

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 12-2006

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 7, 2006 commencing at 6:35 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Cambray, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services 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. Kyne, Director, Legal Services; Bowles, Executive Assistant to the Regional Chair.

CLOSED COMMITTEE OF THE WHOLE

330. Moved by Councillor Burroughs
Seconded by Councillor Bailey

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.

CLOSED COMMITTEE OF THE WHOLE, RISE AND REPORT

331. Moved by Councillor Eke
Seconded by Councillor Angelone

That this Council do now rise without report.

Carried.

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

PUBLIC MEETING

332. Regional Development Charges

Regional Chair Partington advised Regional Council, that pursuant to Section 12 of the *Development Charges Act*, the Council of the Regional Municipality of Niagara invited interested parties to attend this public meeting to receive comments from the public on a proposed amendment to Schedule B of Niagara's Development Charges By-law 90-2004, to redefine the downtown core exemption area for the City of Port Colborne.

Mr. Cambray, Commissioner, Planning and Development Department provided Regional Council with an overview of the amendments to Schedule B of By-law 90-2004.

Notice of this public meeting was given on August 19, 2006 by way of the local papers of general circulation. Furthermore, copies of the draft By-law and Background Report have been made available to the public in the Clerk's office.

Regional Chair Partington asked whether there were any persons in attendance who wished to speak to the proposed by-law. As there were no responses, it was therefore;

Moved by Councillor Saracino
Seconded by Councillor Martin

That the following bill be now read and do pass:

Bill 84

A By-Law to Amend By-Law No. 90-2004 Being a By-Law to Impose Development Charges for the Regional Municipal of Niagara.

Carried.

CONFLICTS OF INTEREST

333. 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 Redekop declared an indirect pecuniary interest with respect to Minute Item 438 in the August 30, 2006, Planning and Public Works Committee minutes, Report DPD 89-2006 respecting Final Recommendations Report, Regional Policy Plan Amendment 9-2005, Zooz Theme Park Expansion in the Town of Fort Erie, as his law firm is representing Zooz Theme Park and he therefore took no part in the discussion of, or voting on, these matters.

ADOPTION OF THE AGENDA

334. Moved by Councillor Bentley
Seconded by Councillor Timms

That the Council Agenda CL 12-2006 be approved and adopted as presented.

Carried.

PRESENTATIONS

335. Excellence Awards

Regional Council congratulated the following recipients of Excellence Awards:

Cecil Cooke was presented with an Excellence Award for Customer Service through his dedication and commitment to the Region and its customers. With the constant change in technology for vehicles and equipment, he has demonstrated an exceptional ability to acquire the knowledge and skill necessary to operate new equipment and pass that information along to staff. He has also been a tremendous help to our community partners for training on the use of equipment and special vehicles as well as training for Class A drivers. Cecil does an excellent job each year in putting on the annual "Truck Rodeo", both for Niagara Region and the local chapter of the Association of Ontario Road Superintendents.

Cheryl Gravestock from Gilmore Lodge was presented with an Excellence Award for Personal Achievement. Within her day-to-day professional life, Cheryl goes above and beyond the normal job requirements for a Registered Practical Nurse in developing improved documentation processes and teaching these processes to staff. In order to find additional and rewarding challenges in the nursing field, Cheryl became a classifier with the Ministry of Health and Long-Term Care. She takes a leave of absence annually from the Region, travelling to other long-term care homes to review their level of care. She has been able to use her learning to assist the eight homes in our Seniors Division by identifying pitfalls in processes and gaps in documentation that were resulting in revenue loss. Cheryl is also working towards a certificate in Adult Education at Niagara College.

Marc Todd and Michael Schulze were presented with an Excellence Award for Innovation for their work in developing a software program called Notes Builder, a tool that is used by all Social Assistance and Employment Opportunities staff to keep consistent notes for applicants. In developing this program, they spent a great deal of personal time on evenings and weekends to design a more comprehensive and user-friendly software to complete case notes. This new software has increased the level of customer service to clients, made it easier for Provincial auditors to complete audits of files and those using the program are happy with the consistency and speed in completing required notes as per Ministry regulations.

Regional Council was apprised of the following recipients of a Regional Stars presented to employees in recognition of their “deed” or accomplishment that does not fall within the criteria for the Recognition of Excellence Awards. “Regional Stars” recognize specific individual acts by Regional employees that go “above and beyond” their responsibilities with the Region. Regional Stars will be presented at an appropriate occasion in the workplace to the following employees:

Maria Rosiana, Stacey Allegro, from Public Health and Zoltan Mod from Public Works.

336.

CHAIRMAN’S REMARKS

Regional Chair Partington thanked Schenck Farms & Greenhouses of St. Catharines for the flower in Council Chambers.

