TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Joseph E. Davis, Chair, ERASE Task Force
DATE OF MEETING: November 13, 2003
SUBJECT: ERASE Community Improvement Plan (Our File No. D03-001)

RECOMMENDATION: This is an information report only.

ORIGIN/PURPOSE:
On June 10, 2003, Committee of the Whole received the ERASE Task Force report. On that date, they approved the Community Improvement Plan in principle, with the requirement for a staff report to proceed with the public consultation process and to hold an Open House to discuss the effects of such a plan with the community. Also, at that Committee of the Whole meeting there was a recommendation approved by the Committee of the Whole which recommended that staff develop a financial plan dealing with the Community Improvement Plan and present this to Committee of the Whole at a later date. This financial plan is not part of this report to the Planning Committee.

In order to meet the requirement of the Planning Act, staff needed to provide notice for a public meeting on the Community Improvement Plan. In order to comply with this requirement, there would be a public consultation process held in July. In order to give every opportunity for the community to comment on the Community Improvement Plan of the ERASE Task Force, it was determined that an Open House would be held prior to the end of June for those interested in making comment prior to summer vacation. There was an Open House that was attended by six members of the public on June 19, 2003. One person has provided written comments on the Plan.

OPTIONS/DISCUSSION:
Pursuant to the requirements of the Planning Act, notice of a statutory Public Meeting held on Thursday, July 17 was provided by advertisement in the Kingston Whig-Standard as prescribed by the Act. Persons whose names appear on the sign-in sheet for the Public Meeting were advised that this matter was on the Committee's agenda for July 17, 2003.
Analysis:

Comments were received from a member of the public dealing with a number of issues of the ERASE Plan. These comments are attached as Appendix “1” to this report.

The author of these comments was somewhat concerned that the presentations made at both the Open House and the Public Meeting of the Planning Committee were absent of any financial implications of the Community Improvement Plan. Please keep in mind that a financial plan will be presented to Committee of the Whole before final approval is given to the Plan.

Further, there was concern that the Corporation provided no cost benefit analysis on a number of carefully selected alternatives. It is felt by staff that the Community Improvement Plan is an alternative that stands on its own but at the same time complements other policies within the City to promote economic development.

The third suggestion made by the author was that the City should consider a “do-nothing” scenario, the proponent feeling that the most important aspect of doing nothing is that it forces one to focus specifically on the positive aspects of taking no action. This may be an option but the direction given to staff from Council to the Task Force was to review the Brownfields legislation and develop a strategy that could be adopted by Council to deal with properties that have been left idle and vacant for a number of years. The do nothing approach has not yielded any benefit to the City to date.

The Community Improvement Plan is designed to address properties that are not currently owned by the City but are owned by private interests. Such properties have been left idle for the reasons stated above. Therefore, the do nothing option simply has no benefit to the City. If the property tax arrears continue to accumulate each year, the end result in essence costs the taxpayers money. In the do nothing scenario, it is implied that in order to do something the City may be investing funds that would be taken from the general mill rate. The Community Improvement Plan states clearly that where properties come forward for redevelopment, tax arrears have to be paid off prior to any applications made to the program, and that funds paid out under the program are only funds paid out as a result of increased tax assessment. These are funds that would generally flow into the general mill rate but would not be realized if the property were not developed. By developing the property or encouraging the development of the property through the ERASE Community Improvement Plan, funding allows projects to move forward that otherwise might not move forward.

