

# THE REGIONAL MUNICIPALITY OF NIAGARA

## INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

### REPORT 5-2009

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Minutes of a meeting of the Integrated Community Planning and Public Works Committee held in Council Chambers, Regional Municipal Building, Thorold, Ontario, on Wednesday, April 8, 2009 commencing at 1:03 p.m.

#### ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer, Robson, Commissioner Integrated Community Planning; Brothers, Commissioner Public Works; Pollock, Director, Waste Management Services; Cousins, Director Transportation Services; Colosimo, Director Development Services; Ms. Matthews-Malone, Director Water and Wastewater; Mr. Kyne, Director, Legal Services; Mr. Bergsma, Commissioner, Corporate Services; Mr. Lockyer, Treasurer/Director, Financial Management & Reporting; Ms. Rae, Legal Counsel-Real Estate; Ms. Ricci, Legislative Assistant; Ms. Pilon, Acting Regional Clerk.

Other: Councillor Saracino; Councillor Papp; Messrs. Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategy Business Management; Pilon, Associate Director, Service Quality & Improvement; McQueen, Director Administration; Roach, Manager, Public Works Financial Services; Moffatt, Manager, Property Management; Flora, Associate Director Transportation Systems; Ranjan, Transportation Engineer; Weaver, Weaver, Director Corporate & Community Planning; Ms. Koz, Manager Fleet Services.

**PRESENTATIONS**

116. Encroachment Agreement Phelps Homes Ltd.  
And Niagara North Vacant Land  
Condominium Corporation No. 203  
Regional Road No. 81 (King Street)  
Town of Lincoln  
**PWA 43-2009(CSD 64-2009)**

Mr. Stephen Kaiser, on behalf of Phelps Homes Ltd. wished to address Committee members respecting two items of concern within Report PWA 43-2009(CSD 64-2009). One; who would the encroachment agreement be formed with, and two; whether the fee of \$4,800 was just and fair.

Mr. Kaiser stated that due to the fact that some members had heard the presentation at Corporate Services Committee that morning, he would limit his presentation.

Mr. Kaiser provided Committee members with details, and referred to a site plan, respecting the 31 unit structure; stating that it was a landmark feature, potential of millions of dollars in value once completed, 5 lots currently under construction and would enhance the area. Mr. Kaiser added that Phelps Homes would be responsible for minimal landscaping, a \$500.00 application fee and any insurance that needed to be posted.

Mr. Kaiser in closing stated that it was for the above mentioned reasons that, on behalf of Phelps Homes Ltd., he felt that the annual fee was not appropriate.

Moved by Councillor Hodgson  
Seconded by Councillor Zimmerman

That Mr. Kaiser's presentation respecting a Encroachment Agreement Phelps Homes Ltd. And Niagara North Vacant Land Condominium Corporation No. 203 Regional Road No. 81 (King Street) Town of Lincoln, be received for information.

Carried.

117. Official Plan Amendment No. 41  
Country Inns Policies  
Niagara on the Lake  
**PWA 40-2009**

Mr. Jorgensen, President of NOTL Bed & Breakfast Association advised Committee members that he was present to voice his concerns respecting Report PWA 40-2009 Official Plan Amendment No. 41 Country Inns Policies Town of Niagara-on-the-Lake.

Mr. Jorgensen stated that the Niagara-on-the-Lake Bed & Breakfast Association felt that language within the Official Plan Amendment No. 41 Country Inns Policies Town of Niagara-on-the-Lake language was ambiguous, that the Amendment itself was fundamentally unfair and the hardship unnecessary.

Further highlights of Mr. Jorgensen's presentation were, in part, as follows:

- $\frac{3}{4}$  acre requirement for Bed and Breakfasts to be considered for a 4 bedroom operation
  - Out of the 12 current Country Inn operations in Niagara-on-the-Lake only two would meet this requirement
  - Historical properties previously operating as a 4 room apartment buildings would not meet this requirement
- 1 acre requirement for 4 – 6 Bedroom operation
- Amenity space increased
- Feels the amendments are based on the Davey House OMB decision

In closing Mr. Jorgensen stated that this amendment should be tabled at least until the Niagara-on-the-Lake Vision process (how to improve Old Town and Land Use) had been completed.

Moved by Councillor Burroughs  
Seconded by Councillor D'Angela

That Mr. Jorgensen's presentation respecting Official Plan Amendment No. 41 Country Inns Policies Town of Niagara-on-the-Lake, be received for information.

