

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 14-2005

The Municipal Council of the Regional Municipality of Niagara met in Closed Session in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 22, 2005 commencing at 6:40 p.m.

ATTENDANCE

Council: Regional Chairman Partington; Councillors Almas; Angelone; Baty; Bentley; Bodner; Brock; Burroughs; Casselman; Collins; Eke; Goulbourne; Harry; Heit; Hildreth; Hodgson; Leavens; Marshall; Martin; Redekop; Rigby; Salci; Saracino; Smeaton; Timms, Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner of Planning & Development; Diakow, Acting Commissioner, Corporate Services; Hutchings, Commissioner, Community Services; Neville, Commissioner, Public Works; Mr. Nicol, Commissioner, Human Resources; Dr. Williams, Medical Officer of Health; Superintendent Kane, Niagara Regional Police Service; Ms. Gilroy, Regional Clerk; Ms. Reilly, Legislative Assistant.

Staff

(Part-Time): Mr. Bousfield, Manager, Property & Facility Management; Mr. Bowles, Executive Assistant, Regional Chair; Mr. Jones, Director, Administrative Services, P.H.; Mr. Kyne, Director, Legal Services; Mr. Lockyer, Treasurer/Director Financial Management & Planning; Mr. Miron, Corporate Health Services Manager.

CLOSED COMMITTEE OF THE WHOLE

453. Moved by Councillor Trombetta
Seconded by Councillor Goulbourne

That this Council do now move into Closed Committee of the Whole for the purposes of receiving information of a confidential nature relating to legal, personnel and property matters.

Carried.

454. Ministry of Community Safety & Correctional Services
'Safer Communities – 1,000 Officers Partnership Program'

Moved by Councillor Martin
Seconded by Councillor Bentley

"That Regional Council support the motion of the Regional Municipality of Niagara Police Services Board to submit a grant application to the Ministry of Community Safety & Correctional Services for the Safer Communities – 1,000 Officers Partnership Program."

Carried.

455. Public Health Department, 30 Hannover Drive
Report PHD 55-2005/PWA 163-2005/CSD 133-2005

Moved by Councillor Angelone
Seconded by Councillor Timms

That Report PHD 55-2005/PWA 163-2005/CSD 133-2005, dated September 12-14, 2005, respecting Public Health Department, 30 Hannover Drive, City of St. Catharines, be received and approved as amended, to provide additional funding up to the maximum revised amount as reported.

Defeated.

456. Moved by Councillor Redekop
Seconded by Councillor Trombetta

That Report PHD 55-2005/PWA 163-2005/CSD 133-2005, dated September 12-14, 2005, respecting Public Health Department, 30 Hannover Drive, City of St. Catharines, be received and that additional funds be approved in order to proceed with lighting and grading requirements.

Carried.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

457. Moved by Councillor Angelone
Seconded by Councillor Rigby

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:10 p.m. with an Invocation by Councillor Goulbourne, followed by the singing of O' Canada.

ADOPTION OF THE AGENDA

458. Moved by Councillor Martin
Seconded by Councillor Collins

That the Council Agenda CL 14-2005 be approved and adopted as amended to include consideration of a motion related to the Association of Municipalities of Ontario Municipal Alert regarding Bill 123.

Carried.

459. **CONFLICTS OF INTEREST**

Councillor Heit declared an indirect pecuniary interest with respect to any matters that deal with wireless communication as he is employed by a wireless communication company and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Marshall declared an indirect pecuniary interest with respect to any matters related to the Niagara Health System as he is employed by the Niagara Health System and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Zimmerman declared an indirect pecuniary interest with respect minute 211 of PW Report 14-2005, respecting Raw Water for Agricultural Irrigation due to her ongoing affiliations with proponents, and she therefore took no part in the discussion of, or voting on, this matter.

PRESENTATIONS

460. **2005 Silver Anniversary Bursary**

Councillor Ronald Leavens, together with Regional Chair Partington, presented the 2005 Silver Anniversary Bursary to Jillian Kristina Bevan, a graduate of Notre Dame School in Welland. The Silver Anniversary Bursary is a four year bursary in the amount of \$2,000 annually. Ms. Bevan is attending McMaster University to pursue a degree in Kinesiology.

461. **Ontario Great Lakes Renewal Foundation –
Conservation Niagara Foundation**

Donald Robinson, Chairman and Dale McConagy, Executive Director, Ontario Great Lakes Renewal Foundation, presented a cheque to Mayor Gord Harry, Chairman and Ms. Terry McDougall, Executive Director, Conservation Niagara

Foundation, in the amount of \$103,000. These funds will support two local conservation projects; the first is the removal of a significant barrier to fish passage and migration in Coyle Creek at the Pelham Hills Golf Course; the second is the remediation of a section of Drapor's Creek directly downstream of the Colbeck Drive culvert in Welland that will stabilize bank slopes, decrease sediment deposits and improve habitat for fish communities. The NPCA has been implementing numerous projects in an effort to improve the ecological health of the Welland River, located within the Niagara River area of concern and the largest and most diverse watershed in its jurisdiction. Mr. Robinson advised that the Great Lakes Renewal Foundation is a non-profit organization established in 1998 by the Provincial Government to find new and innovative ways to generate significant private sector investments in worthwhile projects throughout the Great Lakes Basin. The foundation has been successful in restoring areas of concern identified in the 1997 Water Quality Treatment Agreement between Canada and the United States.

462. **The Ontario Aggregate Resources Corporation**

David J. Sterrett, President, The Ontario Aggregate Resources Corporation presented cheques to Regional Council and area municipalities for a total amount of \$214,000 for their share of the license fees collected from aggregate producers. Mr. Sterrett advised that the trust was established in 1997 to administer and direct certain programs related to the management of Ontario's aggregate industry that were formerly administered by the Ministry of Natural Resources. Specifically, the Abandoned Pits and Quarries Rehabilitation Fund, the collection and disbursement of aggregate resources charges (license and permit fees, etc.), research and education in aggregate issues, and most importantly to facilitate the rehabilitation of pits or quarries where licenses or permits are revoked. One of the innovative features about the establishment of the Trust and The Ontario Aggregate Resources Corporation is the fact that they deliver their services on a self-financing basis and not from the taxpayer. The trust assets were established from a portion of the aggregate operators' rehabilitation deposits, formerly held by the Ministry of Natural Resources and the Trust pays for its programs from the investment earnings from this money.

463. **EMS Service & Hotel Dieu Urgent Care Centre**

Dr. Shragge, Chief of Staff, Niagara Health System and Tracy MacDonald, Vice-resident, Patient Services, Niagara Health System and EMS Service, attended the Regional Council meeting to provide an overview of the conversion of the Emergency Department at the Ontario Street Site to a 14 hour per day Prompt Care Centre. Dr. Shragge also apprised Council of the important and positive changes in Emergency Services and the steps being taken to retain and recruit physicians to Niagara. It is anticipated that there will be a smooth transition resulting from good planning, supportive partnerships and staff commitment.

John Cunnane, Neal Roberts and Guillermo Fuentes attended to apprise Council that the Region is meeting regularly with the Niagara Health System to discuss program transfers and that they will continue to monitor the restructuring situation and its impacts. EMS will report to Committee and Council to provide regular updates.

464.

CHAIRMAN'S REMARKS

The Regional Chair congratulated Ian Neville who was elected to a second term as President of the Canadian Public Works Associations at the Annual Congress of the American and Canadian Public Works Associations.

The groundbreaking ceremony for the new Regional Headquarters addition took place and the Regional Chair thanked Mayor Ron Leavens and his committee for moving this project forward.

Chair Partington advised that Premier Dalton McGuinty and Dwight Duncan, Minister of Energy, visited Niagara Falls to announce the initiation of construction on the Sir Adam Beck III Hydro Project.

