

# Minutes

## Planning Advisory and Hearing Committee

**Meeting ID:** 2016-02  
**Meeting Date:** Tue February 16, 2016 07:00 PM  
**Location:** City Hall Council Chambers, 360 Pitt Street, Cornwall, Ontario,  
K6J 3P9  
**Chair:** Carilyne Hébert, Councillor  
**Prepared By:** Ely Daniels, Administrative Assistant

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### **Attendance Committee Members:**

Leslie O'Shaughnessy, Mayor  
André Rivette, Councillor  
Bernadette Clément, Councillor  
David Murphy, Councillor  
Elaine MacDonald, Councillor  
Carilyne Hébert, Councillor  
Claude E. McIntosh, Councillor  
Justin Towndale, Councillor  
Mark A. MacDonald, Councillor  
Denis Carr, Councillor

### **Attendance Staff:**

Dana McLean, Programs Coordinator Planning  
Division  
Ely Daniels, Administrative Assistant  
Ken Bedford, Supervisor, Planning Division  
Mark A. Boileau, General Manager, Economic  
Development, Planning, Parks and Recreation  
Mary Joyce-Smith, Senior Planner

### **Regrets:**

Maurice Dupelle, Councillor

### **Attendance Media:**

Greg Peerenboom, Standard Freeholder

### **Attendance Public:**

There were 2 gallery members present.

### **WELCOME AND CALL MEETING TO ORDER BY CHAIRMAN:**

Acting Chair Carilyne Hébert called the meeting to order at 7:00 PM.

## **ROLL CALL:**

Roll Call was conducted by the Recording Secretary.

## **ADOPTION OF THE AGENDA - ADDITIONS AND DELETIONS:**

As there were no additions or deletions, the Agenda was approved as presented.

Moved By: Bernadette Clément, Councillor

Seconded By: André Rivette, Councillor

**MOTION CARRIED**

## **ADOPTION OF THE MINUTES:**

### **1 January 18, 2016 Planning Advisory and Hearing Committee Meeting**

Click for detail --> 

That the Minutes of the Planning Advisory and Hearing Committee Meeting (No. 2016-01) of Monday, January 18, 2016 be approved as presented.

Moved By: Leslie O'Shaughnessy, Mayor

Seconded By: Elaine MacDonald, Councillor

**MOTION  
CARRIED**

## **DECLARATION OF CONFLICT OF INTEREST:**

Councillor Denis Carr declared his involvement as Program Coordinator for Heart of the City and advised he would not vote on any of the CPPEG items.

## **BUSINESS ARISING FROM THE MINUTES:**

None.

## **PRESENTATION(S):**

None.

## **REVIEW OF PUBLIC NOTICE REQUIREMENTS BY PAC SECRETARY:**

PAC Secretary Ken Bedford advised there were two Public Meeting items, which were given due Notice and posted on the City's Website as follows:

**i.) PAC File # Z-01-16 for the Seaway Senior Citizens Centre (SSCC) being a Planning Act related matter under Section 34. A Notice of Public Meeting was advertised in the Standard Freeholder on Saturday, January 16, 2016, with a supplemental 400' foot radius mail-out Notice to landowners on Tuesday, January 19, 2016; and**

**ii.) A Proposal to establish a Municipal Service Corporation (related to the Port Divestiture Program) pursuant to Section 203 of the Municipal Act. A bilingual notice of Public Meeting was advertised in the Standard-Freeholder on Saturday, February 6, 2016.**

**PUBLIC MEETING ITEM(S) - PUBLIC HEARING:**

**i.) Seaway Senior Citizens Centre - Review of an application for a Zoning Bylaw Amendment from Commercial 12 (COM12) to Commercial 12 (COM12) with an exception to allow a Place of Assembly or Recreation/ Community Centre, including the Seaway Senior Citizens Centre (SSCC). The subject site is legally described as Part of Lots 16 and 17, North Side of Fifth Street West, and has a municipal address of 502 - 506 Pitt St., Cornwall, (Planning File Z-01-16).**

Click for detail --> 

Mary Joyce-Smith reviewed her power point presentation and advised that the Seaway Senior Citizens Centre is requesting an amendment to the City's Comprehensive Zoning Bylaw 1969 as amended, to allow a site specific exception for a Place of Assembly or Recreation / Community Centre in the current Commercial 12 (COM12) zoning. She added that the Seniors group is in the process of purchasing the building, and that the property's existing two storey building would be used for meeting rooms and seminars to service the members of the Centre, primarily on the main floor with existing tenants (Apeiron Mixed Martial Arts, Easy to Read Telephone Directory, McKeown Financial Trustee Office and Capitol Security remaining in the basement and second floor. The Centre has a growing membership and presently has approximately 350 members. She concluded that this relocation to Pitt Street will provide a more central and accessible (Downtown) location for the group.

Acting Chair Carilyne Hébert asked three times if there were any questions/comments from the public, and as there were none, opened discussions to PAC members.

**ii.) A Proposal to establish a Municipal Service Corporation (related to the Port Divestiture Program) pursuant to Section 203 of the Municipal Act.**

Mark Boileau, General Manager of the Department of Planning, Development and Recreation provided a presentation regarding the creation of a Municipal Service Corporation (MSC) under Section 203 of the Municipal Act, 2001, in relation to the Port Divestiture Program. He advised that the meeting's objective was to specifically seek consultation with the public about the MSC proposal to acquire, administer, manage and develop, with the Mohawk Council of Akwesasne (MCA), the Port Lands (approximately 16 acres along the Port/Harbour) from Transport Canada (Divestiture Program). He added that as per the Memorandum of Understanding (MOU), under Bylaw 2014-110, between the City of Cornwall and the MCA, who recognize the importance of the future land use of the Port Lands, they will jointly work together towards developing a land use plan that will not include new industrial uses, but instead consider commercial uses that focus, in part, on the promotion of tourism, on parks and open space, and on the possibility of some future residential development, for example.

Acting Chair Carilyne Hébert then asked if there were any questions / comments from the public.

A member of the public asked several questions being; what was the timeline for the creation of a Municipal Service Corporation (MSC), whether the Terms of Reference had been developed, and how many members would sit on the MSC Board. He also expressed his concerns that the City is forging ahead with a MSC without providing more public information, and the potential that it could be staffed with Council members. He stated he strongly objected to that, as he felt there should be public representation on this MSC.

Mayor Leslie O'Shaughnessy replied that the deadline to complete the property transfer is March 31, 2016, and that the Terms of Reference were still in draft form and would be made available beginning of March 2016. He stated that with regards to how many members will sit on the MSC board, it is still to be determined, and added that his concerns are valid, but that final decisions have not been made, and stressed that the issue of notifying the public on the creation of an MSC is a first step along the way towards the transfer of the port to Cornwall and Akwesasne.

Acting Chair Carilyne Hébert asked three times if there were any other questions/comments from the public, and as there were none, opened discussions to PAC members.

### **PAC DISCUSSION OF PUBLIC MEETING ITEM(S):**

**1 Seaway Senior Citizens Centre - Review of an application for a Zoning Bylaw Amendment from Commercial 12 (COM12) to Commercial 12 (COM12) with an exception to allow a Place of Assembly or Recreation/ Community Centre, including the Seaway Senior Citizens Centre (SSCC). The subject site is legally described as Part of Lots 16 and 17, North Side of Fifth Street West, and has a municipal address of 502 - 506 Pitt St., Cornwall, Planning File Z-01-16).**

Click for detail --> 

Councillor Bernadette Clément asked whether the Seaway Senior Citizens Centre would have as many parking spaces as their previous location on Guy Street. She also wanted clarification regarding the comments made by the City's Fire Department.

Mary Joyce-Smith replied that the Seaway Senior Citizens Centre's activities are scattered throughout the day, and that the Planning Department had conducted a parking analysis and concluded that three additional spaces would be needed on the site, however, parking will be re-examined during the Site Plan process. With regards to the City Fire Department's comments, she added that all of their concerns will be vetted during the Permit process.

PAC Secretary Ken Bedford added that this relocation to Pitt Street will provide a more central and accessible (Downtown) location for the group, transit will be more readily available to this site, and it is a more walkable site.

Following a brief discussion, it was moved, that the recommendation be approved as follows:

That Council endorse the PAC recommendation as presented; and

That the subject property at 502 - 506 Pitt Street be rezoned from Commercial (COM12) to Commercial 12 (COM12) with a site specific exception to permit a Place of Assembly or Recreation/Community Centre, including the Seaway Senior Citizens Centre (SSCC) use, being a designated Elderly Persons Centre (E.P.C.) under the Elderly Persons Centre Act of Ontario.

Moved By: André Rivette, Councillor

Seconded By: Leslie O'Shaughnessy, Mayor

### **MOTION CARRIED**

#### **ii.) A Proposal to establish a Municipal Service Corporation (related to the Port Divestiture Program) pursuant to Section 203 of the Municipal Act.**

Councillor Mark MacDonald stated that we need to come together on this MSC, and added that the City co-ownership will be "huge" with the potential to make a lot of money. With regards to the question of which individuals could be appointed to run the MSC, he added that those answers should be forthcoming in a public forum. While Council's ad-hoc Committee on Divestiture has been meeting with Transport Canada and the Mohawk Council of Akwesasne for the last two years, those councillors not on the Committee are unaware of some details despite the issue being a fairly regular in-camera topic at Council meetings.