Carried.

**PUBLIC MEETING**

118. Proposed Amendment 4-2008 to the Regional Policy Plan  
The Commons at Niagara on the Green Lifestyle Centre  
Town of Niagara-on-the-Lake

Date: Tuesday, April 21, 2009

Time: 7:00 p.m.

Place: Committee Room 4, Campbell West

Councillors: Lepp, Rigby

119. Niagara Specialized Transit – Municipal Funding Calculation  
and Cost Sharing for 2009 Budget  
**Oral Update**

Mr. Brothers, along with Mr. Cousins, Mr. Lockyer and Ms. Rae, provided Committee members with an Oral Update respecting Additional Information Regarding Funding Calculations for Niagara Specialized Transit.

Mr. Brothers advised Committee members that staff had consolidated a new Report which would attempt to address previous deficits, funding proposals and legal interpretations.

Mr. Cousins provided Committee members with a history respecting the involvement of Niagara Specialized Transit.

Highlights of Mr. Cousins Oral Report were, in part, as follows:

- 2004 Provincial announcement respecting Gas Tax
  - Subsequent announcement respecting restrictions
- Joint Report outlining allotment for funding of Niagara Specialized Transit
- Transportation Strategy Steering, Corporate Services, Integrated Community Planning and Public Works and Council direction/recommendations respecting Niagara Specialized Transit
- Split based on ridership
- Split based on assessment

Mr. Cousins in closing stated that Report PWA 45-2009 Additional Information Regarding Funding Calculations for Niagara Specialized Transit stated recommendations that would address the 2008/2009 deficits and future funding proposals for 2010 forward.

Ms. Rae called Committee members' attention to a memorandum circulated to the Regional Chair and Members of Council on April 7, 2009 respecting Niagara Specialized Transit – Requirement for Triple Majority Approval.

Ms. Rae stated that at the last meeting of ICPPW Committee, members were advised that any changes to the by-law in which the Region assumed specialized transit services in Niagara may require further "triple majority" approval.

Ms. Rae further stated that the issue involves a proposed change in the manner by which inter-municipal specialized transit services operated by Niagara Region are to be funded, there is no issue that the power to provide the services is to be returned to the area municipal level.

Ms. Rae advised that due to the fact that the subject of transfers of power and by-laws requiring triple majority approval is complex, a specialist in municipal law had been retained to provide an opinion on this matter. His opinion concluded that the statutory requirement for a triple majority is restricted to the actual transfer of power from the lower-tier municipalities to the upper-tier municipality. It does not apply to any subsequent issues involving funding of the service.

Mr. Lockyer referenced his memorandum respecting Suggested Niagara Specialized Transit (NST) Funding for 2008 and 2009 and presented to Regional Council on March 26, 2009.

Mr. Lockyer, to provide background on the subject, stated that previously it had been planned and approved by Council that commencing 2008, costs for the operations of Niagara Specialized Transit would be requisitioned from area municipalities, based upon area municipal ridership. This gave rise to an amount billed to area municipalities for 2008 of approximately \$177,000, and a proposed billing amount of approximately \$392,000 for 2009.

Further to this, Mr. Lockyer stated that a majority of the area municipalities have reported that the necessary amounts were not budgeted in 2008, and several have further noted difficulties in budgeting the required amounts for 2009 due to the significance of the amounts in comparison to area municipal budgets.

Mr. Brothers stated that the above synopsis and remarks were hopefully helpful and advised that the Region was currently studying the "Role of the Region" and hoped to have a Report finalized by September 2009.

Committee members entered in to a lengthy discussion regarding concerns which were noted, in part, as follows:

- Smaller municipalities were expecting that funding would not be based on assessment
- May not have agreed with the triple majority had they have known that it had no power over funding
- Residents in some municipalities paying for services not rendered or utilized
- Residents in some communities paying twice (e.g. ParaTransit, Inter-Municipal)
- How are tax dollars collected based on assessment
- Hospital HIP Program may change numbers (e.g. may grow significantly) or change due to Health Care
- History of Triple Majority; who voted one way, who voted the other?
- Is there an oversight Committee; yes, the Inter-Municipal Specialized Transit Advisory Committee

Several Committee members suggested that perhaps a Special Committee of the Whole meeting should be scheduled to deal with all things Transit.

**PUBLIC WORKS - ITEMS FOR CONSIDERATION**

120. Additional Information Regarding Funding Calculations for  
Niagara Specialized Transit  
**PWA 45-2009**

Moved by Councillor Casselman  
Seconded by Councillor Salci

That Report PWA 45-2009, April 8, 2009 respecting Additional Information Regarding Funding Calculations for Niagara Specialized Transit, be received **as amended**;

That the billings to area municipalities for Niagara Specialized Transit for 2008, (approximately \$177,000), be rescinded and be funded from the Region's Prior Year Adjustment Reserve or Contingency Reserve as appropriate;

That the required municipal contribution to fund 2009 operations for Niagara Specialized Transit, (approximately \$392,000), be funded from the Region's Year End Transfer Reserve or Contingency Reserve as appropriate;

***That a Committee of the Whole meeting be held in September 2009 or upon the completion of the Inter-municipal Transit Study Report, in order to receive further information respecting Transit and to consider the future funding options for the Niagara Specialized Transit; and.***

That this report be forwarded to the Treasurer of each of the local municipalities for their information.

Carried.

(Refer to Councillor Information Requests)

**PUBLIC WORKS - ITEMS FOR INFORMATION**

121. Memorandum re: Suggested Niagara Specialized Transit (NST)  
Funding for 2008 and 2009  
**PWC 19-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Burroughs

That Memorandum PWC 19-2009 from Gord Lockyer, Treasurer/Director respecting Suggested Niagara Specialized Transit (NST) Funding for 2008 and 2009, be received for information.

Carried.

122. Memorandum re: Transportation Strategy Steering Committee  
Amendments to PWA 11-2009/CSD 29-2009  
**PWC 14-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Burroughs

That Report PWC 14-2009, March 24, 2009 respecting Transportation Strategy Steering Committee amendments to PWA 11-2009/CSD 29-2009, be received for information.

Carried.

123. Niagara Specialized Transit – Municipal Funding  
Calculation and Cost Sharing for 2009 Budget  
**PWA 11-2009(CSD 29-2009) Revised**

Moved by Councillor Augustyn  
Seconded by Councillor Burroughs

That Revised Report PWA 11-2009(CSD 20-2009), March 24, 2009 respecting Niagara Specialized Transit – Municipal Funding Calculation and Cost Sharing for 2009 Budget, be received for information.

Carried.

*(Please note that Report PWA 11-2009(CSD 29-2009) can be found behind the Joint Reports Blue Book Tab)*

124. Correspondence re: Request to Speak at Council  
**PWC 22-2009 and PWC 22(a)-2009**

Moved by Councillor McMullan  
Seconded by Councillor Marshall

That Correspondence Items PWC 22-2009 and PWC 22(a)-2009 (dated March 24, 2009) respecting a request to speak at the April 16, 2009 Regional Council meeting, be moved and dealt with following the Closed Session portion of the agenda.

Carried.

125. Proposed 2009 Traffic Signal Rehabilitation Program  
**PWA 32-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That Report PWA 32-2009, April 8, 2009 respecting Proposed 2009 Traffic Signal Rehabilitation, be received; and

That staff be authorized to proceed with the proposed 2009 Traffic Signal Program as outlined in this report;

That Council authorize staff to continue with the standardization of Traffic Signal equipment, as per the "Design and Operation of Traffic Signal Standards and Specifications" manual, permitted in the Sole Source Purchases section of the Corporate Purchasing Policy; and

That all costs to the program be charged to ZRT0902 New Traffic Signals and ZRT0901 Traffic Signal Rehabilitation Program.

Carried.

126. Request for Reinstatement of Parking  
Regional Road 81 (King Street)  
Town of Lincoln  
**PWA 35-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That Report PWA 35-2009, April 8, 2009 respecting Request for Reinstatement of Parking Regional Road 81 (King Street) Town of Lincoln, be received; and

That the limited parking restriction from 8:00 a.m. to 5:00 p.m., Monday to Friday, be rescinded to allow parking at all times in front of #5049 King Street, just west of William Street;

That the Regional Clerk be requested to ensure that the necessary by-law amendment is submitted to Council on April 16, 2009.

Carried.