Regional Chair Partington reminded Regional Council of the annual Regional Chair’s Charity Golf Tournament, taking place on September 14, 2006 at Legends on the Niagara.

Regional Chair Partington also reminded Regional Council of the Jill Hildreth Fun Walk and Run over at the Glenridge Naturalization area taking place on September 9, 2006.

Regional Chair Partington had the opportunity this past weekend to participate in the Annual Labour Day parade in the Merriton neighbourhood of St. Catharines, it was a fantastic event and he congratulated the St. Catharines District Labour Council and its partners on a job well done.

APPROVAL OF MINUTES

337. Report 5-2006

Moved by Councillor Katzman
Seconded by Councillor Timms

That Report 5-2006, being the minutes of the Committee of the Whole meeting of Thursday, August 17, 2006, be approved and adopted.

Carried.

338. Report 11-2006

Moved by Councillor Hodgson
Seconded by Councillor Bodner

That Report 11-2006, being the minutes of the Regional Council meeting of Thursday, August 17, 2006, be approved and adopted.

Carried.

CORRESPONDENCE

339. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That Communications C6805 and C6806, be received:

C6805 Card of thanks from Gary Atack, an employee of the Public Works Department, and family, for the kind donation to Shriners Hospital for Children, Niagara Shrine Club in memory of his father Ernest Atack.

C6806 A thank you letter from Stephen Hurley, thanking Regional Council for honouring him, as a Niagara College Bursary runner-up and for the \$250.00 which has been put towards the cost of his text books.

Carried.

COMMITTEE REPORTS

PLANNING AND PUBLIC WORKS COMMITTEE

340. Report 13-2006

Moved by Councillor Rigby
Seconded by Councillor Harry

That Report 13-2006, being the minutes of the Planning and Public Works Committee meeting of Wednesday, August 30, 2006, be approved and adopted.

Carried.

Regional Council discussed the Wainfleet Servicing Issue, in reference to Minute Item # 425 of the August 30, 2006 Planning and Public Works Committee minutes and Councillor Zimmerman brought forward a petition from the residents of the Town of Grimsby, re: the expansion of the Baker Street Sewage Pumping Station.

(Refer to Staff Directions)

CORPORATE SERVICES COMMITTEE

341. Report 12-2006

Councillor Collins requested that Minute Item # 218, of Report 12-2006, August 30, 2006, Corporate Services Committee minutes, Report CSD 118-2006 respecting the Council Business Planning Sessions – Corporate Services Strategic Priorities 2006, be **amended** by **removing the reference to “pre-election”**.

Moved by Councillor Collins
Seconded by Councillor Saracino

That Report 12-2006, being the minutes of the Corporate Services Committee meeting of Wednesday, August 30, 2006, be approved and adopted **as amended**.

Regional Council discussed the Staff Directions respecting Minute Item # 215 of Report 12-2006, August 30, 2006, Corporate Services Committee minutes, Report CSD 105-2006 respecting 2006 Claw Back Percentages and Municipal Tax Adjustments and asked that they be elaborated upon.

(Refer to Staff Directions)

Moved by Councillor Baty
Seconded by Councillor Collins

That Minute Item # 218 of Report 12-2006, August 30, 2006, Corporate Services Committee minutes, Report CSD 118-2006 respecting the Council Business Planning Sessions – Corporate Services Strategic Priorities 2006, be lifted and dealt with by this Council at this time.

Carried.

342. Council Business Planning Sessions –
Corporate Services Strategic Priorities 2006
CSD 118-2006

Upon a vote being taken, the original motion respecting Report CSD 118-2006 *as amended* by *removing the reference to “pre-election”* was further *amended* by *adding a request to staff to provide all Regional candidates (Regional Councillors & Mayors) with information packages following the close of nominations*, was carried. The motion now reads as follows:

That Report CSD 118-2006, August 30, 2006, respecting, Council Business Planning Sessions – Corporate Services Strategic Priorities 2006, be received as *amended* to note on page three (3);

That the pre-election Orientation session proposed for this fall be held after the completion of the November elections. Ministry representatives will also be in attendance.

That the reference to “pre-election” be removed from the report.

That staff provide all Regional candidates (Regional Councillors & Mayors) with information packages following the close of nominations.

Upon a vote being taken, the Regional Chair declared the original motion on Report 12-2006, being the minutes of the Corporate Services Committee meeting of Wednesday, August 30, 2006 as *amended*, was carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

343. Report 12-2006

Moved by Councillor Hildreth
Seconded by Councillor Timms

That Report 12-2006, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, August 29, 2006, be approved and adopted.

Carried.

ACCOMMODATION STEERING COMMITTEE

344. Naming of the Buildings

Moved by Councillor Timms
Seconded by Councillor Baty

That the name of the building as a whole (existing and the addition) remain as the John Campbell Administrative Building, with the individual buildings being identified as Campbell East and Campbell West.

