

REGIONAL MUNICIPALITY OF NIAGARA

CL 3-2010

COUNCIL AGENDA

Thursday, March 4, 2010

6:30 p.m.

2201 St. David's Road

Thorold, Ontario

1. Call to Order
2. Closed Session

Closed Session Reports as contained
In Standing Committee Reports
For Council Agenda CL 3-2010

Motion for Closed Session:

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to the a Proposed Acquisition of Land by the Municipality – Lease Agreement with the District School Board of Niagara – Carlton Street Day Care – St. Catharines; a Matter of Security of the Property of the Municipality – Niagara Ambulance Communication Service Contract; a Proposed Acquisition of Land by the Municipality Township of Wainfleet; a Memorandum respecting a Proposed Acquisition of Land by the Municipality; Matters of Solicitor-client Privilege and Ongoing Litigation re: OMB Appeals of RPPA 2-2009 (Niagara 2031 Growth Management Strategy).

Memorandum respecting a Proposed Acquisition of Land by the Municipality

Matters of Solicitor-Client Privilege and Ongoing Litigation re: OMB Appeals of RPPA 2-2009 (Niagara 2031 Growth Management Strategy)

Mike Kyne, Director, Legal Services

3. Invocation 7:00 p.m.
4. Singing of 'O Canada'
5. Adoption of Agenda
 - 5.1 Addition of Items
 - 5.2 Changes in Order of Items
 - 5.3 Conflicts of Interest

6. Presentations

NIAGARA CULTURE PLAN – CREATIVE NIAGARA

Liz Palmeiri and Rosemary Hale, Culture Plan Advisory Committee

7. Chair's Reports, Announcements, Remarks

8. Adoption of Minutes

Council Report CL 2-2010
Thursday, February 11, 2010

9. Correspondence, Petitions (CA 18-2010)

a) Receive and/or Refer to Staff (**Green**)

b) For Consideration (**Yellow**)

10. Resolutions from Other Municipalities

Durham Region resolution advising the Minister of the Durham Region's concerns with respect to the current revenue sharing formula for slot machine revenues to host communities and the absence of slot revenue allocations to upper-tier municipalities in Ontario

Councillor Garcia

Town of Gravenhurst resolution requesting support for the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman.

Councillor Salci

11. Delegations (related to Committee Reports)

Preston Haskell

Re: Niagara Culture Plan Creative Niagara:
Economy, Places, People, Identity

ICP 11-2010

12. Agencies, Boards and Commissions (**Salmon**)

13. Committee Reports (CA 19-2010)

(Individual Reports for Council's Consideration - Pink)

14. Chief Administrative Officer's Report

15. Motions (**Lilac**) (CA 20-2010)

Motion to Waive the Notice Requirement (**Trombetta**)

Motion for the Reconsideration of a Matter Previously Decided by Regional Council (**Trombetta**)

Motion to Amend the May 28, 2009 resolution with respect to the Report ICP 26-2009, ICP-C 69-2009 and ICP-C 70-2009 respecting Niagara 2031 – Adoption of Regional Policy Plan Amendment 2-2009 Niagara’s Sustainable Community Policies and the Memorandums from Patrick Robson, Commissioner, Integrated Community Planning (May 20, 2009) respecting Niagara 2031 – Responses to Public and Agency Comments Regarding Proposed RPPA 2-2009, Niagara’s Sustainable Community Policies (**Trombetta**)

16. Notices of Motion

17. Other Business

18. By-laws (CA 25-2010)

19. Confirming By-law – Bill 32

20. Adjournment

Kevin Bain
Regional Clerk

9. Correspondence

a) Receive and/or Refer to Staff (**Green**)

C7416 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (February 10, 2010) respecting support for Phase 1 of Lakefront Enhancement Strategy and financial contribution to assist with payment of initiative in the amount of \$350.06.

Recommended Action:

-- Receive.

b) For Consideration (**Yellow**)

C7417 A memorandum from Kevin Bain, Regional Clerk dated February 25, 2010 respecting the Committee of the Whole Meeting on Water and Wastewater Rates.

C7418 A letter from Jan Idzenga, Staff Sergeant, Detachment Commander, Niagara Detachment, Highway Safety Division (January 6, 2010) seeking support for the dedication of the bridge commonly known as the CN overpass on Sand Plant Hill in Niagara Falls, in the name of Provincial Constable John Gregovski; a letter from Dean Iorfida, City Clerk, City of Niagara Falls (February 26, 2010) respecting the City of Niagara Falls' Council's motion in support of the dedication and an e-mail from John MacTaggart, CN (January 8, 2010) noting that CN has no objection to the dedication.

13. Committee Reports

Summary of Recommendations from Standing Committees for Council's Consideration (Grey)

JOINT REPORTS

Declaration of Surplus Land Disposition
The Consumers' Gas Company
Regional Road 101 (Mountain Road)
City of Niagara Falls
PWA 19-2010/CSD 29-2010

INTEGRATED COMMUNITY PLANNING COMMITTEE

Report ICPC 2-2010, Wednesday, February 3, 2010

PUBLIC WORKS COMMITTEE

Report PWC 2-2010, Tuesday, February 2, 2010

CORPORATE SERVICES COMMITTEE

Report CSC 2-2010, Wednesday, February 3, 2010

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

Report PHSSC 2-2010, Tuesday, February 2, 2010

BUDGET REVIEW COMMITTEE OF THE WHOLE

Report BRCOTW 9-2010 Budget, Thursday, February 11, 2010

15. Motions

Councillor Trombetta will be bringing forward a motion (A) requesting that Regional Council waive the notice requirement to permit the introduction of a motion (B) to reconsider a matter previously decided by Regional Council on May 28, 2009: Niagara 2031 – Adoption of Regional Policy Plan Amendment 2-2009 Niagara’s Sustainable Community Policies and a motion (C) amending the May 28, 2009 motion.

(A) Motion to Waive the Notice Requirement:

That Regional Council waive the notice requirement to permit the introduction of a motion for reconsideration at this meeting with respect to Report ICP 26-2009, ICP-C 69-2009 and ICP-C 70-2009 respecting Niagara 2031 – Adoption of Regional Policy Plan Amendment 2-2009 Niagara’s Sustainable Community Policies and the Memorandums from Patrick Robson, Commissioner, Integrated Community Planning (May 20, 2009) respecting Niagara 2031 – Responses to Public and Agency Comments Regarding Proposed RPPA 2-2009, Niagara’s Sustainable Community Policies.

(B) Motion for the Reconsideration of a Matter Previously Decided by Regional Council:

That the May 28, 2009 resolution with respect to the Report ICP 26-2009, ICP-C 69-2009 and ICP-C 70-2009 respecting Niagara 2031 – Adoption of Regional Policy Plan Amendment 2-2009 Niagara’s Sustainable Community Policies and the Memorandums from Patrick Robson, Commissioner, Integrated Community Planning (May 20, 2009) respecting Niagara 2031 – Responses to Public and Agency Comments Regarding Proposed RPPA 2-2009, Niagara’s Sustainable Community Policies, which was ratified at the May 28, 2009 Regional Council meeting, be reconsidered at this time.

(C) Motion Amending the Motion Approved by Regional Council on May 28, 2009 (attached):

WHEREAS, RPPA 2-2009 was approved by Regional Council on May 28, 2009; and,

WHEREAS, Regional Council approved an amendment to RPPA 2-2009 at the same time, by the addition of clause 4.6.6 to allow for the consideration of an Urban Boundary Expansion on its merits, including an Urban Boundary Expansion for West Lincoln; and,

WHEREAS, the Province of Ontario has appealed RPPA 2-2009 in its entirety, partly because of Clause 4.6.6; and,