Further, there was comment that the City needed to look at alternatives such as partnership ventures, where the City gains ownership and then resells the properties and also that the City sells its brownfields with no improvements to interested proponents. There is nothing in the Community Improvement Plan that would prevent any of these options from happening. Quite the contrary, it will in fact allow for discussions with proponents in any of the three scenarios above. Because of the uniqueness of each property, this analysis would have to be done independent of the Community Improvement Plan but the Community Improvement Plan could be used as a tool to assist in providing the necessary leverage to allow both the City and others to remediate and redevelop these lands.
There is a concern that taxpayers' money will be used to bail out persons who have purchased these brownfield sites on speculation. This Plan does not suggest that funds will be used to assist purchasers. One of the proponents of the Community Improvement Plan is to provide financial leverage to encourage such development but at the same time, where taxes are not being paid currently, it provides the City with the leverage that in the future we will start to see taxes being paid, by using the tax sales process to acquire property and then sell it to interested parties by a variety of means, none of which would cost the taxpayer. Staff believes there is enough evidence to suggest that there are a number of properties in the City that have sat vacant for anywhere from five to 30 years with little or no activity on them. Some of these properties have resulted in large tax arrears and could provide some economic benefit to the community if they were developed. Certainly the costs and benefits associated with providing such leverage would have to also include the economic spin-offs of enhanced community development in any of these scenarios that this proponent might suggest. There are also suggestions that scenarios should be looked at at various levels of government and involving their participation in assisting with the problem. This in fact has been ongoing with staff. We have met with the Provincial government and with Federal government agencies looking for opportunities for funding assistance and providing encouragement to each of these levels of government that this sort of financial assistance would be viable for all involved.

The proponent suggests that brownfields currently owned by the City may be sold for rock bottom prices. Any lands that would be sold by the City “at rock bottom prices” would be prices that would be determined through a proper property appraisal required under the Municipal Act. Therefore this avoids the City taking any loss on the property. At the same time, where properties are contaminated the market value may be extremely low but the City would not be in a position to vest money in a property and pay a high price for it and turn around and sell it at a loss. Any properties the City acquires through the brownfields process usually will be the result of a failed tax sale where the taxes may need to be written off. These taxes are deemed uncollectible at any point and would need to be written off in any case. Writing these taxes off allows the City to market these properties at the current market price to see future remediation and redevelopment. We would then forgive the taxes and provide funding back to them over a number of years. Once again, these costs are only entered into on the premise that the tax value after redevelopment would be significantly higher than the taxes generated currently. Therefore there is economic benefit for us to enter into these types of relationships. Not only does it guarantee us receiving taxes every year, but it also provides us with a higher level of tax payment which will lessen the burden to the taxpayers of our community.

The question was raised regarding protection of taxpayers’ costs, if when the redevelopment is complete the owner decides to sell the land and settle for the land’s appreciated value. Significant profits can be taken and taxpayers would have footed a portion of the bill through tax forgiveness. The explanation given at the time at both the Open House and the Public Meeting was that the investment made by firms going in to remediate and redevelop a property is sufficiently high that it would be unwise for them to try to sell the property without having the ability to ensure that they get their investments back. It must be understood at this point that any investment made by the property owner on the property originally sold to them by a previous owner at market value, or market value through the tax sales process if the City acquired the land through a failed tax sale. The taxpayers will not foot the bill in this regard. The point made earlier is that the whole purpose of the program is to get these properties developed, generating higher tax revenue to take some of the burden off the taxpayers in having some of these key properties redeveloped. Therefore the taxpayer is not footing the bill or being stuck with higher costs. Further, the City will still receive the higher tax revenues as general mill rates increase, which will again reduce the taxes to our taxpayers. One of the benefits of this program is the generation of higher tax revenues, since the taxes received currently
are lower than anticipated in the future. Not only do we receive higher taxes but they are paid annually. The benefits clearly favour the City.

The example below illustrates this point:
- Let’s assume that a property has been abandoned by the owner and the taxes are $100,000 per year.
- They have not been paid for the last fifteen years.
- Also, the Community Improvement Plan will run for 10 years.
- The history on this property will span 25 years.
- Column 2 shows the accumulated taxes without application to this program.
- Column 3 shows what the City will still receive as revenue in the pre-program annual tax revenue of $100,000 per year.
- Column 4 shows that for years 16 to 21 inclusive, no increased tax revenue will be realized.

During these years, 80% of the increased tax will go back to the owner and the remaining 20% will be used by the City to fund the “Getting Our House in Order” program, while column 4, for years 22 to 25 inclusive reflects the increase in accumulated tax revenue on this property of 4 million dollars.

**TAX REVENUE COMPARISON TO PRE AND POST COMMUNITY IMPROVEMENT PLAN**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Accumulated Taxes – City not likely to collect if property not part of the ERASE program</th>
<th>Column 3 Accumulated Taxes Realized after Remediation &amp; Part of the ERASE program</th>
<th>Column 4 Accumulated Incremental new tax base after remediation costs are granted back to the owner</th>
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<tbody>
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**TOTAL** | **2,500,000**                                   | **5,000,000**                                                                  | **8,000,000**                                                                           |
In summary, if the City does nothing on this property for the next ten years, the City will have tax arrears that would total 2.5 million dollars with no potential to collect these arrears, but if the property is part of this program, the City will realize revenue of 5 million dollars over that same 10 year period. This is a 100% increase in tax revenue on that property.

Another way of looking at this program would be to suggest that the City is investing 6 million dollars in this property for years 16 to 21 inclusive, because we are granting back to the owner 80% of the incremental taxes and funding 20% to our "Getting Our House in Order" program, and would see a six-year payback on this investment for years 22 to 27. The increased revenue will be realized long into the future.

Conclusions:

Staff has reviewed all the concerns expressed by the proponent above, and would reiterate to Committee of the Whole as follows:

The Community Improvement Plan is designed:
1. to encourage the remediation and redevelopment of currently vacant or underutilized lands with real or perceived contamination.
2. to provide financial assistance to leverage the financial investments to equal those similar in developing clean, raw lands (known as greenfields).
3. to enable the City to receive a higher level of taxation based on the redevelopment values and will receive taxes that may otherwise be left in arrears.
4. that as key properties are developed, it may spur development in surrounding properties in the community which will have a benefit to the community not only in generating jobs perhaps, but also in improving the community and making it more desirable for people to move, live and operate businesses.

EXISTING POLICY/BY-LAW:

The only existing policy that is in place currently is found in the Official Plan. In Appendix “1” subsection 7.3 of the Official Plan is the Community Improvement statement: “Council recognizes the importance of revitalizing various residential, commercial and industrial sections of the City and intends to continue to enhance the established process of renovation, rehabilitation and revitalization.”

LINK TO THE STRATEGIC PLAN:

This initiative has a strong tie to the Strategic Plan inasmuch as it has centered on the FOCUS Kingston document where priorities have been established for immediate attention. The remediation and redevelopment of brownfield sites scored high in both the economic prosperity priority area and the environmental priority area. The area of economic prosperity to marketing these properties for further investment and redevelopment ranked high as providing employment and sustainable developments through the use of lands currently serviced. In the area of the environment, quality of life was stressed with a need to improve quality of land and establish an inventory and program to develop a brownfields strategy that would positively impact both the physical health of the community and the environmental health of the municipality.
FINANCIAL CONSIDERATIONS:

This report does not deal with financial implications. A financial plan is being presented to Council for its consideration in the next number of weeks.

CONTACTS:

Joseph E. Davis, Chair, 384-1770 ext. 3125

APPENDICES:

- Appendix 1 - Written submissions

______________________________
Terry Willing, Acting Commissioner
Planning & Development Services

______________________________
Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Sonya Bolton, Senior Policy Planner
DATE OF MEETING: November 13, 2003
SUBJECT: Implementation of the Requirement to Provide Signage as a form of Public Notice Under the Planning Act, R.S.O. 1990, c. P. 13, as Amended

RECOMMENDATION TO PLANNING COMMITTEE:

It is recommended that the following be considered by the Planning Committee for recommendation to City Council:

WHEREAS the Planning Committee approved changes in the process of public notification that would require signage as part of the procedure, that such changes should be standardized across the whole City, and that required amendments to the official plans be made;

AND WHEREAS Council gave three readings to By-law No. 2003-111, By-law No. 2003-156, By-law No. 2003-157, and By-law No. 2003-158, which approved the standardized public notice changes to the Official Plans of the three former municipalities and made the appropriate amendment required to By-law No. 98-36 “A By-law to Establish a Tariff of Fees For The Processing of Applications Made in Respect of Planning Matters;”

AND WHEREAS the appropriate appeal period for all of the aforementioned by-laws has passed, and no appeal has been made;

THEREFORE BE IT RESOLVED that it be recommended to Council that this report regarding the implementation of the new public notice procedures for Planning Division applications be received for information purposes.
ORIGIN/PURPOSE:

The purpose of this report is to provide an overview of the methods to be used by staff to implement the new public notice procedures that were previously approved by Council. The changes to the public notice procedures will take effect on January 1, 2004.

Background Information

September 2001
In September 2001, staff prepared a report to Planning Committee reviewing the issue of signage as part of public notice under the Planning Act. The report addressed the following:

- the City satisfied the Planning Act requirements for public meetings by providing notice through newspaper ads;
- the City exceeded the notice requirements by using mailed notice within a specified distance of the subject site; and,
- the Applicant paid the cost of notice through a Public Meeting Notice deposit.

Planning Committee’s motion (No. 2001-11 Minutes, dated September 24, 2001) stated:

“That staff prepare a report outlining different options for information signs to be posted for zoning applications.”

October 2002
In October 2002, staff presented a report to Planning Committee reviewing the issue of public notification with respect to planning applications and specifically signage. The report addressed the legislative framework and requirements, a municipal survey summary, and options and recommendations.

Planning Committee recommended to Council the following:

- that the form of public notice be standardized in a manner that suits the type of application under consideration by the City of Kingston;
- that staff be directed to hold the necessary statutory public meeting to amend the Official Plans to harmonize the official plan policies regarding public notification under the Planning Act; and
- that the public be notified of the change in process for planning applications.

These recommendations were approved by Council in October 2002.

April 2003
In April 2003, staff presented a report to Planning Committee that detailed the following:

- addressed concerns raised as a result of a Public Hearing held with respect to this matter on February 13, 2003;
- summarized the recommended public notification procedure;
- detailed the specifications for the proposed signage;
- made a recommendation to the Planning Committee regarding amendments to the Official Plans for the former Township of Kingston, Township of Pittsburgh, City of Kingston and Amendment No. 59 to the Official Plan for the Township of Pittsburgh to harmonize the public participation policies; and
- outlined methods for public notification regarding the proposed changes.

The recommendations to amend the official plans of the three former municipalities were approved by Council in June 2003.
OPTIONS/DISCUSSION:

Staff is prepared to implement the new public notice provisions, and have assigned the date of January 1, 2004 as the date in which the new provisions shall be in effect. The purpose of this report is to advise Planning Committee of the way in which the public shall be notified of the changes to the public notice requirements.

Summary of Requirements – Handout & Website

A summary of the changes to the public notice requirements has been drafted, and is attached as Appendix A. This handout summarizes the changes that will take effect on January 1, 2004, and will be made available in a variety of formats. The handout will be attached to the front of all planning applications distributed between now and the end of the year; it will be made available at the front reception counter of the Planning Division; and it will be posted on the City’s website.

Newspaper

The Planning Division will continue until the end of the year with the regular format of advertising public meetings. Information will be included with these advertisements about the upcoming changes, and will include the website address and the municipal office address where people will be able to review the above-mentioned handout. Following January 1, 2004, the Planning Division will begin using the abbreviated advertising format for public meetings (i.e. a listing of items to be considered at up-coming Planning Committee and Committee of Adjustment meetings), which will include a website address where the public may view a more detailed version of Planning Committee and Committee of Adjustment agendas. Those members of the public without Internet access will continue to be able to phone or visit the Planning Division office for more information.

Letters and Memorandums

The Planning Division will be circulating correspondence to City Managers, Utilities Kingston, and the local development and construction community advising them of the up-coming changes in the public notice requirements. These letters will also include a copy of the above-mentioned handout.

Public Display

Staff will prepare a display to be posted at the Planning Division that will describe the changes to the requirements for public notices as listed in the handout, as well as include examples of the new type of signage to be used as of January 1, 2004.
EXISTING POLICY/BY-LAW:

Amendments have been made to the following documents that allow for the implementation of the new public notice provisions:

- Official Plan for the former City of Kingston;
- Official Plan for the former Township of Kingston;
- Official Plan for the former Township of Pittsburgh;
- Amendment No. 59 to the Official Plan for the Township of Pittsburgh; and
- By-law No. 98-36 “A By-law to Establish a Tariff of Fees For The Processing of Applications Made in Respect of Planning Matters.”

LINK TO STRATEGIC PLAN:

This report relates to the Local Governance Priority Area – Getting Our Housing In Order by improving service to the general public through improved methods of providing public notice of applications under the Planning Act. There is no specific project listed under the “FOCUS” Kingston Implementation Plan.

FINANCIAL CONSIDERATIONS:

The new public notification process assumes that the City will maintain the practice of the Applicant bearing the cost of public notice, and therefore, there would be no direct financial implications to the City of Kingston for requiring a supplementary form of notice under the Planning Act. Some applicants may have higher public notice cost for signage.

Staff will prepare the 11” x 17” laminated sign for minor applications, but the applicants for major applications shall be responsible for the construction of the 1.2 m x 1.2 m (4’ x 4’) signs. It was not considered practical or cost effective for City staff to generate any but the laminated paper signs.

Several Kingston-based sign companies were contacted for information. Estimates for the cost of large signs ranged from about $145 to $300 per sign, without installation. Specifically, this included three quotes: $145 on crezon or alumi-lite, $175 for 10 mm plywood, to $300 on crezon, (which includes $120 for design time). All prices are approximate.

CONTACTS:

George Wallace, Acting Manager, Planning Division, 384-1770, ext. 3252
Cherie Mills, Supervisor, Land Use Policy, Planning Division, 384-1770, ext. 3289
Sonya Bolton, Senior Policy Planner, Planning Division, 384-1770, ext. 3237

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Building and Licensing Division, Planning & Development Services
- The Licensing Division had previously advised that no amendments were required to accommodate the signage.

NOTICE PROVISIONS:

Not applicable
APPENDICES:

Appendix A: Handout entitled “Changes to Public Notice Requirements”

_______________________________
Terry Willing
Acting Commissioner of Planning & Development Services

_______________________________
Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning and Development Services
PREPARED BY: Shirley Bailey, Senior Policy Planner
DATE PREPARED: 2002-10-23
DATE OF MEETING: 2003-11-13
SUBJECT: Howe Island Enlarged Ferry Environmental Assessment

RECOMMENDATION TO PLANNING COMMITTEE:

1. That Council receive the information provided at the recent Public Information Centre, as attached to this report; and,

2. That Council express its support in principle for the subject proposal for an enlarged County ferry on its existing route; and,

3. That this report be forwarded to the Township of Frontenac Islands, the Ministry of Transportation, and others as requested.

ORIGIN/PURPOSE:

The purpose of this report is to provide Council with information provided at a recent Public Information Centre on Howe Island on October 16, 2003. This provides an overview of the Howe Island Enlarged Ferry Environmental Assessment proposal and process to date. The Ministry of Transportation is conducting this Environmental Assessment (EA) in an expeditious manner in order to meet the Transport Canada timeline. It is anticipated that the City will be circulated the document in November, 2003 for comments within a thirty day period.
DISCUSSION

Background
Access to Howe Island is currently provided by two cable ferries with costs largely subsidized by the Province. In 1997, the Province announced as part of its downloading process that it would no longer fund the costs of ferry operations, so the Islands sought a private sector partner to provide a transportation solution. When the Province decided that it would continue to fund ferry services, Frontenac Islands Council decided to initiate the Howe Island Link Environmental Assessment (Link EA), in order to identify a financially sustainable option. The Link EA process, initiated by Frontenac County in 1997, was continued by the Township of Frontenac Islands following amalgamation in 1998. Numerous objections were received to the Environmental Study Report (ESR), including bump-up requests from the City of Kingston and from Environment Canada. Frontenac Islands Township is completing an Addendum to the Link EA to allow the Ministry of the Environment staff to review the file and determine whether the objections raised by the City, Environment Canada, and others have been satisfactorily addressed and whether the bump-up requests will warrant additional review.

