

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 7-2006

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The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, May 25, 2006 commencing at 6:30 p.m.

### ATTENDANCE

Council: Regional Chairman Partington; Councillors 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; Trombetta; Zimmerman.

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; Bernard, Manager, Court Services; Brcic, Director, Water & Wastewater Services; Lockyer, Treasurer/Director, Financial Management & Planning; Smith, Associate Director, Waste Management Engineering; Bowles, Executive Assistant to the Regional Chair; Ms. Crawley, Program Manager.

### CLOSED COMMITTEE OF THE WHOLE

178. Moved by Councillor Collins  
Seconded by Councillor Leavens

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.

179. A Matter of Security of the Property of the Municipality or Local Board  
**CAO 10-2006**

Moved by Councillor Casselman  
Seconded by Councillor Zimmerman

That CAO 10-2006, Thursday, May 25, 2006, A Matter of Security of the Property of the Municipality or Local Board be received and the recommendations contained therein be approved as amended.

Carried.

**CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT**

180. Moved by Councillor Collins  
Seconded by Councillor Angelone

That this Council do now rise with report.

Carried.

Following Committee of the Whole, Council met in regular session, commencing at 7:35 p.m. with an Invocation by Councillor Angelone, followed by the singing of 'O Canada'.

**REGIONAL CHAIR FOR A DAY**

181. Ms. Jessica Harris, the 2006 Regional Chair for a Day, a student at Kernahan Park Secondary School, who was nominated by her peers and teachers, called the meeting to order.

Ms. Harris thanked Regional staff for making her day as Regional Chair for a Day on May 17<sup>th</sup> a very special day.

Ms. Harris also thanked Ms. Manzer her hostess for the day and Mr. Atack her chauffeur and photographer for making her day as Chair a great day.

Ms. Harris' day began in the Regional Chairman's office where Councillor Collins, who was Acting Regional Chair met and presented her with gifts; she then toured GIS; the labs at the Environmental Centre; the Emergency Services Division that included a demonstration of a dispatch call and the thorough examination of an ambulance; St. Catharines Child Care Centre; Traffic Signal area, Sign Shop and Fleet Services and Regional Police Headquarters.

Ms. Harris concluded her comments by noting that she had a fantastic day, one that she is sure to remember, once again thanking all who made her day very special.

### **CONFLICTS OF INTEREST**

182. 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 Leavens declared an indirect pecuniary interest with respect to Minute Item 288, of the Planning and Public Works Committee minutes respecting Report PWA 104-2006, Waste Management Advisory Committee Member Replacement, as he has personal knowledge of the applicants for the Waste Management Advisory Committee and therefore he took no part in the discussion of, or voting on, this matter.

### **ADOPTION OF THE AGENDA**

183. Moved by Councillor Bentley  
Seconded by Councillor Mastroianni

That the Council Agenda CL 7-2006 be adopted as presented.

Carried.

### **PRESENTATIONS**

184. 2006 Niagara Emergency Medical Services Awards

Regional Chair Partington was pleased to present the 2006 Niagara Emergency Medical Services Awards to the following outstanding individuals:

Ms. Susan Clark was presented with the Award of Merit, which is presented in recognition of outstanding initiative and meritorious execution of responsibilities as a member of the Niagara Emergency Medical Services.

Ms. Denise Mazza was presented with the Public Health and Social Services Committee Award, which is presented in recognition of her commitment and dedication to the advancement and promotion of Niagara Emergency Medical Services, its principles of service and care for the community.

Mr. David Bale was presented with the Systems Status Controller of the Year, which is presented to an employee who contributes outstanding service to the public, co-workers, and the community.

Mr. Ken Kohut was presented with the Paramedic of the Year Award, which honours a paramedic who contributes outstanding service to the public, co-workers and the community.

185. Technical Exchange Mission of the Niagara Region  
Tuy Hoa (Viet Nam) Municipal Partnership Program

Councillor Eke introduced the delegation from Viet Nam, who are in Niagara Region for a technical exchange mission to share in Niagara Region's expertise in waste management, waste collection and waste recycling, as part of the Federation of Canadian Municipalities (FCM) Municipal Partnerships Program.

The delegation expressed their sincere gratitude to Niagara Region for the opportunity to obtain vital information on waste management, in order for the City of Tuy Hoa to reach their goal of a green, clean and beautiful city.

186. **CHAIRMAN'S REMARKS**

Regional Chair Partington thanked Martin Farms of Vineland Station for the flowers on display in Council Chambers.

Regional Chair Partington thanked Ms. Harris, a student from Kernahan Park Secondary School for calling the evening's meeting to order.

