

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 10-2006

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 27, 2006 commencing at 6:55 p.m.

ATTENDANCE

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

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

Staff

(Part-Time): Messrs. Bowles, Executive Assistant to the Regional Chair; Kyne, Director, Legal Services; Lockyer, Treasurer/Director, Financial Management and Planning; Steele, Project Manager/ Coordinator; Water & Wastewater Services; Brcic, Director, Water & Wastewater.

CLOSED COMMITTEE OF THE WHOLE

274. Moved by Councillor Burroughs
Seconded by Councillor Harry

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

Councillor Zimmerman declared an indirect pecuniary interest with respect to any matters relating to property assessment, as she is Chair of the Municipal Property Assessment Corporation, she therefore vacated the Council Chambers and took no part in the discussion of, or voting, of these matters.

275. A Matter Concerning the Security of Municipal Property and Litigation or Potential Litigation
CAO 16-2006 CONFIDENTIAL

Moved by Councillor Salci
Seconded by Councillor Angelone

That Confidential Report CAO 16-2006, July 27, 2006, respecting a Matter Concerning the Security of Municipal Property and Litigation or Potential Litigation, be received and the recommendations contained therein, be approved.

Carried.

276. Personnel Matter

Moved by Councillor Collins
Seconded by Councillor Zimmerman

That staff be authorized to proceed as recommended.

Carried.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

277. Moved by Councillor Goulbourne
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 7:55 p.m. with an Invocation by Councillor Bodner, followed by the singing of 'O Canada'.

CONFLICTS OF INTEREST

278. Councillor Bodner declared an indirect pecuniary interest with respect to any matters relating to St. Elizabeth Health Care, as his wife is employed by them, and he therefore took no part in the discussion of, or voting on, these matters.

Council Gabriel declared an indirect pecuniary interest with respect to Minute Item 160, in the July 18, 2006, Public Health and Social Services Committee minutes, Report COM 46-2006 respecting Children's Services Funding Contract with the Niagara Catholic District School Board, as he is employed by the Niagara Catholic District School Board, and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Zimmerman declared an indirect pecuniary interest with respect to any matters relating to property assessment, as she is Chair of the Municipal Property Assessment Corporation, and she therefore took no part in the discussion of, or voting on, these matters.

ADOPTION OF THE AGENDA

279. Moved by Councillor Collins
Seconded by Councillor Trombetta

That the Council Agenda CL 10-2006 be approved and adopted as amended by moving the consideration of Report DPD 71-2006 following the delegation by Ms. Margaret Wilson, Planscape.

Carried.

PRESENTATIONS

280. Jill Hildreth 1k & 5k Fun Run/Walk

Mr. Hutchings, Commissioner, Community Services provided Regional Council with the details of Councillor Jill Hildreth's political career, which began in 1988 when she was elected as a Regional Council for the Town of Lincoln, which will sadly end with her retirement from politics this year.

To honour Councillor Hildreth for her 18 years of dedicated service to the Niagara Region, Niagara Region will be holding an annual event, the Jill Hildreth 1k & 5k Fun Run/Walk, which is being organized by Community Services staff with assistance from Public Works and Public Health.

The Jill Hildreth 1k & 5k Fun Run/Walk will take place on Saturday, September 9, 2006 at 10:00 a.m. at the Niagara Region's Glenridge Quarry Naturalization site. The event is a fundraiser with all proceeds going to support the sidewalk construction project at Northland Pointe in the city of Port Colborne; a project that Councillor Hildreth has selected.

All Regional staff, Councillors and their families are invited to participate in this fundraising event; an entry fee of \$25.00 will include a race t-shirt and BBQ lunch.

Following Mr. Hutchings' presentation Regional Council rose for a standing ovation to Councillor Hildreth.

Councillor Hildreth thanked everyone for their generosity.

281.

CHAIRMAN'S REMARKS

Regional Chair Partington announced that at its July 12th meeting, Hamilton City Council agreed to partner with Niagara Region on an Economic Impact Analysis Study of the Niagara – GTA Corridor. Hamilton will be contributing \$100,000 towards the study.

Regional Chair Partington on behalf of Regional Council thanked the City of Hamilton and Mayor Larry Di Ianni for their commitment to this important project.

Regional Chair Partington announced that his office has arranged a meeting with the Minister of Government, the Honorable Laurel Broten on August 2nd in Toronto to discuss the Pelham Berm issue. Councillors Leavens and Bodner will be in attendance.