Mayor Leslie O'Shaughnessy reiterated that this is a 50/50 joint ownership with the MCA, therefore, any discussions on how the corporation is developed will be in conjunction and agreement with the MCA, and not just with this Council. The co-owners agreement will outline the details, and those will be made available to Council.

Councillor David Murphy advised that consideration is needed for more public access for the Divestiture, and added "You could never engage the public enough, even if it's purpose is to hold another learning session".

Councillor André Rivette expressed his concerns about the possible outcomes of impending port ownership and how it could be used by Akwesasne to help it create a "no-tax" zone, surmising this could be detrimental to the City's retail economy. He also added that he didn't recall reading anything about the Federal government giving land away for free.

Mayor Leslie O'Shaughnessy replied that a no-tax zone is for a native reserve to sell to another reserve. He added that with regards to the assumption that the

Federal government is giving any land for free, unfortunately, the meetings until now have been confidential, and the MSC agreement still needs to be negotiated.

Councillor Elaine MacDonald pointed out that the information is not being shared with the community yet, because the process is being guided and in the hands of the Federal government. She encouraged patience and advised that it was too early to speculate on how the port will be used 10 years down the road.

Councillor Claude McIntosh defended the Divestiture process, praising the Akwesasne representatives. He added this will further cement ties between Cornwall and Akwesasne, noting Mohawks spend about 36 million dollars annually in the City.

Councillor Bernadette Clément emphasized the City could be unique in the country for pioneering a joint agreement with a native community, and was hopeful that it will be able to be a model community and show that it is possible to have a successful co-ownership of a property with a First Nation. She indicated to Mark Boileau that there should be some kind of checklist of accomplishments drawn up to show the progress on this matter.

Councillor André Rivette asked whether a dispute mechanism would be available?

Mayor Leslie O'Shaughnessy replied there would be a dispute mechanism available, which will form part of the co-owners agreement and which Council will see in the near future.

No motion was needed for this item at this time.

### **OTHER / NEW BUSINESS:**

Dana McLean reviewed her power point presentation on the following matters:

#### **1 CPPEG Recommendation December 10, 2015 HOTC#2015-19 105 Fifth St E**

Click for detail --> 

Dana McLean advised this was an application by Dr. Fullarton Chiropractic Professional Corporation at 105 Fifth Street East for HOTC funding assistance for \$2,515 for facade improvement. After CPPEG discussions, the Group recommended denial of the application, as this specific request for facade improvement did not meet the rehabilitation requirements/criteria of the Heart of the City CIP.

## **2 CPPEG Recommendation February 2, 2016 HOTC#2016-02 111-113 Pitt St**

Click for detail --> 

Dana McLean advised this was an application by Cailuan Inc. at 111-113 Pitt Street for HOTC funding assistance in an amount up to \$1,500 to assist with the design fees for a building permit submission as per the requirements under the Ontario Building Code. Following a brief discussion by CPPEG, it was moved:

That HOTC# 2016-02 funding request by Cailuan Inc. at 111-113 Pitt Street, be approved as follows:

Program 3 - Project Design Fees Grant - \$1,500

Program 5 - Municipal planning/Development Fees Grant - Actual

Program 6 - Discretionary Municipal Tipping Fees Grant - Actual

Following a further brief discussion by PAC, it was:

Moved By: André Rivette, Councillor

Seconded By: Bernadette Clément, Councillor

**That Council endorse the two (2) PAC Recommendations as presented.  
MOTION CARRIED**

### **INFORMATION:**

PAC Secretary Ken Bedford advised that for the next several months, PAC will be looking at this upcoming City Initiated Harbour Lands Official Plan Amendment (OPA #31) and Rezoning Proposal (assigned PAC File #Z-02-16). A brief Information Sheet summarizing the issue accompanied the PAC Agenda.

### **NEXT SCHEDULED MEETING:**

The next scheduled meeting will be held on Monday, March 21, 2016.

### **ADJOURNMENT:**

That the meeting be adjourned at 8:08 PM.

Moved By: André Rivette, Councillor

Seconded By: Leslie O'Shaughnessy, Mayor

**MOTION APPROVED**

That the Minutes of the Planning Advisory and Hearing Committee Meeting (No. 2016-02) of Tuesday, February 16, 2016 be approved as presented.

Moved By: Carilyne Hébert, Councillor  
Seconded By: Justin Towndale, Councillor

**MOTION APPROVED**