Regional Chair Partington thanked Councillor Collins; Mr. Atack and Ms. Manzer for making Ms. Harris' day a great success.

Regional Chair Partington advised Regional Council that he has had the opportunity to attend the launches of a number of social housing projects that are being advanced as a partnership between the Region and Niagara Regional Housing, our municipalities, and the Provincial and Federal governments.

Regional Chair Partington noted that a number of Regional Councillors joined him at these events, included Councillor Eke, the Chair of Niagara Regional Housing; Councillor Timms; Councillor Hildreth and Councillor Collins, who represented me at the King & William Streets Project launched in downtown St. Catharines.

The Regional Chair commended Councillor Eke and Niagara Regional Housing on the success of these events, which were well attended by the community.

Regional Chair Partington noted that he and Mr. Gedge, CEO, Niagara Economic Development Corporation (NEDC) had attended several meetings in Japan and China last week, as a continuation of the rapport that was established through a similar mission last year. There were important connections made to help establish Niagara as an ideal local for North American investment. NEDC is in the process of working with the Japan External Trade Organization office in Toronto to organize a potential Japanese delegation visit to Niagara Region in June.

Regional Chair Partington advised Regional Council that Niagara Region's involvement in the Federation of Canadian Municipalities (FCM) Municipal Partnership Program with the City of Tuy Hoa, Viet Nam is recognition of Niagara Region's work in the field of waste management.

Regional Chair Partington advised Regional Council that the EMS vehicles parked outside of Regional Headquarters this evening are here to mark EMS Week, which was held earlier this month. Regional Council will also be congratulating the recipients of the Niagara EMS Awards later this evening as part of the festivities for the week.

Regional Chair Partington advised Regional Council that this week is National Public Works Week. There have been a variety of events held to mark this occasion and on May 26<sup>th</sup> and 27<sup>th</sup>, staff from the Public Works Department will be at the Pen Centre. New this year is their participation in the Lung Association's "Pull for Kids" event. The Public Works Department has entered a team in the Saturday event, and they have two goals, to raise at least \$3,000 for kids in Niagara facing health issues and to pull a 13-tonne fire truck to the finish line in the fastest time, we wish them well!

Regional Chair Partington concluded his comments by noting that on this day in 1803, Ralph Waldo Emerson, a famous American poet was born; in 1879 Lord Beaverbrook, a Canadian-born member of Winston Churchill's war cabinet was born and many, many years ago St. Catharines Mayor Tim Rigby was born – Happy Birthday!

### **APPROVAL OF MINUTES**

187. **Report 6-2006**

Moved by Councillor Baty  
Seconded by Councillor Timms

That Report 6-2006, being the minutes of the Regional Council meeting of Thursday, May 4, 2006, be approved and adopted.

Carried.

**CORRESPONDENCE**

188. Moved by Councillor Casselman  
Seconded by Councillor Trombetta

That Communications C6777 and C6778, be received and dealt with as noted:

C6777 Card of thanks from Nicki Nikoden, and employee of the Community Services Department, and family for the kind donation to the Heart and Stroke Foundation of Ontario in memory of her father, Joseph Nikoden.

Received.

C6778 Card of thanks from Kelly Lotimer, an employee of the Corporate Services Department, and family for the kind donation to Help A Child Smile in memory of her sister, Kristi McKinnon.

Received.

Carried.

189. Moved by Councillor Redekop  
Seconded by Councillor Salci

That Correspondence Item C6779, an e-mail from Arlene White, Executive Director, Binational Tourism Alliance (May 16, 2006) requesting support for a delay to the implementation of the Western Hemisphere Travel Initiative (WHTI), be supported.

Carried.

**DELEGATION**

190. Update of the Tree Conservation By-law  
The Tree and Forest Conservation By-law  
**DPD 49-2006**

Ms. Brigitte Bonner, Chair, Development Without Destruction advised Regional Council that she supports the by-law and commended Niagara Region for having the insight to see that there is a strong need to protect our limited woodlands.

Ms. Bonner provided Regional Council of a recent example of the destruction of a woodland for a subdivision, which was conducted during the nesting period of the migratory bird season, which caused needless destruction to the migratory bird population.

Ms. Bonner noted that she does have concerns with the first and foremost exemption of the by-law for development and subdivision purposes as outlined in the EXEMPTIONS section 4.4.a. and 4.4.f., as most of the destruction of our natural woodland in the Niagara Region are caused by housing development, therefore stricter regulations must be in place for developments and they must be included under this by-law.

Ms. Bonner also noted that she has a concern with the Tree Saving Plan, as it currently stands, as the majority of the plan deals with inventorying and identifying natural features and species, just stating that a Tree Replanting program must be used is not enough, the number of trees to be replanted should be specified.

Ms. Bonner advised Regional Council that the Special Council Permits, should not be allowed, as it will only serve to encourage those who are financially able to apply for a permit and destroy a woodland and that no cutting should be allowed in Sensitive Natural Areas.

Ms. Bonner concluded by noting that the unprecedented destruction of forests, the urban sprawl which is creeping south from Toronto and the knowledge of harmful effects of global warming well documented, it is crucial that a stronger by-law be enacted as soon as possible and that the by-law be strictly enforced.

### **AGENCIES, BOARDS AND COMMISSIONS**

191. Niagara Regional Housing Quarterly Report  
January 1, 2006 – March 31, 2006  
**NRH 03-2006**

Moved by Councillor Eke  
Seconded by Councillor Timms

That Report NRH 03-2006, May 25, 2006, respecting Niagara Regional Housing Quarterly Report, January 1, 2006 – March 31, 2006, be received for information.

Carried.

### **CONFLICT OF INTEREST**

192. Councillor Zimmerman declared an indirect pecuniary interest with respect to Minute Item 294, of the Planning and Public Works Committee minutes respecting Report DPD 51-2006/CSD 73-2006, Preferred Consultant – Raw Water for Agricultural Irrigation – Phase 2 Study, as this study may benefit the grape industry and she is employed by the Grape Growers Association, she therefore took no part in the discussion of, or voting on, this matter.

**COMMITTEE REPORTS**

**PLANNING AND PUBLIC WORKS COMMITTEE**

193. Report 8-2006

Moved by Councillor Rigby  
Seconded by Councillor Burroughs

That Report 8-2006 being the minutes of the Planning and Public Works Committee meeting of Wednesday, May 17, 2006, be approved and adopted.

Moved by Councillor Rigby  
Seconded by Councillor Collins

That Minute Item #272 of Report 8-2006, May 17, 2006, Planning and Public Works Committee minutes, Report DPD 49-2006 (May 17, 2006), respecting the Updated of the Tree Conservation By-law: The Forest Conservation By-law, be lifted and dealt with separately by this Council with the Addendum Report to DPD 49-2006 (May 25, 2006).

194. Modifications to the Tree and Forest Conservation By-law  
**Addendum DPD 49-2006**

Moved by Councillor Smeaton  
Seconded by Councillor Rigby

That the Addendum Report to DPD 49-2006, dated May 25, 2006, respecting the Modifications to the Tree and Forest Conservation By-law, be received **as amended**.

That Regional Council approve the revisions to the Tree and Conservation By-law as set out in the report **with the inclusion of a provision, that the qualified Tree Markers, will not be restricted by this by-law** and incorporate the revisions into the final By-law as proposed for approval.

Carried.

195. Update of the Tree Conservation By-law:  
The **Tree and** Forest Conservation By-law  
**DPD 49-2006**

Moved by Councillor Rigby  
Seconded by Councillor Smeaton

That Report DPD 49-2006 (May 17, 2006), respecting the Update of the Tree Conservation By-law: The **Tree and** Forest Conservation By-law, be received with the recommendations **as amended** in Report 8-2006, being the minutes of the Planning and Public Works Committee meeting of Wednesday, May 17, 2006; and further **amended to include as an Officer under the Tree and Forest Conservation By-law an Arborist**, be approved and adopted

Carried.

Upon a vote being taken, the Regional Chair declared the original motion as **amended** on Report 8-2006, being the minutes of the Planning and Public Works Committee meeting of Wednesday, May 17, 2006, was carried.

#### **CORPORATE SERVICES COMMITTEE**

196. Report 7-2006

Moved by Councillor Martin  
Seconded by Councillor Collins

That Report 7-2006 being the minutes of the Corporate Services Committee meeting of Wednesday, May 17, 2006, be approved and adopted.

Carried.

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE**

197. Report 7-2006

Moved by Councillor Timms  
Seconded by Councillor Hildreth

That Report 7-2006 being the minutes of the Public Health and Social Services Committee meeting of Tuesday, May 16, 2006, be approved and adopted with the addition of the following to the recommendation to Minute Item 111, Report COM 34-2006 (May 16, 2006) respecting the Proposed Hospice on Deer Park Villa Grounds:

That the Regional Chair and Regional Clerk be authorized to sign the revised lease agreement with West Lincoln Memorial Hospital to permit construction of the proposed Niagara West Community Hospice on a portion of the Deer Park Villa site, currently leased to the Region.

Carried.

**ACCOMMODATION STEERING COMMITTEE**

198. Report 5-2006

Moved by Councillor Leavens  
Seconded by Councillor Collins

That Report 5-2006, being the minutes of the Accommodation Steering Committee of Friday, April 28, 2006, be approved and adopted.

