

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 6-2006

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, May 4, 2006 commencing at 6:35 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning and Development; Nicol, Commissioner, Human Resources; Friesen, Acting Commissioner of Public Works; Bergsma, Commissioner of Corporate Services; Hutchings, Commissioner of Community Services; Dr. Sider, Associate Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff

(Part-Time): Messrs. Kyne, Director, Legal Services; Murphy, Manager Policy Development.

CLOSED COMMITTEE OF THE WHOLE

147. Moved by Councillor Harry
Seconded by Councillor Angelone

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.

CONFLICT OF INTEREST

148. Councillor Almas declared an indirect pecuniary interest with respect to the memorandum dated May 4, 2006, respecting an amendment to Report COM 29-2006, Accessibility Advisory Committee Membership *Ontarians with Disabilities Act, 2001*, as he is acquainted with an applicant for the Committee, and he therefore vacated the Council Chambers and took no part in the discussion of, or voting on, this matter.

149. Accessibility Advisory Committee Membership
Ontarians with Disabilities Act, 2001 - Addendum
COM 29-2006

Moved by Councillor Hildreth
Seconded by Councillor Brock

That the Confidential Memorandum from Mr. Hutchings, Commissioner of Community Services dated May 4, 2006 respecting the Accessibility Advisory Committee Membership *Ontarians with Disabilities Act, 2001*, be received and the recommendation contained therein be approved.

Carried.

150. Casino Niagara – Property Tax Assessment Challenge
Confidential Memorandum

Moved by Councillor Brock
Seconded by Councillor Hildreth

That the Confidential Memorandum from Mr. Kyne, Director, Legal Services, dated May 2, 2006 respecting the Casino Niagara – Property Tax Assessment Challenge, be received and the recommendations contained therein be approved.

Carried.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

151. Moved by Councillor Smeaton
Seconded by Councillor Casselman

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:15 p.m. with an Invocation by Councillor Almas, followed by the singing of 'O Canada'.

CONFLICTS OF INTEREST

152. Councillor Casselman declared an indirect pecuniary interest with respect to Communication C6769, a resolution from the Municipality of Durham (March 6, 2006) requesting the Government of the Province of Ontario take immediate action to remove barriers to Family Physicians who wish to relocate their medical practices to Ontario from other Provinces, as her husband is a member of the Ontario Medical Association and, therefore she took no part in the discussion of, or voting on, these matters.

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.

ADOPTION OF THE AGENDA

153. Moved by Councillor Mastroianni
Seconded by Councillor Katzman

That the Council Agenda CL 6-2006 be adopted as presented.

Carried.

PRESENTATIONS

154. Accreditation Ambulance Dispatch

Niagara Region is proud to announce that the new Ambulance Dispatch has been recognized as an Accredited Centre of Excellence by the International Academy of Emergency Medical Dispatch (IAEMD). Becoming a Centre of Excellence is the product of excellent staff with a commitment to high quality Emergency Medical Services.

This Accreditation acknowledges the achievement & commitment to high quality performance, high compliance and internationally-recognized best practices in emergency medical dispatch.

It is the first accredited centre in Ontario, one out of three in Canada and there are less than 100 centres of excellence worldwide (out of 3000 using this system). The RFP proposal targeted this achievement by the 48th month of operation – exceeded our expectations by 3 years. No centre has received this level of Accreditation within the first year of operation.

Receiving accreditation in our first year of operation is a tremendous achievement, and a credit to the efforts put forward by all of our staff: System Status Controllers (dispatchers); Paramedics; Entire EMS Management Team; Senior Management Team (CMT); Original RFP Project Team & Senior Advisory Group.

Regional Council congratulated staff of the EMS Department with applause and a standing ovation to show how proud Niagara Region is of their EMS Department.

155.

CHAIRMAN'S REMARKS

Regional Chair Partington noted that a number of Regional Councillors had the opportunity to participate in Niagara Week meetings and the MPP reception held on April 25. Our Niagara Week efforts help to educate the government, members of the Opposition, and members of the Toronto Business Community of the vital role Niagara plays in the Provincial economy.

Regional Chair Partington thanked both Regional and Niagara Economic Development Corporation (NEDC) staff for their efforts in putting Niagara Week together. He also thanked Council for its support of this worthwhile event.

Regional Chair Partington advised Regional Council of a number of Family Literacy Events being in various locations throughout the Town of Fort Erie on May 6, 2006 from 10:00 a.m. to 2:00 p.m., including the Fort Erie Leisureplex, Fort Erie Town Hall and at the Y.M.C.A.