Regional Chair Partington advised Regional Council of the opportunity he had to participate in the Canadian – Ukraine Regional Governance and Development Project as a guest of the Canadian Urban Institute and the Canadian International Development Agency. While in Ukraine's Region of Zakarpattya, he visited five districts, where he met with a number of public and private sector representatives. The purpose of the mission was to share with them how municipal governance is conducted in Canadian regions such as Niagara.

Regional Chair Partington advised Regional Council of the teams being formed by numerous departments of the Niagara Region for the Jill Hildreth 1k & 5k Fun Run/Walk. In that spirit, he asked for Regional Councillors to form a team and participate in the event. If interested Regional Councillors were asked to contact the Regional Chair's office.

Regional Chair Partington thanked Cosmic Plants of Beamsville for the flowers on display in Council Chambers.

APPROVAL OF MINUTES

282. Report 9-2006

Moved by Councillor Saracino
Seconded by Councillor Bodner

That Report 9-2006, being the minutes of the Regional Council meeting of Thursday, July 6, 2006, be approved and adopted.

Carried.

CORRESPONDENCE

283 Moved by Councillor Burroughs
Seconded by Councillor Harry

That Communications C6794 to C6799, be received:

- C6794 Card of thanks from Alison Moore, an employee of the Community Services Department, and family, for the kind donation to St. Catharines General Hospital Foundation in memory of her mother-in-law, Patricia Stull.
- C6795 Information on the Canada – South Korea Free Trade Agreement from the Niagara Economic Development Corporation.
- C6796 A memorandum from C. Brcic in response to issues raised by the Wainfleet Project presenter and a copy of Ms. Konc's presentation made to the Planning and Public Works Committee on July 19th.
- C6797 A letter from Dalton McGuinty, Premier respecting the government's investments in Niagara's health care.
- C6798 Card of thanks from Nadine Riddell, an employee of the Community Services Department, for the kind donation to Welland Hospital Dialysis Unit in memory of her father, Kenneth Riddell.
- C6799 A memorandum from B. Hutchings in response to the staff direction respecting COM 44-2006 from the July 18, 2006 Public Health and Social Services Committee minutes.

Carried.

284. Moved by Councillor Marshall
Seconded by Councillor Almas

That Correspondence Item C6800, respecting Mr. Berkhout's request to speak as a delegation on the Wainfleet Servicing, be received; and

That Mr. Berkhout be permitted to make a delegation to Regional Council at the appropriate time.

Carried.

DELEGATIONS

285. Sustaining Agriculture in the Niagara Region

Ms. Margaret Walton, PlanScape provided Regional Council with a presentation that detailed the vision of agriculture in Niagara; the Agricultural Task Force's Goals; Criteria for Success; Opportunities and Threats.

Ms. Walton noted that the Agricultural Action Plan began with an agreed up vision for agriculture with the development of goals upon which action are based or against which they are tested; initiatives that will contribute to achieving the vision; through liaison with partners who can contribute to the vision; by identifying actions that need to be taken, which results in a blueprint leading to realization of the vision.

Ms. Walton provided Regional Council with the details of the strategic plan actions:

- Establish an independent innovation centre at Vineland Station focused on promoting and coordinating research and development that support the greenbelt and the prosperity of the agricultural sector in Niagara
- Encourage government agencies to work together to integrate and streamline processes and recognize the cumulative impact of unrelated legislation on operators
- Create funding mechanisms to support rehabilitation of, reinvestment in or expansion of agricultural operations
- Request that the province assume the cost of the farm tax rebate program for all bona fide agricultural operations in the greenbelt
- Request the province to establish a Task Force to address the farm related tax issues
- Request the province to implement a tax rebate program for environmental stewardship on agricultural properties
- Foster cooperation between agricultural groups
- Support the Regional "Raw Water for Agricultural Irrigation Study"
- Implement development permitting for farm related, value-added activities

- Create a specific agricultural economic development function at the Region and where appropriate, at the municipal level
- Evaluate need for independent inspection services
- Request formation of an Inter-Ministerial Task Force to explore tools to enhance long term land preservation in the tender fruit belt
- Promote a “buy local” program specifically for government agencies and generally for the public
- Incorporate an agricultural module in the Provincial curriculum
- Support the implementation of the Culinary Tourism Strategy and Action Plan by participating in the regional committee and promoting coordination with Regional initiatives
- Establish a specific symbol to denote products “grown in Niagara” and create signage using it

COMMITTEE REPORTS

PLANNING AND PUBLIC WORKS COMMITTEE

286. Agricultural Action Plan - Growing the Industry:
Farm Economic Viability for the Long-Term Report
of the Regional Chair's Agricultural Task Force
DPD 71-2006

Moved by Councillor Hodgson
Seconded by Councillor Hildreth

That Report DPD 71-2006, July 19, 2006, respecting the *Agricultural Action Plan – Growing the Industry: Farm Economic Viability for the Long-Term*, report on the Regional Chair's Agricultural Task Force, be received.