Carried.

**OTHER BUSINESS**

199. Summit 2006

Regional Council extended their congratulations to Councillor Gabriel, Chair of the Smarter Niagara Steering Committee, the members of the Smarter Niagara Steering Committee and staff for organizing a world class event on May 11<sup>th</sup> and 12<sup>th</sup>.

200. Thank you!

Councillor Bentley thanked staff for moving forward with the proposed Hospice on Deer Park Villa grounds. Regional Council was advised that the kick off fundraising event will be held on June 2, 2006.

201. Rotary Fitness 5K in the Town of Fort Erie

Councillor Redekop advised Regional Council of the 4<sup>th</sup> Annual Fort Erie Fitness 5K taking place on Saturday, June 10, 2006 at 10:00 a.m. Further information and an entry form can be obtained through the following website <http://www.forterieymca.com/Sitemap.htm>.

202. The Village of Fonthill Celebrates it's 150<sup>th</sup> Anniversary - Saturday, June 10, 2006

Councillor Leavens extended an invitation to all Regional Councillors and staff to attend the Village of Fonthill's 150<sup>th</sup> Anniversary celebration on Saturday, June 10, 2006. Further information can be obtained from their website at <http://www.pelham.ca/150.htm>.

Councillor Leavens congratulated the fifty plus members of the Committee, who have been working on this event for approximately a year in order to raise funds for the event.

203. The Fabulous Fenwick Lions Carnival & Craft Show

Councillor Baty advised Regional Council of the Fabulous Fenwick Lions Carnival & Craft Show that begins with a night parade on May 26, 2006, carnival rides, children's games, penny raffle, plant auction and fireworks on May 27, 2006 and concludes on May 28, 2006.

204. Smoke-Free Ontario Act in effect as of May 31, 2006

Councillor Timms reminded residents of the Smoke-Free Ontario Act that comes into effect on May 31, 2006 throughout Ontario. Information on the Act can be obtained by visiting the following link [http://www.regional.niagara.on.ca/living/health\\_wellness/smokefree/](http://www.regional.niagara.on.ca/living/health_wellness/smokefree/).

Councillor Timms advised Regional Council that the province will be providing municipalities with 100% funding for the enforcement of the Smoke-Free Ontario Act.

205. St. Catharines Folk Arts Festival

Regional Council was advised that the St. Catharines Folk Arts Festival concludes on May 28, 2006.

206. Free Trade Agreement with Korea

Councillor Rigby advised Regional Council that the federal government is considering a Free Trade Agreement with Korea, which is concerning a number of automobile parts manufacturers and assemblers in the Niagara Region.

Moved by Councillor Rigby  
Seconded by Councillor Redekop

That the Niagara Economic Development Corporate review and report back to Regional Council on the ramifications of the implementation of a Free Trade Agreement with Korea on the automobile parts manufacturers and assemblers in Niagara Region.

Carried.

207. Justice of the Peace – Shortages

Councillor Burroughs advised the Regional Chair that the Provincial Court Judges are meeting in the Town of Niagara-on-the-Lake and that they are interested in hearing from the Regional Chair on the Justice of the Peace shortages in Niagara Region.

208. Regis & Kelly Shows – Showcased the Entire Niagara Region

Councillor Salci advised Regional Council of the two Regis and Kelly shows that were aired in the City of Niagara Falls and showcased the entire Niagara Region. The events were very successful and should impact the Niagara Region positively.

209. Touch a Truck Event

Councillor Baty noted that the Touch a Truck event that was held on May 13, 2006 from in the parking lot of the Niagara-on-the-Lake campus of Niagara College was an excellent event enjoyed by all.

**BY-LAWS**

210. Moved by Councillor Bailey  
Seconded by Councillor Hodgson

That the following bills be now read and do pass:

**Bill 45**

A by-law to establish part of Lot 19, Concession 4, in the Town of Lincoln as part of Regional Road 81 (King Street).

**Bill 46**

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 25<sup>th</sup> of May, 2006.

Carried.

211. Moved by Councillor Mastroianni  
Seconded by Councillor Hildreth

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

**Bill 47**

A By-law to prohibit or regulate the harvesting, destruction or injuring of trees in woodlands in the Regional Municipality of Niagara and to repeal By-law 8541-96, as amended and ***as further amended at this meeting.*** (Please refer to Minute Items #194 and 195)

Carried.

**ADJOURNMENT**

The Council meeting adjourned at 9:37 p.m.

Peter Partington  
Regional Chairman

Janet Pilon  
Deputy Clerk

Pam Gilroy  
Regional Clerk