Minister David Caplan and Minister Jim Bradley announced the go ahead of the new St. Catharines-Thorold hospital and Niagara Regional cancer care and cardiac catheterization lab in St. Catharines. The Regional Chair commented that this announcement and the announcement of construction to begin this fall on the expansion of the 406 highway, reflects the advances that can be made when Niagara speaks with one voice. He thanked the government at Queen's Park for listening to the needs of Niagara. The Chair acknowledged Jim Bradley, MPP, for his diligence, commitment and grace in addressing Niagara's concerns.

Regional Chair, on behalf of Council, thanked VanLeeuwen Fowe Farms of St. Catharines for their gift of flowers and these flowers will be delivered to Gilmore Lodge.

APPROVAL OF MINUTES

465. Report CW 3-2005
Committee of the Whole

Moved by Councillor Marshall
Seconded by Councillor Almas

That Report 3-2005, being the minutes of the Committee of the Whole of Thursday, September 1, 2005, be approved and adopted.

Carried.

466. Report 13-2005

Moved by Councillor Zimmerman
Seconded by Councillor Hildreth

That Report 13-2005, being the minutes of the Proceedings of Council of Thursday, September 1, 2005, be approved and adopted.

Carried.

CORRESPONDENCE

467. Communications were received and dealt with as follows:

C6591 City of Welland resolution (August 30, 2005) supporting the Region of Niagara with respect that Regional Staff in collaboration with the appropriate municipal, provincial and federal authorities ensure that proper signage is maintained at dangerous waterways in Niagara.

Received.

C6592 Kim Craitor, MPP, Niagara Falls (August 30, 2005) in support of the resolution of the Regional Municipality of Region regarding the Trespass to Property Act.

Received.

C6593 Copy of a letter from Kim Craitor, MPP, Niagara Falls, to the Honourable David Ramsay, Minister of Natural Resources (August 30, 2005) respecting the Regional Municipality of Niagara concerns over illegal trespass on dangerous waterways.

Received.

C6594 David Eke, Chair, Niagara Regional Housing (September 6, 2005) respecting Appointment of Directors on the Board for Niagara Regional Housing.

Received.

C6596 Peter Kormos, MPP, Niagara Centre (August 18, 2005) respecting the "2004 Community Energy Planning Mission".

Received.

C6597 M. Drolet, Vice-President, Niagara Region, St. Lawrence Seaway Management Corporation (SLSMC) respecting signage on local waterways and resolution regarding the Trespass Property Act.

Received.

C6599 Jim Bradley, Minister of Tourism (September 7, 2005) respecting the Trespass to Property Act resolution passed by Regional Council.

Received.

Moved by Councillor Leavens
Seconded by Councillor Collins

That Communications C6591 to C6594 and C6596, C6597 and C6599, be received and dealt with as noted in the Council Agenda and Addendum.

Carried.

468. C6595 Memorandum to the Regional Chairman and Members of Council from Pam Gilroy, Regional Clerk (September 13, 2005) seeking approval for the Multi Year, Current and Capital Budget Timetable (Revised September 12, 2005).

Moved by Councillor Martin
Seconded by Councillor Saracino

That Communication C6595 seeking Council's approval for the Multi Year, Current and Capital Budget Timetable, be received and supported.

Carried.

469. C6598 Carol Jones (E-Mail, September 19, 2005) requesting to address council regarding Report PWA 159-2005, Landfill Operations Service contract, Tender RN 05-37, Niagara Road 12 Landfill Site, Township of West Lincoln.

Moved by Councillor Saracino
Seconded by Councillor Martin

That Communication C6598 from Ms. Carol Jones requesting to address council regarding Report PWA 159-2005, Landfill Operations Service Contract, Tender RN 05-37, Niagara Road 12 Landfill Site, Township of West Lincoln, be received and Ms. Jones be allowed to speak.

Carried.

COMMITTEE REPORTS

470. Moved by Councillor Zimmerman
Seconded by Councillor Trombetta

That Report PW 14-2005, being the minutes of the Public Works and Utilities Committee meeting of September 13, 2005, be lifted and dealt with by this Council at this time.

Carried.

PUBLIC WORKS AND UTILITIES COMMITTEE

471. Report 14-2005

Moved by Councillor Rigby
Seconded by Councillor Redekop

That Report 14-2005 being the minutes of the Public Works and Utilities Committee meeting of Tuesday, September 13, 2005, be approved and adopted.

Conflict of Interest

Councillor Heit declared an indirect pecuniary interest with respect to minute item 406, as contained PW 14-2005, Report PWA 159-2005, respecting Landfill Operations Service Contract, Award of Tender to the low bidder, Modern Landfill Inc., as they are a client of his and he therefore took no part in the discussion of, or voting on, this matter.

472. Moved by Councillor Rigby
Seconded by Councillor Marshall

That minute item 406, regarding Report PWA 159-2005, Landfill Operations Service Contract Tender RN 05-37, Niagara Road 12 Landfill Site, Township of West Lincoln, be lifted and dealt with by this Council at this time.

Carried.

473. Delegation

Carol Jones, attended on behalf of the Niagara Road 12 Citizens' Liaison Committee, to request the Region to withhold the approval of the Landfill Operations Service Contract – Tender R.N. 05-37 until the CLC has had time to review the documentation at their next CLC meeting scheduled for October 6, 2005.

474. Moved by Councillor Rigby
Seconded by Councillor Redekop

That the issuance of Contract No. RN 05-37 be deferred until the Citizens' Liaison Committee (CLC) can be brought up to date and pertinent information provided to them regarding this contract and that the CLC report back to the Public Works Committee as to the details of the contract.

Carried.

(Refer to staff direction on page CL 228.)

475. Moved by Councillor Rigby
Seconded by Councillor Redekop

That Minute item 38 of the Transportation Steering Committee minutes regarding Response to Requests for the Region to participate in funding studies of and improvements to Airports in Niagara, being minute item 417 of the Public Works Report 14-2005, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on the Public Works & Utilities Committee minutes, as amended, carried.

RESOLUTIONS FROM OTHER MUNICIPALITIES

476. Township of North Frontenac
Minimum Capital Program Funding

Moved by Councillor Hildreth
Seconded by Councillor Zimmerman

That the resolution from the Township of North Frontenac respecting Minimum Capital Program Funding, be referred to staff of the Corporate Services Department for report to the Corporate and Financial Services Committee.

Carried.

COMMITTEE REPORTS (continued)

PLANNING SERVICES COMMITTEE

477. Report 14-2005

Moved by Councillor Smeaton
Seconded by Councillor Marshall

That Report 14-2005 being the minutes of the Planning Services Committee meeting of Wednesday, September 14, 2005, be approved and adopted.

Carried.

478. Moved by Councillor Marshall
Seconded by Councillor Burroughs

That the Permissive Grants Policy be referred to staff of the Corporate Services Department to develop a standardized policy to be presented to the Corporate and Financial Services Committee for review and consideration prior to the budget cycle.

Carried.

CORPORATE AND FINANCIAL SERVICES COMMITTEE

479. Report 14-2005

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 14-2005 being the minutes of the Corporate and Financial Services Committee meeting of Wednesday, September 14, 2005, be approved and adopted.

480. Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That minute item 212 as contained in CFS Report 14-2005, respecting Report CSD 77-2005, Multi Year Financial Plan 2004 – 2007, be lifted and dealt with separately by this Council at this time.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on the Corporate and Financial Services Committee minutes, was carried.

COMMUNITY SERVICES COMMITTEE

481. Report 14-2005

Moved by Councillor Hildreth
Seconded by Councillor Marshall

That Report 14-2005 being the minutes of the Community Services Committee meeting of Monday, September 12, 2005, be approved and adopted.

Carried.

HUMAN RESOURCES COMMITTEE

482. Report 10-2005

Moved by Councillor Collins
Seconded by Councillor Leavens

That Report 10-2005 being the minutes of the Human Resources Committee meeting of Tuesday, September 13, 2005, be approved and adopted.

Carried.

PUBLIC HEALTH SERVICES COMMITTEE

483. Report 14-2005

Moved by Councillor Timms
Seconded by Councillor Baty

That Report 14-2005 being the minutes of the Public Health Services Committee meeting of Monday, September 12, 2005, be approved and adopted.

Carried.

ACCOMMODATION STEERING COMMITTEE

484. Report 6-2005

Moved by Councillor Leavens
Seconded by Councillor Collins

That Report 6-2005 being the minutes of the Accommodation Steering Committee meeting of Monday, September 19, 2005, be approved and adopted.

Carried.

(Refer to staff direction on page CL 228.)

COMMITTEE OF THE WHOLE

485. Moved by Councillor Angelone
Seconded by Councillor Goulbourne

That the decisions made in the Committee of the Whole meeting of Thursday, September 22, 2005, be approved and adopted.

Carried.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

486. Council Business Planning Sessions for balance of 2005

Moved by Councillor Baty
Seconded by Councillor Goulbourne

That Report CAO 23-2005, Thursday, September 22, 2005 respecting Council Business Planning Session for balance of 2005 be received, and

That Council confirm their preference for discussion topics at Council Business Planning Sessions for the balance of 2005.

Carried.

487. Status Report on the Niagara-Greater Toronto Area Corridor

Moved by Councillor Goulbourne
Seconded by Councillor Bodner

WHEREAS Regional Council received Report PWA 88-2005/DPD 76-2005, Status Report on the Niagara-Greater Toronto Area Corridor at its meeting of April 28, 2005; and

WHEREAS Regional Council also directed at that time, that the Premier of Ontario and the Ministers of Transportation, Public Infrastructure Renewal, and Municipal Affairs and Housing be contacted to emphasize the importance of the Niagara-Greater Toronto Area Corridor to Niagara, and convey the wish to proceed with an Environmental Assessment of the Corridor as soon as possible; and

WHEREAS a stronger appeal must be made to urge the Provincial government to complete the Niagara-Greater Toronto Area Corridor in a timely manner to assist Niagara's efforts to maximize its growth potential and create a sustainable plan for the future; and

WHEREAS one of the goals of the province's growth policy is to ensure that all regions within the wider Greater Golden Horseshoe enjoy prosperity and are economically competitive, and

WHEREAS a more robust level of economic activity in Niagara can only be realized with the Province's timely investments in public infrastructure, such as, an integrated provincial highway system.

THEREFORE BE IT RESOLVED that Regional Council refer Report PWA 88-2005/DPD 76-2005, Status Report on the Niagara-Greater Toronto Area Corridor to the Niagara Economic Development Corporation (NEDCo) for report; and

THAT NEDCo's report explain the need for the timely completion of the Niagara-Greater Toronto Area Corridor quickly to attract manufacturing jobs to Niagara, and include specific reference to the advice provided in a recent meeting with Toyota Canada; and

THAT NEDCo's report be developed with consultation with the Provincial Minister of Economic Development and Trade, and his assistance be requested in emphasizing to the Premier, Cabinet and the Ministry of Transportation what positive Economic Development initiatives could occur in Ontario/Niagara if the Niagara-Greater Toronto Area Corridor was completed as quickly as possible.

Carried.

488. Security of the Border
Documents Required for Travel

Moved by Councillor Salci
Seconded by Councillor Redekop

WHEREAS in December, 2004, U.S. President Bush signed the "Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA)"; and

WHEREAS the IRTPA directed the Secretary of Homeland Security to implement as expeditiously as possible a plan that would require people entering the United States to present "a valid passport or another document" to establish identity and citizenship; and

WHEREAS the first phase of the program would apply to air and sea crossings by December 31, 2007; and

WHEREAS the public is encouraged to provide comments to the Department of Homeland Security (DHS) by October 31, 2005, including the types of documents which might be used and the economic cost/benefits of such a system; and

WHEREAS in 2004, Canada welcomed 34.6 million person-trips from the United States; and

WHEREAS The Conference Board of Canada (July, 2005) estimates that from 2005 through 2008, the tourism spending by Americans in Canada will be decreased by \$1.7 billion as a result of this initiative; and

WHEREAS No economic analysis has been done on the effect on non-tourism industries such as manufacturing and services; this is not just a “tourism issue”; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Regional Municipality of Niagara supports the establishment of cost-effective policies and programs that enhance both the security of the border and facilitates the Cross-Border passage of people and goods, such as Nexus; and further

THAT The Council of the Regional Municipality of Niagara does not support the additional requirement of a “passport of another document” in order to cross the U.S./Canada border effective December 31, 2006, (air, sea) and December 31, 2007, (Land) until “another document” that is easily accessible and affordable by all citizens of all ages is completely defined; and further

THAT The Council of the Regional Municipality of Niagara proposes economic impact analysis and cost/benefit analysis of this program be carried out with respect to all economic sectors before a final decision and implementation schedule is determined; and further

THAT The Council of the Regional Municipality of Niagara supports official public hearings/consultations be held in all affected countries before a final decision and implementation schedule is determined; and further

THAT this resolution be circulated to all Municipal, Provincial and border State Governments and to the State Governments of Florida, California, Arizona, New York, Texas, South Carolina, Georgia, Washington, Mississippi and Hawaii, requesting their endorsement, and

THAT a copy of this resolution be circulated to Niagara’s Federal and Provincial Members of Parliament and to their respective U.S. counterparts.

Carried.

OTHER BUSINESS

489. Announcement of new St. Catharines and Thorold Hospital

Councillor Rigby thanked Regional Council and mayors across the Region for their support of the new hospital that will benefit all citizens of Niagara.

490. Appointments to the Regional Specialized Transit Advisory Board

Moved by Councillor Rigby
Seconded by Councillor Timms

That Councillors Sheila Moore of St. Catharines, Peter Papp of Pelham, and Regional Councillors Ron Leavens of Pelham and Damian Goulbourne of Welland, be appointed to the Regional Specialized Transit Advisory Board.

Carried.

491. 54th Niagara Wine Festival

Councillor Heit apprised Council of the 54th Niagara Wine Festival and distributed brochures outlining the many events and activities of the festival.

Councillor Rigby was congratulated on winning the Mayors Grape Stomping Competition.

492. United Way Kickoff Breakfast

Councillor Collins also apprised Council of the successful United Way Kickoff Breakfast.

493. Association of Municipalities of Ontario "Alert"

Moved by Councillor Collins
Seconded by Councillor Leavens

That Regional Council support the position of the Association of Municipalities of Ontario with regards to Bill 123.

Carried.

494. Trial Water Taxi Service to Youngstown

Councillor Burroughs apprised Council of the successful trial water taxi service from Niagara-on-the-Lake to Youngstown. It was anticipated that 250 people would use the crossing and at the end of the trial run, 1,100 people used the service. He commented that it was a very secure transit and noted the importance of maintaining relationships with our Border Friends.

BY-LAWS

495. Moved by Councillor Trombetta
Seconded by Councillor Eke

That the following bills be now read and do pass:

Bill 94

A By-Law To Establish Part Of Lot 11, Concession 7, In The City Of St. Catharines As Part Of Regional Road No. 81 (Queenston Street).

Bill 95

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 22nd of September, 2005.

Carried.

496. Moved by Councillor Almas
Seconded by Councillor Marshall

That the following bills be now read and do pass:

Bill 96

A by-law to establish part of Lot 8, Plan 82, in the City of Niagara Falls as part of Regional Road No. 98 (Montrose Road)

Carried.

STAFF DIRECTIONS

Staff was directed to:

- (i) prepare a status report and legal opinion with respect to compost management was requested for the next Public Works & Utilities committee meeting. (Refer to minute 471.)
- (ii) prepare a report regarding space and furnishings issues with respect to the new building. (Refer to minute 484.)

ADJOURNMENT

The Council meeting adjourned at 10:25 p.m.

Peter Partington
Regional Chair

Gail Reilly
Legislative Assistant

Pam Gilroy
Regional Clerk