WHEREAS, the Township of West Lincoln has only been provided with an adequate population and household allocation to permit less than 10 years of growth in a 25 year plan; and,

WHEREAS, the professional consultant for the Township of West Lincoln has established that West Lincoln requires up to an additional 140 hectares of residential and 40 hectares of employment lands beyond our current urban boundary, to accommodate growth needs to 2031; and,

WHEREAS, the Province has advised that they will not support an Urban Boundary Expansion anywhere in the Region of Niagara until the 39 year supply of land that has been documented by the Dillon Growth Management report, at the Regional level has been reduced to less than the 20 year maximum supply of land permitted by the Provincial Places to Grow Plan; and

WHEREAS, because of the above, the Township of West Lincoln and other municipalities of the Region of Niagara will not be permitted to have an Urban Boundary Expansion, even if justified locally, until the allocation of land supply and demand is properly matched on a Regional basis;

NOW THEREFORE, BE IT RESOLVED:

That Regional staff are directed to provide to Regional Council the reallocation of population, household and employment targets among the 12 local municipalities based on the provincial forecast of 511,000 total population by 2031 set out in the Places to Grow Plan, Schedule 3; and

That Regional Council directs, as a compromise, that an additional population of 3,000 people, within the provincial forecast of 511,000 total population, be allocated to the Township of West Lincoln in addition to the allocation included in a total population of 16,700 people that was allocated to West Lincoln in Regional Policy Plan Amendment 2-2009, Schedule B; and

That further, as a result of No. 2. above, that an urban boundary expansion approximating 60 hectares be implemented in West Lincoln to accommodate the new allocated population; and

That Regional Council directs Regional staff to initiate a process to modify the urban boundary of Smithville in the Regional Plan, to effect an exchange of 40 hectares of land currently unavailable for development by reason of their identification as provincially significant wetlands or PCB contaminated lands, for 40 hectares of land for future growth; and

That in anticipation of requests for settlement area boundary expansions, Regional Council directs that Regional staff undertake a further review of the current supply of lands designated for urban development in the Region with respect to the amount of land actually required to implement the Regional population allocations as amended above, and to identify the location of surplus lands to these needs, and further to make appropriate phasing recommendations having regard to the capability and timing of lands for development.

Approved at the May 28, 2009 Committee of the Whole meeting, ratified by Regional Council on that same date:

Niagara 2031 –

Adoption of Regional Policy Plan Amendment 2-2009

Niagara's Sustainable Community Policies and the Memorandums from Patrick Robson, Commissioner, Integrated Community Planning (May 20, 2009) respecting Niagara 2031 – Responses to Public and Agency Comments

Regarding Proposed RPPA 2-2009, Niagara's Sustainable Community Policies
ICP 26-2009; ICP-C 69-2009 and ICP-C 70-2009

Following a lengthy discussion it was:

Moved by Councillor Badawey

Seconded by Councillor Augustyn

That Report ICP 26-2009, May 20, 2009 respecting Niagara 2031 – Adoption of Regional Policy Plan Amendment 2-2009 Niagara's Sustainable Community Policies and the Memorandums from Patrick Robson, Commissioner, Integrated Community Planning (May 20, 2009) respecting Niagara 2031 – Responses to Public and Agency Comments Regarding Proposed RPPA 2-2009, Niagara's Sustainable Community Policies, be received **as amended**;

That Regional Policy Plan Amendment 2-2009, Niagara's Sustainable Community Policies, be approved **as amended to include the recommendations in ICP-C 69-2009 and ICP-C 70-2009**;

That a By-law be prepared for adoption of Regional Policy Plan Amendment 2-2009;

That notice of Council's decision regarding Regional Policy Plan Amendment 2-2009 be given in accordance with Planning Act requirements; and

That the Area Municipalities, the Niagara Peninsula Conservation Authority, and the Provincial Ministries of Municipal Affairs and Housing and Energy and Infrastructure be so advised.

Moved by Councillor Trombetta

Seconded by Councillor Goulbourne

That Regional Policy Plan Amendment 2-2009, Niagara's Sustainable Community Policies, be further **amended** to include;

That, notwithstanding the Policies of 4.2.3, it is recognized that lower tier municipalities may from time to time, apply to amend the targets contained in schedule B. These potential amendments will be considered on their merit and not be pre-judged by the policies of Section 4.2.3 and the targets in Schedule B. Further, where such amendments are proposed, infrastructure planning as contemplated in Policy 4.2.3.4, will be co-ordinated with this process and take into account any potential changes resulting from such amendment;

That, notwithstanding the policies of Section 4.2.3, it is recognized that the Township of West Lincoln submitted an amendment application on January 28, 2009 to the Regional Municipality, prior to adoption of Option D, which would have the effect of amending the Regional Policy Plan by expanding the urban area boundary of Smithville;

It is further recognized that this official plan amendment application is intended to address the growth and servicing needs of the Township of West Lincoln within the context of the West Niagara housing market as described in Policy 4.5;

That the targets contained in Schedule B for the Township of West Lincoln are interim, short term targets. It is apparent that the household and population targets contained in Schedule B would result in a declining ability to address the Township's growth needs; and

That it is also recognized that both the Township of West Lincoln and the Region of Niagara have proceeded through a comprehensive analysis of various growth options and further that the submitted official plan amendment will be considered within this context, rather than as part of a future five year review.

Upon a recorded vote being requested, the Council was divided on the motion as follows:

Voting for the Motion:

Councillor Badawey	Councillor Henderson
Councillor Bentley	Councillor Hodgson
Councillor Bylsma	Councillor Lepp
Councillor Casselman	Councillor Martin
Councillor Cordiner	Councillor McMullan
Councillor D'Angela	Regional Chair Partington
Councillor Forster	Councillor Salci
Councillor Goulbourne	Councillor Saracino
Councillor Greenwood	Councillor Smeaton
Councillor Heit	Councillor Timms
Councillor Trombetta	(21)

Voting against the Motion:

Councillor Augustyn	Councillor Rigby	(3)
Councillor Gabriel		

Upon the recorded vote being taken, the Committee Chair declared the motion carried.

Upon a vote being taken the Committee Chair declared the original **motion as amended**, carried.

(Refer to Councillor Information Requests)

COUNCILLOR INFORMATION REQUESTS

Staff was requested to:

- Consider the Fort Erie Marina as a Special Policy Area within the Gateway Zone and that Region staff advocate this need to the Province on behalf of the Town of Fort Erie (Councillor Martin) (Refers to Minute Item #60)

18. By-Laws

Bill 23

A By-Law to Amend By-Law 01-2009, Being a By-Law to Appoint an Acting Regional Chair

Bill 24

A By-law to Authorize Long-Term Financing (1-20 Years) in the Amount of \$23,520,000 for Various Project in the 2010 Capital Program for Water, Wastewater, Waste Management, Fleet and Roads

Bill 25

A By-law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$1,813,836 for Various Projects in the 2010 Niagara Peninsula Conservation Authority Capital Program

Bill 26

A By-Law to Authorize Long-Term Financing (1-5 Years) in the Amount of \$1,020,000 for Capital Project ZPO1005, Network and Infrastructure Upgrades

Bill 27

A By-Law to Accept, Assume and Dedicate Part of Lot 20, Concession 1, in the Township of Wainfleet as Part of Regional Road No. 3 (Station Road)

Bill 28

A By-Law to Accept, Assume and Dedicate Part of Lot 11, Plan 347, in the Town of Fort Erie as Part of Regional Road No. 19 (Gilmore Road)

Bill 29

A By-Law to Accept, Assume and Dedicate Part of Lot 11, Plan 347, in the Town of Fort Erie as Part of Regional Road No. 122 (Thompson Road)

Bill 30

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Township of Wainfleet

Bill 31

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Town of Fort Erie