The events will feature stories of celebrated children's authors Eric Carle and will include crafts, puppets and music of the Smudge Fundaes. Admission is free for families with at least one child between birth and grade 3, and all children will receive a free book.

Regional Chair Partington announced that next Saturday, May 13, 2006 from 10:00 a.m. to 3:00 p.m. the Touch a Truck event will be held in the parking lot of the Niagara-on-the-Lake campus of Niagara College.

This year's event promises to out-do last year's event with even more vehicles for children to climb in and explore – everything from a fire truck to a helicopter! Last year's event raised \$12,000 for children's literacy projects in Niagara.

Regional Chair Partington noted that the Niagara Region has recently launched its Smart Gardening program, members of Regional Council and the public can obtain further information on Smart Gardening by accessing the following link: www.smartgardening.ca.

Regional Chair Partington congratulated Catherine Bianco, Kimberlee Lambe and Trish Vidler of our Corporate Communications Team for being awarded the Canadian Public Relations Society Award of Merit for the work they did in relation to the influx of refugees in Niagara in December 2004.

Regional Chair Partington advised Regional Council of the release of the Province's Public Health Capacity Review Committee final report and recommendations to the Provincial Government May 4, 2006. It is too early to determine exactly what impact these recommendations will have on Niagara if they are adopted. Comments will be provided to the Province in due course once Regional Council and staff have had an opportunity to review the report in detail.

Regional Chair Partington advised Regional Council there are two Council Business Planning Sessions tentatively planned for June 1 and June 22. Councillors were encouraged to contact the Chair's office as soon as possible to communicate which date they would prefer or if both are required, and to advise of any topics of interest.

Regional Chair Partington advised Regional Council that he will be providing his second annual State of the Region Address to the St. Catharines Chamber of Commerce at noon, Thursday, May 11, 2006.

Regional Chair Partington thanked Peninsula Flowers of Jordan Station for the flowers on display in Council Chambers.

APPROVAL OF MINUTES

156. Report 3-2006

Moved by Councillor Timms
Seconded by Councillor Saracino

That Report 3-2006, being the minutes of the Committee of the Whole meeting of Thursday, April 13, 2006, be approved and adopted.

Carried.

157. Report 5-2006

Moved by Councillor Saracino
Seconded by Councillor Martin

That Report 5-2006, being the minutes of the Proceedings of Council of Thursday, April 13, 2006, be approved and adopted.

Carried.

CORRESPONDENCE

158. Moved by Councillor Almas
Seconded by Councillor Casselman

That Communications C6770 to C6776, be received and dealt with as noted:

C6770 Card of thanks from Patricia Lang, an employee of the Community Services Department and family, for the kind donation to St. Alban's Anglican Church in memory of her father, Colin Harrison.

Received.

C6771 Card of thanks from Don Campbell, an employee of the Planning Services Department and family, for the kind donation to Doctors Without Borders in memory of his mother, Margaret Jean Campbell.

Received.

C6772 Card of thanks from Ingeborg Alexander, an employee of the Community Services Department and family, for the kind donation to the St. Catharines General Hospital Foundation Palliative Care in memory of her father, Werner Simanek.

Received.

C6773 Town of Fort Erie resolution (April 26, 2006) respecting the response from the Minister of Municipal Affairs and Housing, the Honourable John Gerretsen that no further action be taken respecting the opting out of Niagara Region.

Received for Information.

C6774 Gerry Chaput, P.Eng., Chief Engineer, Ministry of Transportation (April 7, 2006) respecting consideration of highway dedications to posthumously acknowledge Highway 405 as the "General Brock Parkway".

Received for Information.

C6775 Michael Bryant, Attorney General (May 1, 2006) respecting the availability of justice of the peace resources for the Niagara Region.

Received for Information.

C6776 Brian Hughes, Associate Director, Transportation Engineering (May 2, 2006) to the Welland Downtown Business Improvement Area Board and the Welland/Pelham Chamber of Commerce respecting the Main Street Bridge Closure in the City of Welland.

Received for Information and referred to the deliberations on CSD 64-2006/PWA 76-2006 and PWA 91-2006

Carried.

159. Moved by Councillor Redekop
Seconded by Councillor Goulbourne

That Communication C6769, a resolution from the Municipality of Durham (March 6, 2006) requesting the Government of the Province of Ontario to take immediate action to remove barriers to Family Physicians who wish to relocate their medical practices to Ontario from other Provinces, be supported.

Carried.

DELEGATION

160. Retirement Lot Severances
Town of Grimsby

Mr. Steve Fernick of the Town of Grimsby provided Regional Council with a presentation respecting his Communication Item PD 20-2006, being his letter requesting Council to submit a letter of support to the Ontario Municipal Board for the severance of two retirement lots in the Town of Grimsby.

Moved by Councillor Smeaton
Seconded by Councillor Bentley

That Mr. Fernick's presentation respecting Communication Item PD 20-2006 requesting that the Region support two retirement lot severances in the Town of Grimsby that have been appealed to the Ontario Municipal Board, be received and referred to Regional Council's deliberations on the Planning and Public Works Committee minutes of April 26, 2006.

Carried.

COMMITTEE REPORTS

161. Moved by Councillor Hildreth
Seconded by Councillor Bentley

That the order of the agenda be amended in order that Regional Council deal with the minutes of the Planning and Public Works Committee at this point in the meeting.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE

162. Consent Applications B02/05 and B03/05
Proposed Farm Retirement Lots
Town of Grimsby
PD 22-2006

Moved by Councillor Smeaton
Seconded by Councillor Bentley

That the memorandum dated May 4, 2006, from Mr. Cambray, Commissioner of Planning & Development, respecting information on Fernick and Della Nebbia Appeals, Consent Applications B02/05 and B03/05, Proposed Farm Retirement Lots in the Town of Grimsby – PD 22-2006, be received and referred to Regional Council's deliberations on the Planning and Public Works Committee minutes of April 26, 2006.

Carried.

163. Report 7-2006

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report 7-2006 being the minutes of the Planning and Public Works Committee meeting of Wednesday, April 26, 2006, be approved and adopted.

164. Moved by Councillor Collins
Seconded by Councillor Smeaton

That Minute Item #258 of Report 7-2006, April 26, 2006, Planning and Public Works Committee minutes, Correspondence Item PD 20-2006, from Steve Fernick requesting that the Region support two retirement lot severances in the Town of Grimsby, be lifted and dealt with by this Council at this time.

Carried.

165. Regional Council agreed that a letter should be forwarded to the Ontario Municipal Board expeditiously noting that prior to the Greenbelt Act the application for the two retirement lot severances in the Town of Grimsby would have been supported by the Region, it was therefore;

Moved by Councillor Smeaton
Seconded by Councillor Bentley

That Correspondence Item PD 20-2006 from Steve Fernick requesting that the Region support two retirement lot severances in the Town of Grimsby that have been appealed to the Ontario Municipal Board, be received; and
That Council supports these applications based on our belief that lifelong farmers should be entitled to one retirement lot as allowed under legislation prior to the Greenbelt Act.

That the Ontario Municipal Board be advised of Council's support in an expeditious manner.

Carried.

Councillor Collins requested that he be recorded as opposed to the aforementioned motion.

Upon a vote being taken, the Regional Chair declared the original motion as **amended** on Report 7-2006, being the minutes of the Planning and Public Works Committee meeting of Wednesday, April 26, 2006, was carried.

JOINT REPORTS

166. Tender Award for Contract RN. 06-05
Rehabilitation of Main Street Bridge
(Structure No. 027220), Phase One
Over the Old Welland Canal
City of Welland
Project ZRC0219/RC0219
PWA 76-2006 (CSD 64-2006)

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report PWA 76-2006 (CSD 64-2006), April 26, 2006, respecting the Tender Award for Contract RN. 06-05, Rehabilitation of Main Street Bridge (Structure No. 027220), Phase One, Over the Old Welland Canal in the City of Welland, Project ZRC0219/RC0219, be received.

That Contract RN. 06-05, Rehabilitation of Main Street Bridge (Structure No. 027220), Phase One, Over the Old Welland Canal in the City of Welland, Project ZRC0219/RC0219, be awarded to Underground Services (1983) Limited. at the bid price of \$2,064,752.00.

That a contingency allowance in the amount of \$150,000.00 be provided for this contract;

That the Engineering Agreement with the consulting firm of Urban & Environmental Management Inc., be extended to include contract administration and inspection services of \$199,394.00 with the engineering fees being calculated on a time plus disbursement basis;

That approval be given to transfer the budget approval and financing (capital levy) in the amount of \$470,000.00 from Project ZRC0630 Rehabilitation of Structure 047215 Dean's Bridge over Lyons Creek to Project ZRC0219 Rehabilitation of Structure 027220 Main Street Bridge over the Old Welland Canal;

That approval be given to initiate the balance of Capital Levy financing in the amount of \$30,000.00 for Project ZRC06330 Rehabilitation of Structure 047215 Dean's Bridge over Lyons Creek;

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 May 4, 2006;

That the project costs be charged against Capital Works Project ZRC0219/RC0219.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE (Continued)

167. Detour Route for Contract RN 06-05
Rehabilitation of Main Street Bridge
(Structure No. 027220), Phase One
Over the Old Welland Canal
City of Welland
PWA 91-2006

The Committee was advised that the original feasibility study, that included a suggested detour, would not be as safe as the one being proposed in PWA 91-2006, therefore, staff have concluded following the review of the alternate proposed by the Welland/Pelham Chamber of Commerce and the Welland Downtown Business Improvement Area Board to recommend the detour being proposed in PWA 91-2006.

Councillor Mastroianni thanked staff on behalf of the Welland/Pelham Chamber of Commerce and the Welland Downtown Business Improvement Area Board for taking the time to come to Welland and meet with the affected businesses.

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report PWA 91-2006, April 26, 2006, respecting the Detour Route for Contract RN 06-05, Rehabilitation of Main Street Bridge (Structure No. 027220), Phase One Over the Old Welland Canal in the City of Welland be received.

That the proposed detour route as shown in Appendix 1, during the closure of the Main Street Bridge (Structure No. 027220), over the Old Welland Canal, in the City of Welland, be approved.

Carried.

CORPORATE SERVICES COMMITTEE

168. Report 6-2006

Moved by Councillor Collins
Seconded by Councillor Mastroianni

That Report 6-2006 being the minutes of the Corporate Services Committee meeting of Wednesday, April 26, 2006, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

169. Report 6-2006

Moved by Councillor Hildreth
Seconded by Councillor Bailey

That Report 6-2006 being the minutes of the Public Health and Social Services Committee meeting of Tuesday, April 18, 2006, be approved and adopted.

Carried.

ACCOMMODATION STEERING COMMITTEE

170. Report 4-2006

Moved by Councillor Leavens
Seconded by Councillor Collins

That Report 4-2006, being the minutes of the Accommodation Steering Committee of Friday, April 7, 2006, be approved and adopted.

Carried.

OTHER BUSINESS

171. Niagara Week

Councillor Eke on behalf of Regional Council thanked Regional Chair Partington and Mr. Patrick Gedge, CEO, Niagara Economic Development Corporation for a job well done throughout Niagara Week.

Moved by Councillor Eke
Seconded by Councillor Burroughs

That staff be requested to create a report card that would be beneficial to Regional Councillors and the citizens of Niagara, that lists the meetings held and the items of discussion conducted during Niagara Week, which then could be updated on a regular basis as events unfold.

Carried.

172. Province's Public Health Capacity Review Final Report

Councillor Timms advised Regional Council that the recommendations from the report will be brought to the Public Health and Social Services Committee for discussion.

173. Four-Year Term

Councillor Collins advised Regional Council that he has been advised that the change to a four-year term is coming.

174. Summit 2006: Creating the Cross Border Capital
One Region. Two Niagaras. Our Shared Future

Councillor Gabriel reminded Regional Councillors who have not already done so, to register for the Summit 2006 conference being held on Thursday, May 11th in Niagara Falls, Ontario and Friday, May 12th in Niagara Falls, New York.

175. New Rate Structure for Sewage Haulage Rates

Councillor Burroughs advised Regional Council of the new rate structure for sewage haulage rates which the Niagara Region should be cognisant of the hardship that could be created for those individuals who utilize and properly maintain holding tanks in the Niagara Region.

176. St. Catharines Folk Arts Festival

Regional Council was reminded of the St. Catharines Folk Arts Festival being held May 12 – 28, 2006.

BY-LAWS

177. Moved by Councillor Angelone
Seconded by Councillor Goulbourne

That the following bills ***as amended*** be now read and do pass:

Bill 37

A by-law to set and levy the rates of taxation for Regional General and Special Purposes for the year 2006 ***amended by listing Niagara-on-the-Lake's assessment by category in Schedule "C" of the by-law.***

Bill 38

A by-law to provide for the regulation of traffic on Regional Highways in the Town of Niagara-on-the-Lake.

Bill 39

A by-law to provide for the regulation of traffic on Regional Highways in the Town of Fort Erie.

Bill 40

A by-law to provide for the regulation of traffic on Regional Highways in the Township of West Lincoln.

Bill 41

A by-law to provide for the regulation of traffic on Regional Highways in the City of Welland.

Bill 42

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 4th of May, 2006.

Carried.

ADJOURNMENT

The Council meeting adjourned at 8:40 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk