

Minutes

Planning Advisory and Hearing Committee

Meeting ID: 2015-04
Meeting Date: Tue May 19, 2015 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

Attendance Committee Members:

Leslie O'Shaughnessy, Mayor
Andre Rivette, Councillor
Bernadette Clement, Councillor
David Murphy, Councillor
Elaine MacDonald, Councillor
Brock Frost, Councillor
Carilyne Hébert, Councillor
Claude E. McIntosh, Councillor
Justin Towndale, Councillor

Attendance Staff:

Dana McLean, Programs Coordinator Planning
Division
Ely Daniels, Administrative Assistant
Ken Bedford, Supervisor, Planning Division
Mark A. Boileau, Manager, Economic Development
Maureen Adams, General Manager, Financial
Services
Stephen Alexander, General Manager, Planning,
Parks and Recreation

Regrets:

Maurice Dupelle, Councillor
Mark A. MacDonald, Councillor

Attendance Media:

Greg Peerenboom, Cornwall Standard Freeholder

Attendance Public:

Ray Brunet, 6857 Silmser Road, Cornwall, ON
Gary Jans, 840 Campbell Street, Cornwall, ON
Lise Haines, 423 Anthony Street, Cornwall, ON
Jack Haines, 1150 Montreal Road, Cornwall, ON
Bob Pelda, 705 Cotton Mill St., Cornwall, ON
Denis Carr, 228 Adolphus St., Cornwall, ON

WELCOME AND CALL MEETING TO ORDER BY CHAIRMAN:

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

ROLL CALL:

Roll Call

ADOPTION OF THE AGENDA - ADDITIONS AND DELETIONS:

That the Agenda be approved as presented.

Moved By: Bernadette Clement, Councillor

Seconded By: Brock Frost, Councillor

MOTION CARRIED

ADOPTION OF THE MINUTES:

1 April 20, 2015 Planning Advisory and Hearing Committee Meeting

Click for detail --> 

That the Minutes of the Planning Advisory and Hearing Committee Meeting (No. 2015-03) of Tuesday, May 19, 2015 be approved with the following amendment: that under 'Declaration of Conflict of Interest' Elaine MacDonald declared that although she sits on the Board of the Agape Centre, there is no conflict of interest.

Moved By: Justin Towndale, Councillor

Seconded By: André Rivette, Councillor

MOTION CARRIED

DECLARATION OF CONFLICT OF INTEREST:

None declared.

BUSINESS ARISING FROM THE MINUTES:

PAC Secretary Ken Bedford stated that the business arising from the Minutes will be through this evening's public meeting.

PRESENTATION(S):

PAC Secretary Ken Bedford stated that a formal presentation would not take place, however, there would be representation by some members of the audience as part of the public meeting portion.

REVIEW OF PUBLIC NOTICE REQUIREMENTS BY PAC SECRETARY:

PAC Secretary Ken Bedford advised that the one public meeting item that was advertised in the Saturday, April 25, 2015 edition of the Standard Freeholder met the public meeting notice requirement(s) under the Planning Act. He added that the public meeting portion would be divided into three segments; a staff presentation, followed by a public input portion where the Chair will ask three times for comments from the audience. Once that segment is closed by the Chair, debate and discussions by PAC will be opened at that time. During the staff presentation, PAC will have an opportunity to ask questions, but not the public. The one public meeting item is the City's review of the HOTC CIP Program 1, commonly referred to the Tax Increment Grant, specific criteria for multi-storey new construction, mix used projects, and Program Administrator, Dana McLean will provide a PowerPoint presentation on this review with several options for criteria clarification.

PUBLIC MEETING ITEM(S) - PUBLIC HEARING:

1 Recommended Amendment Changes to the Heart of the City Community Improvement Plan

Click for detail --> 

Dana McLean provided an overview of the recommended amendment changes to the HOTC Community Improvement Plan and advised how all aspects of the HOTC CIP (and Brownfields CIP) are functioning well, save and except for the need to examine and affirm criteria clarity for funding incentive related to the new construction mixed use multi-storey development types, which have seen increased interest in the last number of years. She added that the process of reviewing each application in a comprehensive case-by-case manner by CPPEC and providing recommendations to PAC, then onto Council, has worked well, and should be maintained, however, periodic adjustments to programs through Amending Bylaws and/or identifying clarifying eligibility criteria are reasonable to expect and help maintain a contemporary funding incentive stream and lessen any possible ambiguity in eligibility. More commonly now, the City is seeing multi-million dollar CIP funding approvals, with possibilities of further requests into the future. While the TIG-based approvals are driven by the specific projects' increased assessed tax base, commitment to rebate a substantial amount of those new taxes for up to a 10 year term on what some may consider primarily residential, not commercial or truly mixed use projects, may be starting to become problematic in being in conformity to what originally was intended in the CIP. Also, the Municipality typically will only realize a fraction of the new tax benefit for a decade, therefore, both CPPEC and now Administration

(represented by Finance, Economic Development, Infrastructure and Municipal Works and Planning Staff) have considered the range of options available to create clarity and a greater degree of fiscal prudence to the HOTC Program 1, TIG funding mechanism specifically for new construction, multi-storey projects review. As a result, the following are three (3) possible directions to take in amending or not amending the HOTC CIP; **Option 1** - to remain status quo under current criteria for the entire HOTC Community Improvement Policy Area, but with substantive emphasis to support in Priority Areas - Mixed Use Projects; **Option 2 i, ii, iii** - to finding a "middle ground funding" position with numerous development scenarios including, for the first time, an exclusively scoped residential program criteria intended to offer more choice in project funding incentive; and finally, **Option 3** - to possibly fully removing from eligibility these types of developments. Definitively, both CPPEC and Staff do not support Option 3, which most probably would extinguish any interest to build such new development, but list it because it still does exist on the spectrum as a course of action for PAC, then Council. She concluded that all application requests are comprehensively reviewed for compliance to the Plan and merits of achieving community renewal objectives, on a case-by-case basis by a broad-spectrum Evaluation Committee (CPPEC) for recommendations to PAC, then final decision(s) of Council. Council retains full decision making discretion over any of these funding criteria options.

Councillor André Rivette stated "why are we wanting to change something that is not broken?".

CFO, Maureen Adams replied that it was important to understand that Council has to allow the levy to move with the programs.

Councillor Elaine MacDonald stated she supported the programs, but emphasized that Council has to look at the programs' affordability/sustainability. Until now, the municipality was able to absorb the tax rebate for the smaller projects, but now that bigger multi-storey projects are becoming increasingly common, it is no longer something it can absorb. She added that there is a need to adapt with the changes that are presently occurring.

CFO, Maureen Adams replied that in 2015 the tax increment grants jumped up to \$1.5 million. She stated that there needs to be an understanding of the financial implications involved in the bigger new construction mixed use multi-storey development type projects. Depending on how many applications are approved, there needs to be a given that the levy moves in conjunction with the approval of

those programs. She added that presently the commercial component is on a declining scale, and that staff is simply asking that the residential component also be on a declining scale.

Councillor Brock Frost asked if Council endorses the recommended changes, how would it know whether the number of applications would decline, and how could Council be sure that it doesn't occur.

Dana McLean replied that the new CIP Program would be reviewed again at the end of 2016. If no new projects have evolved, then the program's incentives would be re-examined at that time. She reiterated that this was only for new construction mixed use multi-storey development type projects.

Councillor Brock Frost stated he would like a shorter time frame for the review, as it would not be feasible not to have any new developments in over a year.

PAC Secretary Ken Bedford replied that the PAC can decide to alter recommendations once the public has had a chance to have its' input.

Councillor Claude McIntosh did not agree with the over one year review as he felt developers would wait it out, and then reapply when the City reviews the program to cater to their needs.

Vice-Chair Carilyne Hébert then asked if there was any public input on this matter.

Gary Jans and Jack Haines from 840 Campbell St. & 1150 Montreal Road, explained how they would like to be reconsidered for approval of the incremental tax relief of their new development project at 1154 Montreal Road, located at the former Courtauld's site. They added that the project had been previously approved by the former PAC Committee, but later turned down by the previous Council. Gary Jans stated he would like the project to receive the same kind of approval that another similar project received at the PAC Meeting of April 20th. Jack Haines also advised that their project was a way of increasing space for residents needing full accessible housing. They concluded by urging the PAC to keep the status quo on the program, and to give them the green light so that the project could move forward.

Councillor Bernadette Clément asked, if a motion was passed to approve their project, when would they start building.

Co-developer Jack Haines said the architects would be contacted the following day, and that it would take at least 8 months before they could start to build (early 2016). He later recommended that the Priority Area be abolished, as he felt it was not helpful, and used more as a restriction tool.

Heart of the City/Centretown Administrator, Denis Carr stated that he is not against the former Courtauld's project, even though he did not support it. He added there was a previous reference made to the Cotton Mills project, and that the project was approved by PAC and then Council, and that it was unanimous due to the impact it will have on the future of the community. He urged that PAC

tighten the funding level criteria, that would see developers receive tax increment rebates.

Eric Lang wanted clarification as to the cost associated with a new development. He added if development does not happen, there is no tax revenue, and if development does happen, there is a potential delay of realizing a full tax increase benefit if there's an incentive. He added that the City has had limited developments over the last 40 years, so the assumption that these developments would happen regardless of whether there were development incentives or not should be questioned.

Vice-Chair Carilyne Hébert stated his question was received and would be addressed. She asked two more times for input from the public and, hearing none, closed the public input portion of the meeting and proceeded with PAC discussions.

PAC DISCUSSION OF PUBLIC MEETING ITEM(S):

Councillor Brock Frost indicated he was prepared to make a motion that Gary Jans/Jack Haines revise their application, resubmit it to PAC for approval, at the current incremental tax rate of 100%. Councillor Justin Towndale said he would second such a motion when formally made but was deferred until after consideration of the Staff report recommendations took place.

Councillor Elaine MacDonald stated she would not support Councillor Frost's intended motion, and instead supports the recommendation that Staff brought forward to amend the criteria.

Councillor André Rivette stated that any development that moves forward is an investment in the future, and fully supported Councillor Frost's intended motion.

Both Councillors Towndale and McIntosh supported Councillor Frost's intended motion and both questioned the need for Priority Areas as they felt this created an unequal playing field.

Councillor David Murphy also supported Councillor Frost and stated that this was a great opportunity to lay out the foundation for future generations of applicants.

Ms. Maureen Adams was then requested by Councillor Bernadette Clément to provide clarification to the earlier question asked by Mr. Eric Lang.

CFO Maureen Adams responded that the more infill and development that occur in the community, the more the levels of services increase. If the municipality

rebates the full 100% on some properties, then those properties no longer participate in the servicing costs.

Councillor Bernadette Clément stated that although she was not a fan of the status quo, she would vote to keep it at this time. She added she was not comfortable changing the status quo until the development charges review was completed.

Mayor Leslie O'Shaughnessy asked how many other municipalities in the Province of Ontario have programs that subsidize developments to the extent that the City of Cornwall is doing.

PAC Secretary Ken Bedford, stated he did not know the actual number but mentioned that there had been an issue in the City of Kitchener where the programs became "too successful" and their Council decided to revisit that. He said it was not an uncommon occurrence to revisit these programs on a periodic basis.

Mayor Leslie O'Shaughnessy replied it is not so much about revisiting the programs, but more about how many types of programs they offer. He asked whether some information could be provided as to what other Ontario municipalities are doing, and what changes they have had to make with respect to their programs' successes.

Vice-Chair Carilyne Hébert stated she also supports Councillor Frost's intended motion, and reiterated how these programs encourage developments which will have a positive impact on the City's economy.

Following a further brief discussion it was:

Moved By: Brock Frost, Councillor
Seconded By: Andre Rivette, Councillor

Motion:

That Council endorse the PAC recommendation as presented:

i) That the proposed Option 1 (Status Quo criteria) to the Municipality's Heart of the City (HOTC) CIP, as identified in this report, be considered for approval and with equitable consideration for review in the subject HOTC Community Improvement Policy Area (CIPA);

ii) That based on Council's support for Option 1, an update be sent to the Ministry of Municipal Affairs and Housing (MMAH, Kingston Office) for information;

iii) That Planning Staff subsequently consolidate the Heart of the City (HOTC) CIP based on the criteria clarification; and

iv) Staff continue to monitor the effectiveness/take-up of the selected Program 1 funding option for these types of developments and report back to PAC/Council on the trend results as is appropriate.

Councillor André Rivette requested that a Recorded Vote be taken on the motion.

| Member | In Favour | Not In Favour |
|------------------------------------|--------------------|------------------------|
| O'Shaughnessy, Leslie, Mayor | | X |
| Clément, Bernadette, Councillor | X | |
| Dupelle, Maurice Councillor | Absent | with regrets |
| Frost, Brock, Councillor | X | |
| Hebert, Carilyne, Councillor | X | |
| MacDonald, Elaine, Councillor | | X |
| MacDonald, Mark Councillor | Absent | with regrets |
| McIntosh, Claude, Councillor | X | |
| Murphy, David, Councillor | X | |
| Rivette, André, Councillor | X | |
| Towndale, Justin, Councillor | X | |
| Total: _ _ _ | 7 In Favour | 2 Not In Favour |

MOTION CARRIED

PAC Secretary Ken Bedford clarified that, since Option 1 (Status Quo) is

supported by the Committee (assuming it is approved by Council), there will be no need for a formal amendment to the HOTC CIP.

Councillor Brock Frost then asked to revisit his original motion:

Motion:

That Council endorse the PAC recommendations as presented:

PAC motion to permit the Gary Jans/Jack Haines team to submit and present a revised HOTC CIP Funding Request project application at PAC and not be subject to the requirement to first present to CPPEC, under the Option 1 (Status Quo) criteria of HOTC Program 1: Heart of the City Rehabilitation and Redevelopment Grant (Tax Increment based).

Moved By: Brock Frost, Councillor

Seconded By: Justin Towndale, Councillor

Following a subsequent brief discussion by PAC, Councillor Brock Frost (which was reiterated and supported by Councillor André Rivette) requested that a Recorded Vote be taken on the motion.

| Member | In Favour | Not In Favour |
|---------------------------------|---------------|---------------------|
| O'Shaughnessy, Leslie, Mayor | X | |
| Clément, Bernadette, Councillor | X | |
| Dupelle, Maurice Councillor | Absent | with regrets |
| Frost, Brock, Councillor | X | |
| Hebert, Carilyne, Councillor | X | |
| MacDonald, Elaine, Councillor | X | |
| MacDonald, Mark Councillor | Absent | with regrets |
| McIntosh, Claude, Councillor | X | |
| Murphy, David, Councillor | X | |
| Rivette, André, Councillor | X | |

| | | |
|---------------------------------|--------------------|------------------------|
| Towndale, Justin, Councillor | X | |
| Total: | 9 In Favour | 0 Not In Favour |

MOTION CARRIED

OTHER / NEW BUSINESS:

The PAC Secretary stated there were three (3) CPPEC related items and recommended that separate motions be given on each due to their varied nature.

Dana McLean reviewed her PowerPoint Presentation on the following matters:

1 CPPEC Recommendation May 7, 2015 File HOTC#2006-01 Addendum 52-54 Pitt St

Click for detail --> 

Dana McLean advised that this Addendum Application by Meg~N~Boo Inc. at 52-54 Pitt Street is requesting HOTC funding assistance in an amount of up to \$13,500 to assist with the Architectural and Engineered plans and construction of a new facade.

The CPPEC recommendation is:

That HOTC#2006-01 Amendment - 52-54 Pitt St request be approved as follows:

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

Program 4 - Facade Improvement and Sign Grant- \$10,000

Program 5 - Municipal Planning/Development Fees Grant - Actual

Program 6 - Discretionary Municipal Tipping Fees Grant - Actual

Condition: That the sign design be submitted for review by CPPEC and completed at the same time.

Following a brief discussion a motion was made to approve the CPPEC recommendation as presented:

Moved By: David Murphy, Councillor

Seconded By: Justin Towndale, Councillor

MOTION CARRIED

2 CPPEC Recommendation May 7, 2015 HOTC#2009-05 146 B Chevrier

Click for detail --> 

Dana McLean advised that this was an application by Centre Charles -Emile

Claude at 146 B Chevrier for HOTC funding assistance in an amount up to \$18,000 for the installation of a separate heating system, due to a Severance (File No. B-14-08), of the adjoining building and a condition on the Agreement of Purchase and Sale completed in 2009.

The CPPEC recommendation is:

That HOTC#2009-05 Addendum funding request by Centre Charles-Emile Claude at 146 B Chevrier, be denied as the property was deemed to have reached its funding potential through their first submission.

Following a brief discussion, a motion was made to approve the CPPEC recommendation as presented:

Moved By: Councillor Elaine MacDonald

Seconded By: Councillor Brock Frost

MOTION CARRIED

3 CPPEC Name Change Recommendation May 7, 2015

Click for detail --> 

Dana McLean indicated to PAC that following a presentation made by the City Clerk at the May 7th, 2015 CPPEC Meeting, and after subsequent discussion in order to clarify that CPPEC is to be considered as a comprehensive working group, as opposed to a traditional committee, CPPEC recommended:

i) That the name of the committee will be changed from Cornwall Planning Programs Evaluation Committee (CPPEC) to Cornwall Planning Programs Evaluation Group (CPPEG).

ii) That Planning staff subsequently consolidate the Brownfields and Heart of the City CIP's for the name change in all references to Cornwall Planning Programs Evaluation Committee (CPPEC).

Following a brief discussion a motion was made to approve the CPPEC recommendation as presented:

Moved By: Councillor Elaine MacDonald

Seconded By: Mayor Leslie O'Shaughnessy

MOTION CARRIED

INFORMATION:

PAC Secretary Ken Bedford advised there was one item for information; i) Important information to be aware of on Bill 73, the "Smart Growth for Our

Communities Act", and how it is going to change the way Planning actions take place such as appeals to the Ontario Municipal Board, etc. This will be discussed further at the June PAC meeting as per a request made by Councillor Elaine MacDonald.

NEXT SCHEDULED MEETING:

The next scheduled meeting will be held on Monday, June 15, 2015.

ADJOURNMENT:

That the meeting be adjourned at 9:50 PM

Moved By: Elaine MacDonald, Councillor
Seconded By: Leslie O'Shaughnessy, Mayor

MOTION CARRIED

Carilyne Hébert, Vice-Chair

That the Minutes of the Planning Advisory and Hearing Committee Meeting (No. 2015-04) of Tuesday, May 19, 2015 be approved as presented.

Moved By: Andre Rivette, Councillor
Seconded By: Bernadette Clement, Councillor

MOTION APPROVED