Independent of the Link EA, the Township wishes to provide for additional capacity on the ferry routes to Howe Island. The County and Township decided in July 2003 to partner with the Ministry of Transportation (MTO) to improve the County ferry service, subject to MTO completing an environmental assessment.

Existing Service
The existing County ferry vessel is almost 30 years old. It is anticipated that an extensive refit will be needed at the next major dry-dock inspection which is scheduled this year. The ferry carries twelve vehicles at present. The weight capacity of the existing vessel is limited to a 32 ton load, and this limits the size of trucks traveling to the island.

Process
Providing for additional capacity on the ferry system has been the goal of Frontenac Islands Township for some time, and according to the financial analysis undertaken by the Ministry officials, a new enlarged ferry can be brought into service in a cost effective manner. The “project” would not involve any in-water works or alterations to existing docks, ramps, marshalling areas or access roads, and therefore would have minimal impact on residents of Kingston, environment or traffic in the immediate area.

Three alternatives have been analyzed in this undertaking: increasing township ferry capacity; constructing a fixed link to Howe Island (which is currently the subject of a separate Class Environmental Assessment by the Township); and, thirdly, reducing crossing demands. As noted above, the Link EA is being treated independently by the Ministry of the Environment.

Four alternatives are being reviewed to determine which method is preferable to improve ferry service to the island:
- Do nothing – the upcoming refit for the existing ferry would require a replacement vessel, but would result in no improvements to ferry access;
- Lengthen the existing ferry, thereby providing more vehicular and weight carrying capacity;
- Construct a new ferry with 15 vehicle and 45 ton capacity;
- Dual ferry service – a second vessel and the refitted existing ferry would provide excess crossing capacity.
DISCUSSION (Cont’d)

The alternative of constructing a new ferry was selected as the preferred alternative method because no existing vessel dry dock or replacement vessel would be required. Further, it would provide the required vehicular and weight carrying capacity in a cost effective way, and it would meet existing and forecast traffic crossing needs. Staff members of Legal Services, and Environment, Engineering and Planning Divisions support the proposal in principle subject to a more detailed review of the forthcoming analysis.

Conclusion

Information concerning this proposal is brought forward in order for Council to determine whether to declare its support for this new proposal to place a larger vessel on the existing ferry route at Howe Island Ferry Road. The Ministry of Transportation has retained the IBI Group to examine the need and possible options for improved ferry service to Howe Island. A Public Information Centre was held on Howe Island on October 16, 2003 to present information (as attached) and collect public views on the proposal. The Ministry intends to move quickly with this Environmental Assessment in order to meet Transport Canada’s timetable for the required ferry refit. When the project work is completed, a Transportation Environmental Study Report will be available for a thirty day public review period, which is expected in November, 2003.

EXISTING POLICY/BY-LAW:

None

LINK TO THE STRATEGIC PLAN:

None

FINANCIAL CONSIDERATIONS:

There are no financial considerations associated with this report.

CONTACTS:

- Shirley Bailey, Senior Policy Planner, Planning Division, Planning and Development Services
- Tony Fleming, Associate Legal Counsel, Legal Services, Department of Corporate Services
- Speros Kanellos, Manager, Engineering Division, Planning and Development Services
- Paul MacLatchy, Manager, Environment Division, Planning and Development Services
- Cherie Mills, Supervisor, Planning Division, Planning and Development Services
- George Wallace, Acting Manager, Planning Division, Planning and Development Services
DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

- Engineering Division, Planning and Development Services
- Environment Division, Planning and Development Services
- Legal Services, Department of Corporate Services

NOTICE PROVISIONS:

Not Required by City

APPENDICES:

- Appendix 1 - Public Information Centre October 16/03 - Notice Boards, MTO & IBI Group
- Appendix 2 - Separate Information Sheet Circulated October 16/03

Terry Willing, Acting Commissioner,
Planning & Development Services

Bert Meunier,
Chief Administrative Officer