Carried.

345. Report 10-2006

Moved by Councillor Collins
Seconded by Councillor Almas

That Report 10-2006, being the minutes of the Accommodation Steering Committee meeting of Friday, August 11, 2006, be approved and adopted.

Carried.

CAO'S REPORT

346. Economic Growth Strategy: Opportunities for Inter-Municipal Cooperation in Niagara
CAO 17-2006

Moved by Councillor Smeaton
Seconded by Councillor Bentley

That Report CAO 17-2006, September 7, 2006, respecting the Economic Growth Strategy: Opportunities for Inter-Municipal Cooperation in Niagara, be received for information.

That this report servers as background (along with relevant program or issue specific detail) for future discussions with other levels of government, and funding agencies and for Council Business Planning efforts anticipated early in 2007.

Carried.

(Refer to Staff Directions)

MOTIONS

347. Support for the Niagara River Golf Course Application

Moved by Councillor Redekop
Seconded by Councillor Martin

WHEREAS on May 19, 2005, Council of the Regional Municipality of Niagara (the "Region") approved the Official Plan Amendment No. 188 ("ROPA 188") submitted for the lands legally known as Part of Lots 11, 12, 13 and 14, South East Angle, Town of Fort Erie in the Regional Municipality of Niagara to permit a championship 18 hole golf course ("the Niagara River Golf Course");

AND WHEREAS on February 9, 2006, the Region approved the Town of Fort Erie Official Plan Amendment No. 55 ("OPA 55") to permit the Niagara River Golf Course development;

AND WHEREAS the Town of Fort Erie approved Zoning By-law No. 226-05 to permit the Niagara River Golf Course.

AND WHEREAS the Ministry of Municipal Affairs and Housing ("MMAH") and the Niagara River Property Owners Group ("NRGOP") appealed these approvals which are now the subject of a hearing before the Ontario Municipal Board;

AND WHEREAS significant amendments were made to the official plan amendment and zoning by-law to protect and enhance the natural environment;

AND WHEREAS Niagara River Golf Course will provide significant economic benefit to the Region and the Town of Fort Erie;

AND WHEREAS the Region continues to support the development of the Niagara River Golf Course as it represents good planning and has had due regard to the Provincial Policy Statement;

NOW THEREFORE BE IT RESOLVED THAT the Region support the Niagara River Golf Course Application before the Ontario Municipal Board;

AND BE IT FURTHER RESOLVED THAT the Regional Solicitor be instructed to appear at the Ontario Municipal Board in support of the Niagara River Golf Course Development, as approved by the Region;

AND BE IT FURTHER RESOLVED THAT the Regional Solicitor or Special Counsel be retained and be directed to take all actions necessary to bring a full case before the Ontario Municipal Board in support of the Application, including retaining any and all necessary and appropriate experts, including planning experts to support the position of Regional Council.

Carried.

OTHER BUSINESS

348. Council Organization Review Committee Update

Councillor Baty advised Regional Council that a final report from the Council Organization Review Committee will be discussed at its next meeting on October 3rd and presented for consideration of Regional Council at Committee of the Whole on October 19, 2006.

349. Official Opening of the New Thorold City Hall

Councillor Brock extended an invitation for everyone to attend the official opening of the new Thorold City Hall, located at 3540 Schmon Parkway on Tuesday, September 12, 2006 from 4:30 to 6:30 p.m.

350. Housing Delivery Plan approved by the Ministry

Councillor Eke was pleased to announce that the Housing Delivery Plan developed by Niagara Regional Housing has been approved by the Ministry of Municipal Affairs and Housing. The Housing Delivery Plan has a Rental and Supportive Housing component, which has been allocated \$7.7 million for the development of 110 new affordable housing units across the Region.

Niagara Regional Housing will be holding three information sessions from 7:00 to 8:30 p.m.:

- September 11 – Howard Johnson Hotel, 89 Meadowvale Road,
St. Catharines
- September 13 – Maid of the Mist Campus of Niagara College,
881 Dunn Street, Niagara Falls
- September 14 – Best Western Road City,
300 Prince Charles Drive, Welland

These sessions will be of interest to builder, developers, community agencies, housing providers and municipal and regional officials and staff. The sessions will review the criteria for the program and will provide information about the Request for Proposals that will be issued this fall.

351. Election Central

Councillor Collins asked that Report CSD 124-2006, 2006 Municipal Election, Orientation and Election Central, be forwarded to various stakeholders with the media being made aware of its contents as it relates to Election Central.

352. Niagara Grape and Wine Festival – September 22 – October 1, 2006

Councillor Zimmerman invited everyone to attend the Scotia Bank Luncheon, that kicks off the Niagara Grape and Wine Festival with its special guest, Dan Akroyd.