127. Proposed Speed Limit Reduction  
Regional Road 81 (King Street)  
Town of Lincoln  
**PWA 36-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That Report PWA 36-2009, April 8, 2009 respecting Proposed Speed Limit Reduction Regional Road 81 (King Street) Town of Lincoln, be received; and

That the existing 50 km/h posted speed limit on Regional Road 81 (King Street), in the vicinity of St. John's School, be extended an additional 200 metres easterly; and

That the Regional Clerk be requested to ensure the necessary by-law amendment is presented to Regional Council on April 16, 2009.

Carried.

128. Proposed Speed Limit Reduction  
Regional Road 1 (Dominion Road)  
Town of Fort Erie  
**PWA 37-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That Report PWA 37-2009, April 8, 2009 respecting Proposed Speed Limit Reduction Regional Road 1 (Dominion Road) Town of Fort Erie, be received;

That the existing 50 km/h posted speed limit on Regional Road 1 (Dominion Road), from Regional Road 116 (Ridgeway Road) to 400 metres east of Burleigh Road, be extended an additional 150 metres easterly; and

That the Regional Clerk be requested to ensure the necessary by-law amendment is presented to Regional Council on April 16, 2009.

Carried.

129. Request for Parking Prohibition  
Regional Road 39 (North Service Road)  
Town of Grimsby  
**PWA 38-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That Report PWA 38-2009, April 8, 2009 respecting Request for Parking Prohibition Regional Road 39 (North Service Road) Town of Grimsby, be received;

That parking be prohibited, at any time, on both sides of Regional Road 39 (North Service Road), from 20 metres west of the Lakemount Worship Centre driveway to the beginning of the horizontal curve, 130 metres easterly;

That the Regional Clerk be requested to ensure that the necessary by-law amendment is submitted to Council on April 16, 2009.

Carried.

130. Speed Limit  
Regional Road 40 (South Service Road)  
Town of Grimsby  
**PWA 39-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That Report PWA 39-2009, April 8, 2009 respecting Speed Limit Regional Road 40 (South Service Road) Town of Grimsby, be received;

That the existing speed limit on Regional Road 40 (South Service Road) from 500 metres west of Murray Street to 250 metres west of Roberts Road be increased from 50 km/h to 60 km/h; and

That the Regional Clerk be requested to ensure the necessary by-law amendment is presented to Regional Council on April 16, 2009.

Carried.

131. Official Plan Amendment No. 41  
Country Inns Policies  
Town of Niagara-on-the-Lake  
**PWA 40-2009**

Moved by Councillor Burroughs  
Seconded by Councillor McMullan

That Report PWA 40-2009, April 8, 2009 respecting Official Plan Amendment No. 41 Country Inns Policies Town of Niagara-on-the-Lake, be received;

That Amendment No. 41, respecting Country Inns Policies, to the Town of Niagara-on-the-Lake Official Plan, be approved;

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations;

That staff issue a declaration of final approval of the Amendment 20 days after notice of Council's decision has been given provided that no appeals have been lodged against the decision.

Carried.

132. Gas Tax Revenue Reallocation through Budget Transfers within  
Capital Projects  
**PWA 41-2009(CSD 56-2009)**

Moved by Councillor Puttick  
Seconded by Councillor Goulbourne

That Report PWA 41-2009(CSD 56-2009), April 8, 2009 respecting Gas Tax Revenue Reallocation through Budget Transfer within Capital Projects, be received;

That the amount of gas tax revenue received in 2008 be transferred within the Roads Capital Program as indicated on Appendix A;

That gas tax revenue in the amount of \$658,564 is transferred to the Gas Tax Reserve Fund;

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

*(Please note that Report PWA 41-2009(CSD 56-2009) can be found behind the Joint Reports Blue Book Tab)*

133. Electricity Regulated Price Plan Changes  
**PWA 42-2009(CSD 61-2009)**

Moved by Councillor Puttick  
Seconded by Councillor Goulbourne

That Report PWA 42-2009(CSD 61-2009), April 8, 2009 respecting Electricity Regulated Price Plan Changes, be received for information.

Carried.

*(Please note that Report PWA 42-2009(CSD 61-2009) can be found behind the Joint Reports Blue Book Tab)*

134. Encroachment Agreement  
Phelps Homes Ltd. and Niagara North Vacant Land  
Condominium Corporation No. 203  
Regional Road No. 81 (King Street)  
Town of Lincoln  

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**PWA 43-2009(CSD 64-2009)**

Moved by Councillor Marshall  
Seconded by Councillor Casselman

That Report PWA 43-2009(CSD 64-2009), April 8, 2009 respecting Encroachment Agreement Phelps Homes Ltd. and Niagara North Vacant Land Condominium Corporation No. 203 Regional Road No. 81 (King Street) Town of Lincoln, be received **as amended**;

That the Region enter into an Encroachment Agreement with Phelps Homes Ltd. and Niagara North Vacant Land Condominium Corporation No. 203 to permit landscaping within the untraveled road allowance for Regional Road No. 81 (King Street), having an area of approximately 853.07 square metres (9,182 square feet, 0.21), as described herein and in accordance with the terms and conditions contained in an Encroachment Agreement between The Regional Municipality of Niagara and Phelps Homes Ltd. and Niagara North Vacant Land Condominium Corporation No. 203;

That the Regional Chair and Regional Clerk be authorized to execute the Encroachment Agreement; and

***That the annual fee of \$4,800.00 be referred to staff for further review to determine what an appropriate fee would be and to set a policy for that purpose.***

Carried.

*(Please note that Report PWA 43-2009(CSD 64-2009) can be found behind the Joint Reports Blue Book Tab)*

135. Tender Award 2009-T-108 (RN 09-08)  
Rehabilitation of Dean's Bridge (Structure No. 047215)  
Regional Road 47 (Lyon's Creek Road)  
Over Lyon's Creek  
In the City of Niagara Falls  

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**PWA 44-2009(CSD 69-2009)**

Moved by Councillor Salci  
Seconded by Regional Chair Partington

That Report PWA 44-2009(CSD 69-2009), April 8, 2009 respecting Tender Award 2009-T-108 (RN 09-08) Rehabilitation of Dean's Bridge (Structure No. 047215) Regional Road 47 (Lyon's Creek Road) Over Lyon's Creek In the City of Niagara Falls, be received;

That Tender 2009-T-108 (RN 09-08), Rehabilitation of Dean's Bridge (Structure No. 047215) Regional Road 47 (Lyon's Creek Road) Over Lyon's Creek In the City of Niagara Falls, be awarded to the low tenderer, Rankin Construction Inc., at the bid price of \$1,694,407;

That a contingency allowance in the amount of \$110,000 be provided for this contract;

That approval be given to increase the gross budget for Project ZRC0630 Rehabilitation of Structure 047215 (Dean's Bridge) over Lyon's Creek in the amount of \$350,000 with Provincial funding from the 2008 Municipal Road and Bridge Infrastructure Investment Program;

That the Engineering Agreement with the consulting firm of Ellis Engineering Inc., be extended to include contract administration and inspection services of \$87,950 with the engineering fees being calculated on a time plus disbursements basis;

That the Regional Clerk be directed to ensure that the necessary by-laws, including the by-law authorizing the Regional Chair and Regional Clerk to execute the contract on behalf of The Regional Municipality of Niagara, are presented to Regional Council on April 16, 2009;

That all project costs be charged against Capital Works Project ZRC0630/RC0630.

Carried.

*(Please note that Report PWA 44-2009(CSD 69-2009) can be found behind the Joint Reports Blue Book Tab)*

136. Regional Niagara Bicycling Committee  
**Minutes – February 19, 2009**

Moved by Councillor Baty  
Seconded by Councillor Burroughs

That the Minutes of the Regional Niagara Bicycling Committee meeting of February 19, 2009, be received and the recommendations contained therein approved.

Carried.

**PUBLIC WORKS - ITEMS FOR INFORMATION (cont'd)**

137. Inspection of Private On-site Sewage Systems  
In the Township of Wainfleet  
**PWP 13-2009**

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Report PWP 13-2009, April 8, 2009, respecting Inspection of Private On-site Sewage Systems In the Township of Wainfleet, be received for information.

Carried.

138. Project Activity Report  
Water & Wastewater Services  
**PWP 16-2009**

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Report PWP 16-2009, April 8, 2009 respecting Project Activity Report Water & Wastewater Services, be received for information.

Carried.

139. Phosphorus Removal Chemicals-Price Instability  
**PWP 17-2009**

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Report PWP 17-2009, April 8, 2009, respecting Phosphorus Removal Chemicals-Price Instability, be received for information.

Carried.

140. Update on Green Bin Relaunch  
**PWP 18-2009**

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Report PWP 18-2009, April 8, 2009, respecting Update on Green Bin Relaunch, be received for information.

Carried.

141. Correspondence re: New & Revised Regional Planning Application Fees  
**PWC 13-2009**

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Correspondence Item PWC 13-2009, April 8, 2009, a letter from the Town of Grimsby (dated March 3, 2009) respecting New & Revised Regional Planning Application Fees, be received for information.

Carried.

142. Project Niagara Co-ordinating Committee  
Terms of Reference  
**PWC 15-2009**

Moved by Councillor D'Angela  
Seconded by Councillor Marshall

That Memorandum PWC 15-2009, (dated March 25, 2009) respecting Project Niagara Co-ordinating Committee Terms of Reference, be received for information.

Carried.

**INTEGRATED COMMUNITY PLANNING - ITEMS FOR CONSIDERATION**

143. Area Planners – Memorandum of Understanding (MOU)  
Implementation Update  
2009 Work Program  
**ICP 17-2009**

Moved by Councillor Gabriel  
Seconded by Councillor Henderson

That Report ICP 17-2009, April 8, 2009 respecting Area Planners – Memorandum of Understanding (MOU) Implementation Update 2009 Work Program, be received;

That the priority projects as outlined in the report be endorsed.

Carried.

144. An Agenda for Jobs and Economic Transformation in the Great  
Lakes Region – Metropolitan Chambers of Commerce  
**ICP 18-2009**

Moved by Councillor Salci  
Seconded by Councillor Augustyn

That Report ICP 18-2009, April 8, 2009 respecting An Agenda for Jobs Economic Transformation in the Great Lakes Region – Metropolitan Chambers of Commerce, be received;

That the recommendations outlined in Appendix 1 be supported;

That this report be shared with Niagara area Chambers of Commerce, the Ontario Chamber of Commerce, local Members of Parliament, The Great Lakes/St. Lawrence Cities Initiative and the mayors of the Niagara 10 municipalities.

Carried.

145. Green Energy Act, 2009  
Comments to the Province through the Environmental Registry  
EBR Registry Number 010-6017  
**ICP 19-2009**

Moved by Councillor Casselman  
Seconded by Councillor Baty

That Report ICP 19-2009, April 8, 2009, respecting Green Energy Act, 2009 Comments to the Province through the Environmental Registry EBR Registry Number 010-6017, be received;

That the comments regarding Green Energy Act, 2009 outlined in this report be endorsed by Council;

That this report be circulated to the 12 local municipalities, the Niagara Peninsula Conservation Authority, Niagara Escarpment Commission, Niagara Parks Commission and Ministry of Municipal Affairs and Housing for information.

Carried.

(Refer to Councillor Information Requests)

#### **INTEGRATED COMMUNITY PLANNING - ITEMS FOR INFORMATION**

146. Sustainable Cities – PLUS Network  
2008 Biennial Conference Report  
September 15-19, 2008  
**ICP 20-2009**

Moved by Councillor Gabriel  
Seconded by Councillor Casselman

That Report ICP 20-2009, April 8, 2009, respecting Sustainable Cities – PLUS Network 2008 Biennial Conference Report September 15-19, 2008, be received for information.

Carried.

147. Correspondence re: Implementation of the Growth Plan for the Greater Horseshoe  
**ICP-C 59-2009**

Moved by Councillor Rigby  
Seconded by Councillor McMullan

That Correspondence ICP-C 59-2009, April 8, 2009, respecting Implementation of the Growth Plan for the Greater Horseshoe, be received for information.

Carried.

Councillor Badawey inquired as to whether staff had received any further information concerning the Growth Plan deadline of June 16, 2009 as well as when municipalities should apply for an extension.

Mr. Robson advised Committee members that although the Region could ask for an extension to the June 2009 deadline it would most likely not be needed or approved. The Province did however recognize that local municipalities may have to apply for the (up to) one year extension due to the fact that they had to wait until the Region submitted their Growth Plan.

Mr. Robson further advised that Region staff was working closely with local municipalities and assisting them by providing Growth Plan templates to work from therefore; he felt it unlikely that extensions beyond the one year would be needed. Regional staff will support local municipal requests to the Province for extensions beyond June 2009.

Conflict of Interest

Councillor Timms declared an indirect pecuniary interest with respect to matters related to Regional Development Charges as his family owns a business that may be subject to development charges, and he therefore took no part in the discussion of or voting on these matters.

148. Review of Regional Development Charges  
By-law and Related Policies  
**CSD 67-2009**

Following a lengthy discussion, it was:

Moved by Councillor Badawey  
Seconded by Councillor Augustyn

That Report CSD 67-2009, April 8, 2009, respecting Review of Regional Development Charges By-law and Related Policies, be received for information.

Carried.

149. Accessibility Advisory Committee  
**2-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Trombetta

That the Minutes of the Accessibility Advisory Committee, February 17, 2009 (2-2009), be received for information.

Carried.

**OTHER BUSINESS**

150. Baker Road Wastewater Treatment Plant Servicing Strategy Plan  
**PWP 14-2009**

Councillor Trombetta provided Committee members with further comments to her previous, March 24, 2009, deferral of this report. She stated that she had requested that information following an April 6, 2009 meeting be forwarded along with PWP 14-2009 in an effort to provide clarity.

Councillor Trombetta further stated that she had concerns respecting “when a capacity is reached, who puts up the red flag”, “Developers have to sign an undertaking? Who notifies them of this?”, and “Lot owners, responsibility to notify?”.

Ms. Matthews-Malone provided clarity surrounding the issues raised by Councillor Trombetta; Councillor Trombetta wished to receive those comments in writing at the April 29, 2009 meeting of the Integrated Community Planning and Public Works Committee.

(Refer to Councillor Information Requests)

151. Livable Communities Award

Moved by Councillor Rigby  
Seconded by Councillor Baty

That staff report on the timelines, appropriateness, cost factors, Niagara Region possible involvement, and prospective dates all relating to a Livable Communities Award Ceremony.

Carried.

Conflict of Interest

Councillor Puttick declared an indirect pecuniary interest with respect to matters related to PWC 22-2009 and PWC 22(a)-2009, correspondence items from Mr. and Mrs. White and a request to speak at the April 16, 2009 Council meeting, as he is related to the proponent, he therefore left Council Chamber during the discussion on this matter.

**CLOSED SESSION**

152. Moved by Councillor Trombetta  
Seconded by Councillor Casselman

That this Committee do now meet in Closed Session for purpose of dealing with Matters of Litigation and Solicitor-Client Advice.

Carried.

153. Matters of Litigation and Solicitor-Client Advice  
**Oral Update**

Moved by Councillor Rigby  
Seconded by Councillor D'Angela

That the Oral Update, April 8, 2009, respecting Matters of Litigation and Solicitor-Client Advice, be received; and

That Committee proceed as recommended by the Director Legal Services.

Carried.

154. Moved by Councillor Rigby  
Seconded by Councillor D'Angela

That this Committee do now rise with report.

Carried.

**PUBLIC WORKS – ITEMS FOR INFORMATION (cont'd)**

155. Correspondence re: Request to Speak at Council  
**PWC 22-2009 and PWC 22(a)-2009**

Moved by Councillor  
Seconded by Councillor

That Correspondence Items PWC 22-2009 and PWC 22(a)-2009 (dated March 24, 2009) respecting correspondence items and a request to speak at the April 16, 2009 Regional Council meeting, be received; and

That the Integrated Community Planning and Public Works Committee take no action respecting the request to speak at Council.

Carried.

**COUNCILLOR INFORMATION REQUESTS**

Staff was requested to:

- Report on whether an amalgamation of services will increase the Gas Tax dollars allowed (Refer to Minute Item #120) (Councillor D'Angela)
- Invite members of the Transportation Strategy Steering Committee to the September 2009 Committee of the Whole meeting respecting Transit (Refer to Minute Item #120) (Councillor Zimmerman)
- Provide clarity surrounding the last paragraph which states "to the satisfaction of this wide-ranging stakeholder group" (Refer to Minute Item #145) (Councillor Timms)
- Forward the minutes of the April 6<sup>th</sup> (with attachments) to members of the Integrated Community Planning and Public Works Committee (Refer to Minute Item #150) (Councillor Trombetta)

**ADJOURNMENT**

The Committee adjourned at 4:06 p.m. to meet again at 1:00 p.m. on Wednesday, April 29, 2009 in Council Chambers, Regional Headquarters.

Councillor Rigby  
Co-Chair

Councillor Smeaton  
Co-Chair

Lisa Ricci  
Legislative Assistant

Janet Pilon  
Acting Regional Clerk