Mr. Michael Morgenroth, HATCH Energy, was also present to provide an oral report respecting DPD 13-2008 Final Recommendations Report Regional Policy Plan Amendment 5-2007 Wind Energy Policies.

A summary of the oral report included, in part, the following:

- Wind Energy Niagara Context
- Financial Impact
- Road Set-Back (8.E.2.3.11)
- Overhead Lines (8.E.2.3.12)
- Noise and Shadow Flicker

Mr. Morgenroth, in summary, stated that the recommendations, if passed as drafted, would pose a significant obstacle to the development of wind power in Niagara Region, and contradict the stated objective paragraph a) "*support of the supply and efficient use of energy*". He further stated that the very project in which the Region participates as development partner would need to be re-designed to the modified requirements, suffer from increased costs, decreased

electricity production and potentially need to be relocated to a more conducive jurisdiction or, in the worst case, be abandoned.

In closing, Mr. Morgenroth, asked that Committee members reject the present proposal and ask Planning to re-draft recommendations that correspond with appropriate science and engineering, or existing national and provincial guidelines.

Moved by Councillor Baty  
Seconded by Councillor Hodgson

That Mr. Morgenroth's presentation on Wind Energy Policies Regional Policy Plan Amendment 5-2007, be received for information.

Carried.

70. Wind Energy Policies  
Regional Policy Plan Amendment 5-2007  
**DPD 13-2008**

Mr. Ray Duhamel of The Jones Consulting Group Ltd., provided Committee members with a PowerPoint presentation entitled, "Wind Energy Policies". He introduced to Committee members a brief description of objectives and highlighted micro scale, small scale, medium scale and large scale policies.

Further to that, Mr. Duhamel together with Committee members discussed primary issues focusing on the protection of aggregate, mineral & petroleum resources, unique agricultural areas, electrical lines below grade, setbacks from residential uses, Niagara Parkway and road setbacks.

Moved by Councillor Baty  
Seconded by Councillor Hodgson

That Mr. Duhamel's presentation on Wind Energy Policies Regional Policy Plan Amendment 5-2007, be received for information.

Carried.

71. Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report DPD 13-2008, April 2, 2008, respecting Final Recommendations Report Regional Policy Plan Amendment 5-2007 Wind Energy Policies, be brought forward and dealt with at this time.

Carried.

**ITEMS FOR CONSIDERATION**

72. Final Recommendations Report  
Regional Policy Plan Amendment 5-2007  
Wind Energy Policies  
**DPD 13-2008**

Following a lengthy discussion it was:

Moved by Councillor McMullan  
Seconded by Councillor Henderson

That Report DPD 13-2008, April 2, 2008, respecting Final Recommendations Report Regional Policy Plan Amendment 5-2007 Wind Energy Policies, be referred back to staff for a full review and further report to the Planning and Public Works Committee, including the possibility of 'grandfathering' current projects, road setbacks (state variations between houses/Regional roads/Provincial roads), agri-tourism, overhead lines, noise and shadow flicker, buried cabling, financial impact, visual impacts, impact on tender fruit and grape grower areas.

Carried.

73. Tree and Forest Conservation By-law Amendments  
**CAO 4-2008**

Moved by Councillor Puttick  
Seconded by Councillor Trombetta

That Report CAO 4-2008, April 2, 2008 respecting Tree and Forest Conservation By-law Amendments, be received;

That the amendments required to effect the transfer of enforcement of the Tree and Forest Conservation By-law to the Niagara Peninsula Conservation Authority (NPCA), described in this report and attached as Appendix 1, be approved;

That the Region enter into a service level agreement with the NPCA to ensure common understanding with respect to enforcement standards and practices (attached as Appendix 2), and that the Regional Chairman and Regional Clerk be authorized to execute the agreement;

That existing NPCA Conservation Enforcement Officers be designated as officers for enforcement of the Tree and Forest Conservation By-law effective July 31<sup>st</sup>; and;

That the Resolution adopted by Council on May 25, 2006 appointing staff of the Region as enforcement officers for the Tree and Forest Conservation By-law be repealed effective July 31, 2008.

Carried.

74. Farm Severance Policy  
Regional Policy Plan Amendment 6-2005  
**DPD 8-2008**

Moved by Councillor Marshall  
Seconded by Councillor Puttick

That Report DPD 8-2008, February 20, 2008 respecting Farm Severance Policy Regional Policy Plan Amendment 6-2005, be deferred and dealt with at the April 16, 2008 meeting of the Planning and Public Works Committee meeting.

Carried.

75. Heritage Properties Tax Rebate Program – Town of Fort Erie  
**DPD 11-2008/ CSD 42-2008**

Moved by Councillor Augustyn  
Seconded by Councillor Lepp

That Report DPD 11-2008/CSD 42-2008, April 2, 2008, respecting, Heritage Properties Tax Rebate Program – Town of Fort Erie, be received;

That the Region match the Town of Fort Erie percentage refund or reduction on each eligible property participating in the Town's Heritage Properties Tax Rebate Program;

That each eligible property must qualify under Section 365.2 of the Municipal Act, 2001;

That the Region provide funding of \$4,000 from the Heritage Rebate account (1668-3444) in order to match the Town of Fort Erie Program for 2008; and

That the Regional Clerk ensure that the appropriate by-laws are prepared for presentation to Regional Council.