Councillor Rigby invited everyone to attend the 55th Annual Niagara Grape and Wine Festival that is taking place in Montebello Park in the City of St. Catharines. Please visit <http://www.grapeandwine.com/online/> for further details.

Councillor Rigby challenged the area Mayors to participate in the Mayor's Invitational Grape Stomp on September 23 at 1:00 p.m. in the Roy Adams Bandshell.

353. Fort Erie Celtic Festival 2006 – September 8-9, 2006

Councillor Martin invited everyone to visit the Town of Fort Erie, September 8-9, 2006 for the Fort Erie Celtic Festival 2006, for Celtic food, dance, musical entertainment, pipe bands, clan tents and heavy athletic events. Please visit: www.forteriecelticfestival.com for further details.

354. Thank you!

Councillor Bentley on behalf of the West Niagara Mayors thanked everyone for their support and for participating in the West Niagara Mayors Golf Tournament, which raised funds for West Niagara charities.

355. Lincoln County Fair - September 8 – 10, 2006

Councillor Hildreth invited everyone to attend the Lincoln County Fair, September 8 – 10 at the Fairgrounds in Beamsville. Please visit <http://www.lincolncountyfair.com/> for further details.

BY-LAWS

356. Moved by Councillor Eke
Seconded by Councillor Salci

That the following bills be now read and do pass:

Bill 77

A By-Law To Establish Parts Of Township Lots 154 And 155 In The Town Of Niagara-On-The-Lake As Part Of Regional Road No. 55 (Niagara Stone Road)

Bill 78

A By-Law To Define The Purchasing Policies And Procedures For The Regional Municipality Of Niagara, And To Replace By-Law 141-2004

Bill 79

A By-Law To Provide For The Adoption Of Amendment 9-2005 To The Official Plan For The Niagara Planning Area To Permit The Existing Zooz Theme Park And A Proposed Expansion In A Good General Agricultural Area In The Town Of Fort Erie

Bill 80

A By-Law To Authorize Long-Term Financing (1-3 Years) In The Amount Of \$793,120 For Project Zgc0601, Pc's, Printers, Software

Bill 81

A By-Law To Provide The Claw Back Percentages To Be Used For Each Capped Class To The Area Municipalities

Bill 82

A By-Law To Adopt, Ratify And Confirm The Actions Of The Regional Council At Its Meeting Held On The 7th Of September, 2006.

Carried.

357. Moved by Councillor Bodner
Seconded by Councillor Hodgson

That the following bill be now read and do pass:

Bill 83

A By-Law to Establish Part of Lots 2 and 3, Plan 180, In The City of St. Catharines as Part of Regional Road No. 72 (Louth Street)

Carried.

Bill 84

A By-Law to Amend By-Law No. 90-2004 Being a By-Law to Impose Development Charges for the Regional Municipal of Niagara. Please see Page CL 137.

STAFF DIRECTIONS

Staff were requested to:

- provide Councillor Burroughs with information on the issue of gravity, as it relates to small pipes in reference to Minute Item # 425 of the August 30, 2006 Planning and Public Works Committee minutes. (Refers to Minute Item # 340)
- consider the petition brought forward by Councillor Zimmerman from the residents of the Town of Grimsby, re: the expansion of the Baker Street Sewage Pumping Station, when the Committee is dealing with alternatives for the Wainfleet Servicing Issue in reference to Minute Item # 425 of the August 30, 2006 Planning and Public Works Committee minutes. (Refers to Minute Item # 340)
- that the Area Treasurers be used as a resource for the development of possible solutions for Tax Fairness in Niagara; that the Regional Chair ask the Premier in writing to make Niagara Region the pilot, to be part of the solution; the process and for capping issues, during the course of the review of municipal services, in reference to Minute Item # 215 of the August 30, 2006 Corporate Services Committee minutes. (Refers to Minute Item # 341)
- that the Committee that is tasked with coming up with the solutions for Niagara's Tax Fairness Strategies be made up of citizens, who are experts and who will bring innovative solutions to the table, in reference to Minute Item # 215 of the August 30, 2006 Corporate Services Committee minutes. (Refers to Minute Item # 341)
- Regional Council requested that Page 8 (the page that was distributed to the Committee at the meeting) be forwarded to the Area Treasurers and PATR, in reference to Minute Item # 215 of the August 30, 2006 Corporate Services Committee minutes. (Refers to Minute Item # 341)
- include in any future discussions with the Ministry, funding to offset the impacts of the provincial legislation (e.g. Greenbelt, Places to Grow) along with the reasons for special financial consideration in Niagara, in the report. (Refers to Minute Item # 346)

ADJOURNMENT

The Council meeting adjourned at 9:05 p.m.

Peter Partington
Regional Chairman

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk