



REGIONAL MUNICIPALITY OF WATERLOO PLANNING AND WORKS COMMITTEE MINUTES

Tuesday, June 7, 2011
9:05 A.M.

Regional Council Chamber
150 Frederick Street, Kitchener, Ontario

Present were: Chair J. Wideman, L. Armstrong, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, K. Seiling, S. Strickland, and C. Zehr

Members absent: J. Brewer, B. Halloran

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

R. Deutschmann declared a non-pecuniary interest with respect to the public meeting of the Committee on June 1, 2011 regarding Rapid Transit in which he was not in attendance, as well as any potential discussion of Rapid Transit at the present meeting, due to he and his spouse being shareholders of corporations that have an interest in a property at 10 Duke Street West, Kitchener.

D. Craig declared a non-pecuniary interest with respect to the public meeting of the Committee on June 1, 2011 regarding Rapid Transit in which he was not in attendance, as well as any potential discussion of Rapid Transit at the present meeting, due to his son recently purchasing property within the area of a proposed station on the rapid transit system.

T. Galloway declared a pecuniary interest with respect to the public meeting of the Committee on June 1, 2011 regarding Rapid Transit in which he was not in attendance, as well as any potential discussion of Rapid Transit at the present meeting, due to his employment at the University of Waterloo.

K. Seiling declared a pecuniary interest with respect to the public meeting of the Committee on June 1, 2011 regarding Rapid Transit in which he was not in attendance, as well as any potential discussion of Rapid Transit at the present meeting, due to two of his adult children own residential properties within the proposed corridor.

DELEGATIONS

a) Colene Allen, Cambridge, ON re: CR-RS-11-034/PH-11-026/P-11-061, Surplus Declaration of Preston Heights Water Tower, City of Cambridge and Potential Sale of Lands

C. Allen appeared as an individual resident of the Preston Heights neighbourhood, and is not representing the Preston Heights Community Group (PHCG). She noted that she had authored the original submission from the group, and indicated she is familiar with the issues dealt with in the report and the land in question. C. Allen related the history of communications and actions between the Region and the PHCG, saying that it was unfortunate that the Region could not lease the lands for use as a community garden for lack of access to a public street and that with earlier communication the group could have allowed for other options for establishing a garden before the present day. She observed that she appreciates the proposal to sell the land with a condition to lease the land back to the PHCG. She indicated that the site plan developed was

done with an idea of having semi-permanent use of the land, whereas she sees the arrangement as long-term but temporary and so the present site plan would need to be amended and would pose challenges. The arrangement would potentially have the garden established on the lands under the current proposal with nowhere to go once the Cambridge Kiwanis Village is prepared to break ground. She read aloud an excerpt from the Cambridge Chronicle, a newspaper of Cambridge, MA, on February 18, 2011, which detailed actions taken by that city's Council in response to residents' initiatives to save a public garden.

C. Allen requested that Regional staff meet with the PHCG and residents to examine possible alternative lands owned by the Region with access to public streets and are within the specified neighbourhood, for increased land stability and security and so that the present site plan could still be made useable.

- b) Ruth Fach, Treasurer, Cambridge Kiwanis Village Non-profit Housing Corporation (CKV) and President, Kiwanis Club Cambridge re: CR-RS-11-034/PH-11-026/P-11-061, Surplus Declaration of Preston Heights Water Tower, City of Cambridge and Potential Sale of Lands

R. Fach provided an overview of CKV's housing activities and clientele, and expressed delight at the recommendation of the report to sell the land to CKV. CKV would look forward to exploring how the land can be used to benefit the community, in the short term with the garden project and in the longer term for additional affordable housing units for families on waiting lists.

INTER-DEPARTMENTAL REPORTS

- e) CR-RS-11-034/PH-11-026/P-11-061, Surplus Declaration of Preston Heights Water Tower, City of Cambridge and Potential Sale of Lands

Rob Horne, Commissioner, Planning, Housing, and Community Services, indicated that the report recommends a process for proceeding, jointly devised with Public Health and Legal Services staff, proposing that should Council declare the land surplus that a discussion occur with those interested in the community garden as well as CKV. He noted the convergence of several agendas in this issue, including healthy eating, community housing, and fulfilling a corporate need. Staff had intentionally not gone into a detailed site plan in the report, to allow exploration of the long-term co-existence of community gardens and community housing.

A member of the Committee noted that the PHCG had been working on their project since 2009, and were unaware of this issue of access. It was suggested that staff meet with the PHCG immediately and not wait, as working with the PHCG might allow ideas to materialize for the use of the parcel of land. It was further suggested that staff could assist the PHCG, and investigate the development of the nearby subdivision along with the City of Cambridge. Debra Arnold, Director, Legal Services/Regional Solicitor, emphasized that staff had met with a large group of stakeholders including the PHCG and the CKV, and their input helped to formulate the recommendations in the report, and that dialogue would continue with them with approval of the recommendation.

D. Arnold clarified for the Committee that the Region of Waterloo assumed ownership of the works upon creation of the Region in 1973, and that the title documents are somewhat unclear but describe two easements off Preston Parkway to the south of the CKV and also an easement from Linden Drive to the parcel for access to the water tower, the latter is specific to water-works use. Staff had not investigated whether any property owner would be willing to convey an easement for some other use than the water utilities use, and D. Arnold noted that parking, the size of the parcel, and turning onto Preston Parkway pose challenges for an independent

operation of the property as a community garden or other use. D. Arnold clarified that there are two property identification numbers on the parcel, both of which are owned by the Region.

MOVED by K. Seiling

SECONDED by S. Strickland

- a) That the Regional Municipality of Waterloo declare surplus land previously occupied by the former Preston Heights water tower, in the City of Cambridge described as Part Block 1, Plan 1327 (PIN 03770-0106 and 03770-0107) as detailed in Report No. CR-RS-11-034/PH-11-026/P-11-061, dated June 7, 2011, pursuant to the Region's property disposition by-law, to the satisfaction of the Regional Solicitor; and
- b) That Regional staff be directed to investigate the option of a conditional sale of the land previously occupied by the former water tower described as Part Block 1, Plan 1327 (PIN 03770-0106 and 03770-0107) with the abutting property owner, Cambridge Kiwanis Village Non-Profit Housing Corporation, with such sale to be subject to the approval of Regional Council and to include conditions relating to a lease for a community garden, as detailed in Report No. CR-RS-11-034 /PH-11-026/P-11-061, dated June 7, 2011.

CARRIED

(C. Millar opposed)

Following the Committee dealing with report CR-RS-11-034/PH-11-026/P-11-061, the Committee resumed hearing from delegations.

DELEGATIONS

- c) Mitchell Fasken, Andrin Cambridge Homes Ltd. Re: P-11-056/F-11-040, Brownfields Financial Incentive Program – Tax Increment Grant Program Application – 750 Lawrence Street, City of Cambridge

M. Fasken provided an overview of the application made by Andrin Cambridge Homes Ltd., and the scope of the project. He noted that the tax increment grant (TIG) programs are helping developers to intensify, and that other government bodies can make redevelopment more difficult. The TIG assists in matching the financial disincentives for infill redevelopment. He noted that the estimate of cleaning up the site is \$1.2 million. He asked that the Committee endorse the staff recommendation.

The Committee clarified with the delegation the works have been completed, that a record of site condition has been sent to the Ministry of Environment for approval, and that it is desired that the TIG be in place prior to the transaction with Eastgate Homes, which is an outcome of the redevelopment of the site.

REPORTS – PLANNING, HOUSING AND COMMUNITY SERVICES

COMMUNITY PLANNING

- f) P-11-056/F-11-040, Brownfields Financial Incentive Program – Tax Increment Grant Program Application – 750 Lawrence Street, City of Cambridge

R. Horne observed that this is the third proposed TIG, proposed jointly with City of Cambridge, and that the land in question is one of the more challenging redevelopment sites. He added that the TIG is a contingency, and that staff are hopeful that it will not need to be used as other funds

would be accessed first. He indicated that, if approved, this would be the last TIG that can be considered by Council based on the allocation made by Council to fund \$2.5 million for the program.

The Committee expressed apprehension at the approximate \$400,000 unfunded commitment, which would be subject to Council's review of the Region's reserve funds. R. Horne indicated that a companion report was anticipated to be brought to the Administration and Finance Committee, and that the proponent would be seeking a bankable commitment from the Region. He noted that the TIG is not paid until the property in question is redeveloped and reassessed. Angela Hinchberger, Director, Treasury & Tax Policy, expressed that staff is hopeful that the reserve fund review report could be brought to the June 21st committee meetings, and that Finance staff have committed to looking for an ongoing funding source for the TIG program, with as little impact on the tax levy as possible.

The Committee asked whether it would be problematic to defer decision on the issue, and M. Fasken indicated that the response to such a deferral could not be known until all members of the ownership group were notified, as well as the prospective purchasers of the property. He noted that timing is an issue in closing the transaction with the purchasers, and emphasized the long-term benefits of the TIG program in the form of redevelopment and increased municipal revenues from increased assessments.

The Committee discussed the possibility of committing \$330,000 for the program and leaving approximately \$400,000 subject to the reserve fund review. It was observed that with commitment to the whole amount, no grant would be likely to be paid for three years.

Some members of the Committee expressed their support for TIG programs, affirming their benefits and citing the effective absence of costs.

The Committee asked how staff would track the recovery of tax dollars from TIGs, and A. Hinchberger responded that with the novelty of the program that no new tax revenues have yet been realized. She indicated that staff would be tracking those new revenues, and affirmed that a report would come back on the subject. She suggested that a report could be provided for the next Committee meetings on the TIGs approved to date, increased assessments, and revenues arising from the program.

MOVED by C. Zehr
SECONDED by T. Cowan

THAT the Regional Municipality of Waterloo approve a Tax Increment Grant for the property known as 750 Lawrence Street in the City of Cambridge in an amount not to exceed \$723,897, subject to the completion of redevelopment of the subject property within six (6) years of the execution of an agreement and confirmation of any additional brownfield related financial assistance available under the Region's Brownfield Financial Incentive Program or through the City of Cambridge, with the first \$330,479 to be financed from the remaining funds in the Brownfields Financial Incentive Pilot Program and the remaining balance from a source to be identified as part of a forthcoming Reserve and Reserve Fund Report to be considered by Administration and Finance Committee;

AND THAT the Region's Commissioner of Planning, Housing and Community Services and the Chief Financial Officer be authorized to execute any associated agreements with the registered owner of 750 Lawrence Street and the Corporation of the City of Cambridge, with the form and content of such agreement(s) to be satisfactory to both the Regional and City of Cambridge Solicitors.

CARRIED

(T. Galloway and C. Millar opposed)

The Committee discussed reviewing funding for TIG programs. R. Horne suggested possible timelines for Council, noting that staff is reviewing the program to date and is examining other models for such programs, and suggesting that Council could have options to choose from for a framework of the program in Fall 2011. The Committee observed that a recent heritage workshop in Cambridge dealt with adaptive reuse and brownfield legislation, noting that the current program is “below ground” instead of “above ground” within buildings where there is contamination.

TRANSPORTATION PLANNING

- g) P-11-058, Highway 7 Kitchener to Guelph, Value Engineering Study Recommended Changes

R. Horne provided an overview of the report’s recommendations, and noted that the closure of Ebycrest Road is a major issue for which staff anticipates that the Township of Woolwich will be relating its comments.

MOVED by L. Armstrong
SECONDED by G. Lorentz

THAT the Regional Municipality of Waterloo support the recommended changes related to the Highway 7 Kitchener to Guelph Class Environmental Assessment and the Value Engineering Study design phase and request the Ministry of Transportation to consider the more detailed recommendations described in Report No. P-11-058, dated June 7, 2011.

CARRIED

- h) P-11-059, Waterloo Spur Line Multi-Use Trail Feasibility and Design Study – Public Workshop

Received for information.

R. Horne provided details on the public workshop to the Committee, noting that the initiative is in collaboration with the cities of Waterloo and Kitchener. He spoke to staff’s intention to seek external funding for the project, which is anticipated to cost between \$1-1.5 million.

REPORTS – TRANSPORTATION AND ENVIRONMENTAL SERVICES**DESIGN AND CONSTRUCTION**

- a) E-11-064, Fischer Hallman Road (Regional Road No. 58) – Queen’s Boulevard to Victoria Street, City of Kitchener – Off-Road Cycling Alternatives

Received for information.

Chair J. Wideman thanked G. Lorentz for bringing up the subject of the report, and acknowledged the quality of the options and alternatives proposed by staff.

Thomas Schmidt, Commissioner, Transportation and Environmental Services, affirmed the utility of a multi-use trail, noting that several trail endings would be connected together. He noted that usually the Region provides on-road facilities and off-road facilities are typically funded by the area municipality, but for this project the entire cost would be born by the Region. It was clarified that funding for the project would come from the Transportation Reserve Fund.

The Committee asked why the report suggests that a sidewalk in good condition would have to be removed for Alternative B, and Marcos Kroker, Head, Transportation Rehabilitation Program, responded that multi-use trails are typically not built of concrete because the variety of users of the trail would prefer paved trails. He observed that adding a second sidewalk next to the existing one would be a more cost-effective option, with potentially less functionality.

M. Kroker provided an overview of the proposed work and locations where the Region could build a new trail next to the existing sidewalk. The Committee debated the merits of building an asphalt trail next to the existing sidewalk. T. Schmidt emphasized the safety concerns of the new design, noting that two different surfaces or two surfaces not at the same level could pose safety and liability issues.

The Committee debated the merits of the side-by-side approach, and including lane marking to indicate the usage of the trail. Bill Brodribb, Director, Design & Construction, suggested that as a trial the Region could build an asphalt path next to the existing sidewalk in the area in question, noting there could be issues with the frost differential and a joint between the concrete and asphalt.

It was emphasized by the Committee that the trail be well-marked and well-signed. It was suggested that public comment be solicited from users of the trail.

MOVED by G. Lorentz
SECONDED by J. Mitchell

THAT the Regional Municipality of Waterloo approves the implementation of Alternative B, for a Off-Road trail on the east side of Fischer-Hallman Road as included in Report E-11-064;

AND THAT the existing sidewalk on the east side of Fischer-Hallman Road from Queen's Boulevard to Highland Road and the south sidewalk on Highland Road from Fischer-Hallman Road to the Real Canadian Superstore entrance remain in place and an adjacent asphalt trail (1.5m wide) be constructed adjacent to both sidewalks;

AND FURTHER THAT capital project 5659 (Contract 2011-015) be increased by \$180,000 to be funded from the Transportation Rehabilitation Capital Reserve Fund.

CARRIED

TRANSPORTATION

b) E-11-065, Square2Square – Car-Free Sundays

Received for information.

WATER

c) E-11-045, Drinking Water Quality Management Standard – Accreditation Program Update

Nancy Kodousek, Director, Water Services, provided an overview of the report as well as its companion report E-11-046, Water Financial Plan. She discussed the legislative requirements for the reports as well as the actions, guidelines, and standards to be met for accreditation. Staff had received notice in January 2011 that the Region was accredited, and the accreditation program is in two steps with partial accreditation of twenty elements this year and full accreditation in 2012. She explained the purpose of the recommendations of this and the companion report.

N. Kodousek noted that operating costs for water supply for the next ten years would increase from \$40 million to approximately \$57 million, which includes source water protection studies and some land assets, and the cost to replace tangible capital assets for water supply for the next ten years is estimated at \$363 million. The water distribution program operating costs are \$1.5 million going to \$2.2 million over the ten year projection, with the cost to replace tangible capital assets estimated at \$4.4 million over the same period. For water distribution, the Region is anticipated to use reserves to cover expenses over several years as the Region develops its user rate. The Region has been confirmed as viable financially for both the water distribution and water supply capital plans, with minimum need for any financing of capital works.

The Committee commented on the relative complexity of the Region's water system, compared to other nearby municipalities.

MOVED by T. Galloway
SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo takes the following actions, in accordance with Report E-11-045 dated June 7, 2011:

1. Enter into an agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister of Public Works and Government Services acting through the Canadian General Standards Board (CGSB) regarding accreditation of the Region's 16 drinking water systems as described in Report E-11-045 dated June 7, 2011, with such agreement to be to the satisfaction of the Regional Solicitor.
2. Authorize the Commissioner, Transportation and Environmental Services, to sign all documentation related to this matter.
3. Endorse the Region's 16 drinking water systems operational plans.
4. Reassign the Manager of Operations and Maintenance (Water) from the QMS Representative to the Top Management team and appoint the Supervisor, Process and Compliance (Water) as the QMS Representative.

CARRIED

d) E-11-046, Water Financial Plan

MOVED by S. Strickland
SECONDED by C. Millar

THAT the Regional Municipality of Waterloo takes the following actions, in accordance with Report E-11-046 dated June 7, 2011:

1. Approve the Financial Plan for Water Services Water Supply System as appended to Report E-11-046 dated June 7, 2011;
2. Approve the Financial Plan for Water Services North Dumfries and Wellesley Water Distribution System as appended to Report E-11-046 dated June 7, 2011;
3. Endorse the financial plans as financially viable;

4. Approve the submission of the financial plans to the Ministry of Municipal Affairs and Housing in accordance with the *Safe Drinking Water Act*, and
5. Authorize the Commissioner, Transportation and Environmental Services, to sign all documentation related to this matter.

CARRIED

INFORMATION/CORRESPONDENCE

- a) Memo re: Commuter Challenge 2011 was received for information.

OTHER BUSINESS

- a) Council Enquiries and Requests for Information Tracking List was received for information.
- b) J. Wideman brought forward a memo circulated to Committee members to provide notice and information of the tax impacts of a possible acceptance of an LRT recommendation from staff, which includes an amendment to an anticipated staff recommendation on the rapid transit project. The memo is attached to the original minutes.
- c) S. Strickland brought forward two notices of motion, one dealing with the proposed rapid transit route through uptown Waterloo with a suggested change, and the other dealing with procurement for the rapid transit project and requesting staff to approach Infrastructure Ontario to explore an arrangement or partnership for the construction of the project. The memos are attached to the original minutes.

NEXT MEETING – June 21, 2011

MOTION TO GO INTO CLOSED SESSION

MOVED BY L. Armstrong
SECONDED by G. Lorentz

THAT a closed meeting of the Planning & Works and Administration & Finance Committees be held on Tuesday, June 7, 2011 immediately following the Planning and Works Committee meeting in the Waterloo County Room in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

- a) receiving of legal advice and opinion that is subject to solicitor-client privilege related to the terms and conditions of proposed legal agreements
- b) receiving of legal advice and opinion that is subject to solicitor-client privilege and proposed or pending acquisition of land in the Township of Woolwich
- c) receiving of legal advice and opinion that is subject to solicitor-client privilege related to a procurement issue

CARRIED

COMMITTEE CHAIR, J. Wideman

COMMITTEE CLERK, M. Grivicic