Carried.

*(Please note that Report DPD 11-2008/CSD 42-2008 can be found behind the JNT RPTS Blue Book Tab)*

76. Work Plan to Deliver on a Council Business Plan Priority:  
Develop a Niagara Cultural Plan  
**DPD 12-2008**

Moved by Councillor Casselman  
Seconded by Councillor Augustyn

That Report DPD 12-2008, April 2, 2008 respecting, Work Plan to Deliver on a Council Business Plan Priority: Develop a Niagara Cultural Plan, be received;

That Council endorse the preparation of a Terms of Reference and Call for Proposals to hire a consultant that is familiar with Municipal Cultural Planning to guide the Niagara Cultural Plan process;

That Council permit staff to apply for funding from alternative sources to subsidize the costs of creating a Niagara Cultural Plan; and

That this report be circulated to the clerks of local municipalities for information.

Carried.

77. NSERC Strategic Grant for “Protecting Canada’s drinking water:  
Developing real-time early-warning biomonitoring technology”  
**PWA 27-2008**

Moved by Councillor Timms  
Seconded by Councillor Trombetta

That Report PWA 27-2008, April 2, 2008, NSERC Strategic Grant for “Protecting Canada’s drinking water: Developing real-time early-warning biomonitoring technology”, be received; and

That the Commissioner of Public Works be delegated authority for executing the agreements required as part of this NSERC Strategic Grant, subject to the agreements being acceptable to the Region’s solicitor.

Carried.

78. Speed Limit Reduction  
Regional Road 420 (Roberts Street)  
City of Niagara Falls  
**PWA 28-2008**

Moved by Councillor Salci  
Seconded by Councillor D'Angela

That Report PWA 28-2008, April 2, 2008, Speed Limit Reduction Regional Road 420 (Roberts Street) City of Niagara Falls, be received;

That the existing speed limit on Regional Road 420 (Roberts Street) from 200 Metres west of the Victoria Avenue overpass to Falls Avenue be reduced from 50 km/h to 40 km/h; and

That the Regional Clerk be requested to ensure the necessary by-law amendment is presented to Council on April 10, 2008.

Carried.

79. Posted Speeds on  
Regional Road 98 (Montrose Road) from  
Canadian Boulevard to 500 Metres South  
Of Grassybrook Road  
City of Niagara Falls  
**PWA 29-2008**

Moved by Councillor Salci  
Seconded by Councillor Baty

That Report PWA 29-2008, April 2, 2008, Posted Speeds on Regional Road 98 (Montrose Road) from Canadian Boulevard to 500 Metres South of Grassybrook Road City of Niagara Falls, be received;

That the existing speed limit on Regional Road 98 (Montrose Road) from Canadian Boulevard to 500 metres south of Grassybrook Road be reduced from 80 km/h to 60 km/h; and

That the Regional Clerk be requested to ensure the necessary by-law amendment is presented to Council on April 10, 2008 to affect this change.

Carried.

80. All-Way Stop Control and Speed Limit Reduction  
Regional Road 47 (Lyon's Creek Road) and  
Regional Road 102 (Stanley Avenue)  
City of Niagara Falls

**PWA 30-2008**

Moved by Councillor Salci  
Seconded by Councillor Lepp

That Report PWA 30-2008, April 2, 2008, All-Way Stop Control and Speed Limit Reduction Regional 47 (Lyon's Creek Road) and Regional Road 102 (Stanley Avenue) City of Niagara Falls, be received;

That an all-way stop control be installed at the intersection of Regional Road 47 (Lyon's Creed Road) and Regional Road 102 (Stanley Avenue);

That the existing speed limit on Regional Road 47 (Lyon's Creek Road) from 500 metres west of Regional Road 102 (Stanley Avenue) to the existing 50 km/h zone 1320 metres west of Regional Road 116 (Sodom Road) be reduced from 80 km/h to 60 km/h;

That the existing speed limit on Regional Road 102 (Stanley Avenue) from Chippawa Parkway to Regional Road 47 (Lyon's Creek Road) be reduced from 80 km/h to 60 km/h; and

That the Regional Clerk be requested to ensure the necessary by-law amendment is presented to Council on April 10, 2008.

Carried.

81. CSO Management Action Plan  
2008 Funding Recommendations  
Project ZSW0004

**PWA 32-2008**

Moved by Councillor Burroughs  
Seconded by Councillor D'Angela

That Report PWA 32-2008, April 2, 2008, CSO Management Action Plan 2008 Funding Recommendations Project ZSW0004, be received;

That approval of the allocation of \$6,363,167 for 2008 Municipal projects identified in Table 1 for funding under the Combined Sewer Overflow (CSO) Management Action Plan;

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;

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

That Regional staff be directed to review the objectives and desired outcomes from the CSO Cost Sharing Policy and to make recommendations for amending the Policy and improving the criteria used to evaluate future CSO Funding Applications.

Carried.

82. Moved by Councillor Baty  
Seconded by Councillor Timms

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

Minutes                      Greater Niagara Circle Route Committee  
                                         Wednesday, March 12, 2008

Minutes                      Culture Committee  
                                         Monday, February 4, 2008

Carried.

### **ITEMS FOR INFORMATION**

83. DWQMS Risk Assessments – Water Division  
**PWP 17-2008**

Moved by Councillor Burroughs  
Seconded by Councillor Salci

That Report PWP 17-2008, April 2, 2008, DWQMS Risk Assessments – Water Division, be received for information.

Carried.

84. Letter re: Proposals to Replace Bowen Road Bridge and Interchange Improvements (Fort Erie) and Widening of QEW between Mountain Road and Hwy. 420, Including Interchange Improvements (Niagara Falls)  
**PWC 05-2008**

Moved by Councillor Baty  
Seconded by Councillor Henderson

That PWC 05–2008, Letter (February 21, 2008) respecting proposals to replace Bowen Road bridge and interchange improvements (Fort Erie) and widening of QEW between Mountain Road and Hwy. 420, including interchange improvements (Niagara Falls), be received for information.

Carried.

85. Regional Chair’s Agricultural Task Force Minutes - Friday, February 22, 2008

Moved by Councillor Henderson  
Seconded by Councillor Casselman

That Minutes of the Regional Chair’s Agricultural Task Force, February 22, 2008, be received for information.

Carried.

### **OTHER BUSINESS**

86. Niagara Project Report

Mr. Brothers, Commissioner Public Works, advised Committee members that the Niagara Project Report (summary of costs, consultations held etc.,) would be going directly to Council on April 10, 2008 and in Blue Books for Friday, April 4, 2008.

87. MIII Funding

Mr. Brothers, Commissioner Public Works, announced that the Region had recently been awarded MIII funding which could be applied to Recycling Centre in the amount of \$2.7 million.

88. Ministry Of Environment (MOE) Decision  
re: Part 2 of O'Reilly's Bridge

Mr. Brothers, Commissioner Public Works, informed Committee members that the MOE had decided that an individual EA was not required and that the Region must implement the Project in the manner it was developed and designed, as set out in the Environmental Study Report (ESR) and inclusive of all mitigating measures and environmental and other provisions therein.

89. Public Information Session  
re: Thorold Stone Road Extension

Mr. Brothers, Commissioner Public Works, advised Committee members that a Public Information Session notice had been issued to residents and businesses respecting the Thorold Stone Road Extension. The session would take place, tonight, April 2, 2008 at the Niagara Falls Library in the LaMarsh Room.

Quorum

There being a lack of ordinary quorum at the meeting, the Committee Co-Chairs determined that the ordinary quorum for the meeting be reduced to ten members, pursuant to Section 22.10 of the Procedural By-law 96-2007.

90. Collier Road – City of Thorold

Councillor D'Angela requested that, due to ongoing safety concerns raised by parents, the Transportation Division look at the possibility of cross walks or a speed reduction at Collier Road.

Mr. Cousins, Director Transportation Services, advised Councillor D'Angela that he would have staff investigate.

**CLOSED SESSION**

91. Moved by Councillor Timms  
Seconded by Councillor Henderson

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

Carried.

92. Proposed Acquisition of Land by Region  
City of St. Catharines  
**Confidential PWA 31-2008/CSD 39-2008**

Moved by Councillor Burroughs  
Seconded by Councillor Timms

That Confidential Report PWA 31-2008/CSD 39-2008, April 2, 2008, respecting A Proposed Acquisition of Land by Region City of St. Catharines, be received and the recommendations contained therein be approved.

Carried.

93. A Matter of Solicitor-Client Advice and Litigation  
Township of Wainfleet  
**Confidential DPD 14-2008**

Moved by Councillor Henderson  
Seconded by Councillor Augustyn

That Confidential Report DPD 14-2008, April 2, 2008, respecting A Matter of Solicitor-Client Advice and Litigation Township of Wainfleet, be received and the recommendations be approved.

Carried.

94. A Matter of Solicitor-Client Advice and Litigation  
Town of Fort Erie  
**Confidential CSD 44-2008**

Moved by Councillor Timms  
Seconded by Councillor Henderson

That Confidential Report CSD 44-2008, April 2, 2008, respecting A Matter of Solicitor-Client Advice and Litigation Town of Fort Erie, be received and the recommendations contained therein be approved.

Carried.

95. Moved by Councillor Timms  
Seconded by Councillor D'Angela

That this Committee do now rise with report.

Carried.

**ADJOURNMENT**

The Committee adjourned at 4:45 p.m., to meet again on Wednesday, April 16, 2008 in Council Chambers, Regional Headquarters.

Councillor Smeaton  
Co-Chair

Councillor Rigby  
Co-Chair

Pam Gilroy  
Regional Clerk

Lisa Ricci  
Legislative Assistant