That the *Agricultural Action Plan – Growing the Industry: Farm Economic Viability for the Long-Term* report, and the recommended actions contained in the report, be endorsed;

That the *Agricultural Action Plan – Growing the Industry: Farm Economic Viability for the Long-Term* report be sent to the Ministers of Agriculture, Food and Rural Affairs and Municipal Affairs and Housing; and,

That the *Agricultural Action Plan – Growing the Industry: Farm Economic Viability for the Long-Term* report be sent to Niagara's local Municipalities and the Region's Agricultural Sub-Committee, for information.

Carried.

DELEGATIONS (Continued)

287. Wainfleet Water and Wastewater Servicing Plan

Ms. Betty Konc, Wainfleet Water & Sewer Committee & Lakeshore Residents advised Regional Council that the purpose of her presentation was to delivery to Regional Council an alternative proposal to the Wainfleet Water and Wastewater Servicing Plan.

Ms. Konc provided Regional Council the Wainfleet Water & Sewer Committee proposal, which provides solutions for potable water for well owners; for effective wastewater system for compliant, non-compliant-a and non-compliant-b homeowners and with an understanding of the concerns by the Public Health Department of the urgency of providing potable water to the lakeshore area residents.

Ms. Konc noted that the Wainfleet Water & Sewer Committee proposal is one that can and does address the urgency of the potable water situation along the lakeshore and should satisfy the Public Health Department. It can be implemented right away whereas the other alternative cannot begin until at least next March at the earliest assuming that both COMRIF and the EA are approved. It is supported by the lakeshore residents, as it is something the residents can live with and is more appropriate than the pipeline.

Mr. Konc requested the Regional Council consider putting forward a motion to accept the Wainfleet Water & Sewer Committee's proposal as a viable alternative to the Region's preferred solution; to work with the Wainfleet Water & Sewer Committee to refine it further into one that can be implemented; to provide those homeowners who require remediation and financial assistance with low interest loans to be paid over the same timeframe as proposed for the pipeline and that representatives of the Wainfleet Water & Sewer Committee be invited to attend and participate in a Council Business Planning Session on this subject. If Regional Council is not prepared to support the proposal at this time, Ms. Konc asked that Regional Council defer their decision on the Wainfleet Water and Wastewater Servicing Plan until Regional Council is sure of which direction they are to take.

288. Wainfleet Water and Wastewater Servicing Plan

Mr. Ed Berkhout advised Regional Council that as a resident of the Township of Wainfleet, he supports the recommendations within the report. Mr. Berkhout noted that this is long overdue, since there are 50% of all septic systems in the township which are not functioning properly.

Mr. Berkhout also noted that the project should be completed in all stages, mainly due to the future development, which he feels has been understated.

Mr. Berkhout advised Regional Council to review the possibility of attaining funds from the federal government through the Great Lakes Sustainability Funds and Urban Environmental Grants.

Mr. Berkhout in conclusion, requested that Regional Council, do it completely and do it now!

COMMITTEE REPORTS (Continued)

JOINT REPORTS

289. Update on Actions Regarding the Wainfleet Servicing
Class Environmental Assessment (EA) in the Township of Wainfleet
DPD 64-2006/ PWA 126-2006/ PHD 37-2006/ CSD 86-2006

Staff provided Regional Council with a presentation that summarized the public health issue facing the Wainfleet Lakeshore Community; highlighted how the proposed servicing solution was identified; reviewed the status and COMRIF funding implications and addressing financing concerns.

Moved by Councillor Harry
Seconded by Councillor Burroughs

That Report DPD 64-2006, PWA 126-2006, PHD 37-2006, CSD 86-2006, July 19, 2006, respecting Update on Actions Regarding the Wainfleet Servicing Class Environmental Assessment (EA) in the Township of Wainfleet, be received **as amended by excluding paragraphs four (4) and five (5)**;

That Regional Council:

Authorize staff in the Public Works, Public Health and Planning Departments to provide assistance, as requested, to the Township of Wainfleet in preparing a further submission for COMRIF funding;

Authorize staff in the Corporate Services, Public Works and Planning Departments to further investigate other potential sources of alternative funding for the extension of municipal water and sewer services to the lakeshore communities of the Township of Wainfleet to assist in financing of future stages; and

Authorize Public Works staff to develop a detailed work plan for the Wainfleet servicing project and initiate pre-design work to commence after confirmation of EA Approval by MOE. This should include a detailed staging program showing how construction would proceed over an 8 – 10 year period, refined project costs, and a calculation of benefiting property owner costs.

Carried.

CORPORATE SERVICES COMMITTEE

290. Report 10-2006

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 10-2006, being the minutes of the Corporate Services Committee meeting of Wednesday, July 19, 2006, be approved and adopted **as amended** to reflect the action taken by Regional Council during the deliberations on Report DPD 64-2006, PWA 126-2006, PHD 37-2006, CSD 86-2006, July 19, 2006, respecting Update on Actions Regarding the Wainfleet Servicing Class Environmental Assessment (EA) in the Township of Wainfleet;

That the Regional Chair forward a letter to the Attorney General respecting the current Court deficiencies (e.g. 2007 six month freeze on Court Services, Fire charges not be processed) and the effect the deficiencies will have on revenue; and

That this resolution be forwarded to the area municipal Councils for their support.

Carried.

(Refer to Staff Directions)

PLANNING AND PUBLIC WORKS COMMITTEE (Continued)

291. Proposed Modifications Regional Policy Plan Amendment 6-2005
Changes to the Agricultural, Rural and Mineral Resource Policies
Conformity with the Provincial Policy Statement and Greenbelt Plan
DPD 86-2006

Moved by Councillor Smeaton
Seconded by Councillor Harry

That Report DPD 86-2006, dated July 27, 2006, respecting the Proposed Modifications Regional Policy Plan Amendment 6-2005, Changes to the Agricultural, Rural and Mineral Resource Policies, Conformity with the Provincial Policy Statement and Greenbelt Plan, be approved to amend Appendix 1 attached to DPD 73-2006 to change the wording of the proposed new Policy 6.B.12 to read as follows:

“Notwithstanding the provision in Section 6.B no new estate residential subdivisions are permitted within the Rural Areas shown in the Town of Fort Erie.”

Carried.

292. Report 11-2006

Moved by Councillor Smeaton
Seconded by Councillor Harry

That Report 11-2006, being the minutes of the Planning and Public Works Committee meeting of Wednesday, July 19, 2006, be approved and adopted **as amended** to reflect the action taken by Regional Council during the deliberations on Report DPD 64-2006, PWA 126-2006, PHD 37-2006, CSD 86-2006, July 19, 2006, respecting Update on Actions Regarding the Wainfleet Servicing Class Environmental Assessment (EA) in the Township of Wainfleet; and

That Report DPD 73-2006, be amended to reflect the approval of Report DPD 86-2006.

Carried.

(Refer to Staff Directions)

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

293. Report 10-2006

Moved by Councillor Hildreth
Seconded by Councillor Timms

That Report 10-2006, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, July 18, 2006, be approved and adopted **as amended** to reflect the action taken by Regional Council during the deliberations on Report DPD 64-2006, PWA 126-2006, PHD 37-2006, CSD 86-2006, July 19, 2006, respecting Update on Actions Regarding the Wainfleet Servicing Class Environmental Assessment (EA) in the Township of Wainfleet.

Carried.

ACCOMMODATION STEERING COMMITTEE

294. Report 8-2006

Moved by Councillor Leavens
Seconded by Councillor Collins

That Report 8-2006, being the minutes of the Accommodation Steering Committee meeting of Friday, June 28, 2006, be approved and adopted.

Carried.

(Refer to Staff Directions)

COMMITTEE OF THE WHOLE

295. Moved by Councillor Gabriel
Seconded by Councillor Mastroianni

That the decisions made in the Committee of the Whole meeting of Thursday, July 27, 2006, be approved and adopted.

Carried.

MOTIONS

296. Property Assessment and Taxation

Moved by Councillor Eke
Seconded by Councillor Salci

WHEREAS Ontario has the highest municipal property taxes in Canada and is the only province in Canada where municipal property taxes are used to subsidize provincial health and social services programs to the tune of more than \$3 billion a year, and

WHEREAS the funds needed for investment in infrastructure have been spent on provincial health and social services programs causing a massive municipal infrastructure deficit across Ontario; and

WHEREAS skyrocketing property assessments may jeopardize Ontarians' ability to maintain home ownership, particularly for those on fixed and/or limited incomes, such as seniors and the disabled; and

WHEREAS the existing provincial-municipal fiscal relationship is unsustainable and damaging to Ontario's communities; and

WHEREAS AMO supports the common goal of maintaining a property tax system that is transparent and accountable to taxpayers and municipalities, and

WHEREAS AMO supports the provincial government's cancellation of property reassessments for 2006 and 2007 to allow MPAC time to implement recommendations of the Provincial Ombudsman for ongoing improvements to the property assessment system; and

WHEREAS AMO holds a long-standing position that the key problem with Ontario's property assessment and property tax system is the requirement that over \$3 billion in municipal property taxes are used to subsidize provincial health and social services programs; and

WHEREAS the Niagara Region faces unique challenges with respect to tax burden because of these issues.

THEREFORE BE IT RESOLVED that the Council of the Regional Municipality of Niagara strongly supports AMO's long standing position on this issue to urge the province to:

- work with AMO to develop a plan of action to provide a reduction in the cost to municipalities for subsidizing provincial social services and health programs, with a view to their eventual removal from the property tax base; and
- to include in the development of the plan, some form of relief for those areas where assessment has risen at extreme rates; and
- to commit to ensuring that predictable and sustainable revenue options are accessible for all municipalities; and
- to commit to providing a plan to eliminate the municipal infrastructure deficit over time, and
- to ensure that the costs associated with the cancellation of property reassessment for 2006 and 2007 are not borne by the property taxpayer; and

THAT Council reiterate its support for Niagara to participate in a pilot project with the Province to address these unique challenges through the use of mitigative strategies, such as the Ontario Municipal Partnership Fund, as approved in Report CSD 66-2006; and

THAT this resolution be circulated to Niagara's Area Municipal Councils, local MPs and MPPs, AMO, and Ombudsman Andre Marin for support.

Carried.

OTHER BUSINESS

297. Vineland Station 100th Anniversary

Councillor Hodgson extended an invitation to the Vineland Station 100th Anniversary celebration on August 26, 2006.

298. City of Port Colborne Canal Days

Councillor Bodner invited everyone to the City of Port Colborne's Canal Days, taking place August 4, - 7. Please visit www.canaldays.ca for more information.

299. Press Conference – August 1, 2006 at 9:00 a.m.

Councillor Brock invited Regional Council to be in attendance at a Press Conference on August 1, 2006 at 9:00 a.m. at 181 Queen Street South in the City of Thorold, the former Exolon Company site. Through this Brownfield Revitalization Project the former Exolon lands will become environmentally friendly and aesthetically pleasing while acting as a catalyst for development and growth in the City of Thorold.

300. Beckett's Bridge – Now Open!

Regional Council was advised that Beckett's Bridge is now open.

Councillors Harry and Leavens thanked staff for completing the improvements to Beckett's Bridge within budget and early.

301. The 124th Royal Canadian Henley Regatta

Councillor Rigby invited everyone to the 124th Royal Canadian Henley Regatta taking place in the City of St. Catharines August 8th to the 13th.

BY-LAWS

302. Moved by Councillor Goulbourne
Seconded by Councillor Salci

That the following bills be now read and do pass:

Bill 64

A By-Law to Further Amend By-Law 18-2006, Being a By-Law to Establish Fees and Charges for Services and Activities Provided by the Regional Municipality of Niagara and for the Use of Its Property.

Bill 65

A By-law to Authorize Long-Term Financing (3-5 Years) in the Amount of \$650,000 for Project ZGD0603, Headquarters Telecom Upgrades

Bill 66

A by-law to adopt, ratify and confirm the actions of the Regional Council at its meeting held on the 27th of July, 2006.

Carried.

303. Moved by Councillor Rigby
Seconded by Councillor Burroughs

That the following bills be now read and do pass:

Bill 67

A By-law to Provide for the Regulation of Traffic on Regional Highways in the City of Niagara Falls.

Bill 68

A By-law to Provide for the Regulation of Traffic on Regional Highways in the Town of Grimsby.

Carried.

STAFF DIRECTIONS

Staff were requested to:

- Councillor Burroughs noted that the Province should be made aware of the burden the shortfall of \$1M will have the Niagara Region's budget. (Refers to Minute Item # 290)
- Councillor Timms requested that the tender for moving at the various time intervals be tendered out as separate moves, to allow for a broader range of bidders. (Refers to Minute Item # 294)

ADJOURNMENT

The Council meeting adjourned at 9:50 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk