

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 10-2007

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 26, 2007 commencing at 6:40 p.m.

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey, Baty; Bentley; Burroughs, Casselman; Collins; Cordiner; D'Angela; Forster; Goulbourne; Greenwood; Heit; Henderson; Hodgson; Katzman; Lepp, Marshall; Martin; McMullan; Rigby; Saracino; Smeaton; Timms, Zimmerman.

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

Staff

(Part-Time): Messrs. Roberts, Executive Assistant to the Regional Chair; Robson, Director, Community Integration; Kyne, Director, Legal Services; Roach, Manager, Public Works Financial Services; Gohier, Acting Director, Water and Wastewater; Hunter, Manager, Health Protection Promotion; Lockyer, Treasurer, Director Financial Management; Ms. Murphy, Associate Director, Current Capital Budget.

CALL TO ORDER

280. Regional Chair Partington called the meeting to order at 6:40 p.m.

CLOSED SESSION

281. Moved by Councillor Burroughs
Seconded by Councillor Rigby

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

Carried.

282. Amendment to Lease
Town of Niagara-on-the-Lake
PHD 49-2007/CSD 122-2007 CONFIDENTIAL

Moved by Councillor Burroughs
Seconded by Councillor Henderson

That Confidential Report PHD 49-2007/CSD 122-2007, (July 26, 2007) respecting Amendment to Lease in the Town of Niagara-on-the-Lake, be received and the recommendations contained therein be approved.

Carried.

283. A Matter of Solicitor and Client Advice
CONFIDENTIAL ORAL REPORT

Mr. Kyne, Director, Legal Services provided Regional Council with a confidential oral report respecting a matter of solicitor and client advice.

Conflict of Interest

Councillor Heit declared an indirect pecuniary interest with respect Corporate Services Committee, Minute Item 234 and Planning and Public Works Committee, Minute Item 337 Confidential Report CSD 109-2007/PWA 117-2007, A Proposed Disposition of Land by the Municipality in the Town of Lincoln as he is employed by a wireless communication company and he therefore left the Council Chambers during the discussion of these matters.

284. A Proposed Disposition of Land by the Municipality
Town of Lincoln
CSD 109-2007/PWA 117-2007 CONFIDENTIAL

Moved by Councillor Hodgson
Seconded by Councillor Baty

That Confidential Report CSD 109-2007/PWA 117-2007, A Proposed Disposition of Land by the Municipality in the Town of Lincoln, be referred back to Committee for further information.

Carried.

Closed Regional Council recessed at 7:00 p.m. to reconvene following the presentations.

Following Closed Session, Council met in regular session, commencing at 7:00 p.m. with an Invocation by Councillor Forster, followed by the singing of 'O Canada'.

285.

CONFLICTS OF INTEREST

Councillor Bentley declared an indirect pecuniary interest respecting Planning and Public Works Committee, July 18, 2007, Minute Item 336, Confidential Report CSD 108-2007/PWA 116-2007, A Proposed Acquisition of Land by the Municipality in the Town of Grimsby as the acquisition involves a family member, noting that he would leave the Committee Room, if he was in attendance at the meeting, during the discussion of this matter.

Councillor Collins declared an indirect pecuniary interest with respect to any matters that deal with the Niagara Polices Services Board, as a family member is an employee of the Police Services, and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Forster declared an indirect pecuniary interest with respect to matters respecting Labour Relations, as she is employed by the Ontario Nurses Association, and she therefore took no part in the discussion of, or voting on, this matter.

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 Timms declared an indirect pecuniary interest with respect to matters related to Regional Development Charges as his family owns a business that may be subject to development charges, and he therefore took no part in the discussion of or voting on these matters.

Councillor Timms declared an indirect pecuniary interest with respecting Public Health and Social Services Committee, Minute Item 164 and Corporate Services Committee, Minute Item 239, Confidential Report PHD 48-2007/CSD 121-2007, A Matter of the Security of the Property of the Municipality – City of Welland as his family's business may be doing business with one of the businesses involved, and he therefore took no part in the discussion of or voting on these matters.

ADOPTION OF THE AGENDA

286. Moved by Councillor D'Angela
Seconded by Councillor Burroughs

That the Council Agenda CL 10-2007 be approved and adopted as presented.

Carried.

PRESENTATIONS

287. Excellence Awards

Ms. Barb Dupont, Co-Chair, Recognition of Excellence Sub-Committee of the Corporate Employee Recognition Team introduced the following employees who were nominated by their peers for their outstanding contributions to life and work at the Region.

The Tangible Capital Assets Team received an excellence award in the category of Team Participation. The OMBI Tangible Capital Assets project was a collaboration with the Ministry of Finance to further develop and test a methodology for capital asset accounting in Ontario municipalities. As a pilot site, Niagara's role was to begin the process of implementing the accounting guidelines with the goal of identifying the steps required, the challenges associated with doing so and the lessons learned so that they may be shared with all Ontario municipalities through reports to the Ministry of Finance. The Region has become the benchmark for TCA accounting for municipalities in Ontario and Canada and would not have been achieved without the dedication of the team and their willingness to be open-minded and work together through difficult issues. We congratulate the following individuals on this award: Helen Chamberlain, Michael Roach, Peter Baker, Kyle Moate, Phil Curtis, Glenn Fulton, Brian Hughes, Mike Purcer, Dave Smith, Greg Dixon and Larry Bousfield.

Mairi Birr received a Customer Service excellence award for her outstanding dedication to Customer Service in her role as WSIB Claims Analyst. Ms. Birr has a passion for her work which has driven her work performance beyond the call of duty – spending extra time and energy to the benefit of our employees, the corporation and our tax payers. She has been known to spend a great deal of time with injured staff and along with our Occupational Health Nurses has helped them navigate through difficult times in their lives.

Dave Pelette received a Customer Service excellence award in recognition of receiving the John Osczykko Award recognizing his work with community partners who serve people that are homeless or at risk of becoming homeless. Mr. Pelette takes available resources and tailors them to the community. He has worked to increase homeless shelters in St Catharines which reduced the number of people sleeping in Montebello Park.

Jane Beamer received a Leadership excellence award for her dedication to dementia programs in Niagara. Ms. Beamer's leading-edge expertise and innovation was focused on enhancing the programming approach within Adult Day Service to improve service delivery to both clients and caregivers. A multi-year plan was developed with staff which provided training in the area of Montessori-based programming for persons with dementia and was profiled at the 2006 annual Alzheimer Conference. She has developed strong external relationships that have resulted in community partners working with the specialized dementia ADS team to advance service provision well beyond its mandate as a social program.

Fran Hubley received a Leadership excellence award for her cutting edge evidence-based practice, often leading in new initiatives and approaches. She envisions new bridges between programs and sectors that enhance health promotion. A particular example is her role in developing the Break Through program that is being adopted provincially and has recently begun to be offered locally. Fran has also incorporated My Turn My Time My Plan into physical activity and healthy weights (TrekZone) programming. Her leadership is well-recognized and utilized by partners and stakeholders. As an example, the Brantford region consulted with her in developing their Med Record program and Ontario Seniors' Secretariat involved her in the development of a provincial presentation.

Jeremy Kelly who was not in attendance received a Innovation excellence award for coordinating the Health Canadian Institute of Public Health Inspectors 67th Annual Ontario Branch Educational Conference held in Niagara Falls. Mr. Kelly's innovation, creativity and enthusiasm helped to bring the entire function together. He motivated other staff in their responsibilities associated with planning, organizing and implementing all of the components necessary in this large and time-consuming event. Attendance exceeded expectations and the agenda was beyond reproach with a myriad of topics and speakers renowned in their fields, and from as far away as New Orleans. Jeremy was also highly instrumental in the establishment of the Region's Smart Gardening program, working with Public Works and a number of external stakeholders.

Lucretia Harris received a Customer Service excellence award for her passion and dedication through her "out of the box" thinking and desire to go over and above any expectations for requests made of her. Mr. Harris never misses a beat to plant the seed in the clientele served for how they could maximize the use of PHD resources. She volunteered to test run a provincial on-line system for yearly reports to identify challenges and glitches with the system at the provincial level. Her input was greatly appreciated by ministry contacts and helped to identify many systematic glitches in the database.

Sheila Tucker who was not in attendance received a Customer Service excellence award for her substantial contributions to public health and goes about her job with little fanfare and production. She not only is a vital resource to the clients she serves, but also to the colleagues with whom she works. Ms. Tucker treats every client as if they are the only ones on her client list and genuinely cares about their outcomes. She always goes the extra mile for high risk clients, and is known for taking as much time as needed to ensure the client understands everything and has all the information required.

Rick Crysler who was not in attendance received a Leadership excellence award as chair of the Diversity Committee. He has become the person in Niagara that many people turn to for assistance and advice in this new and innovative subject matter. He is ardent in his pursuit to raise the awareness in others concerning understanding and celebrating diversity. Mr. Crysler has played a significant role in the development of the ACTT Team of the Mental Health Program. He has ensured that the implementation meets or exceeds the standards set by the province. He has created a learning environment for the team members and opened the program to the scrutiny of other new ACTT teams and the provincial Technical Advisory Panel.

The IT Solutions Open House Team received a Team Participation excellence award for planning and providing an open house to showcase their equipment and services. They all showed considerable enthusiasm and innovation in the various presentations and displays provided at the day-long event. The staff were very knowledgeable and friendly, demonstrating obvious passion for their work. The cruise theme was fun, interesting and innovative for participants who sailed through the various displays on their way to understanding the services available from IT Solutions. We congratulate the following individuals on this award: Bob Diakow, Verna Pidaniy, Tina Desrochers, Neil MacMurchy, Akram Askoul, John Hilbing, Debra Adlam, Tony Iervolino, Dan Bertrand, Chris Atkin, Jamie Hetherington, Mary Blom, Kevin D'Arcy, Kathy Tkachuk, Megan Haan, Julie Max, Jon Page, Kris Matreitz, Steve Biletski, Deborah Blasioli, Mark Jeffries, Barb Dupont, Bruce Irwin, Connie McCutcheon, Sandra Legarde, James Whitaker, Rose Neale, Dan Mirovich, Paul Taylor, Dale Burkell, Tom Jamieson, Jodie Brown, Jamie Tait, Jennifer Leadley, Farouk Rohoman and Nicole Mercier.

Members of the SAEO Niagara Falls Family Room Team a Team Participation excellence award. This team created a family room on their own time to benefit the parents and children in the community during a difficult time in their lives. Using this room will allow parents who are applying for social assistance the ability to focus on the interview and the children have an outlet for creative fun. This project builds team spirit in staff and demonstrates our core beliefs regarding our mission and vision in "Building Community Building Lives". Congratulations to Cathy Fusco, Katherine Dickson, Sharon Mills, Pat VanGent, Sabra Garriock, Jenna Game, Jeff Scodellaro and Jennifer Pritchard.

288. Niagara Regional Police Service 2007-2009 Business Plan

Ms. Wendy Southall, Chief, Niagara Regional Police Service and Mr. Larry Iggulden, Board Chair, Niagara Regional Police Services Board provided Regional Council with an overview of the Niagara Regional Police Service 2007-2009 Business Plan and Annual Report.

The Niagara Regional Police Service's 2007-2009 Goals and Objectives have been developed after comprehensive consultation with the community and their members. The goals are to improve service delivery in police operations; enhance public safety; optimize effective resource management and advance organizational development. The goals are to be attained through objectives with performance indicators within the timelines reported.

Police Chief Southall concluded her comments noting that she is extremely proud of the service provided to the residents of Niagara Region by the Niagara Regional Police Service.

289. Inter-Municipal Transportation Application to FCM

Mr. Peter Papp updated Regional Council on the joint submission by the Niagara Region and its participating municipal partners along with Opportunities Niagara to the Federation of Canadian Municipalities – Green Municipal Fund – Transportation Project.

Mr. Papp provided Regional Council with the events that have led up to the submission of the application; the challenges being faced by all involved due to the timing of the application and the next steps in the process.

Mr. Papp noted that the letters of support and the application do not constitute a final obligation until approval has been granted by FCM and that the Inter-Municipal Transit Strategic Committee would be making presentations to all of the participating municipal partners at their local councils meeting respecting the overall scope of the application and the impact that it will have on local and the Niagara-wide transportation systems, if they receive a strong indication of support from FCM.

Moved by Councillor Zimmerman
Seconded by Councillor D'Angela

That the briefing information be received for information; and

That the participating partners including the Niagara Region (St. Catharines, Welland, Niagara Falls, Fort Erie, Port Colborne, Thorold) or other potential municipal partners approve and prepare Letters of Support and commitment for the Federation of Canadian Municipalities – Green Municipal Fund (Transportation Projects); and

That these letters be forwarded to the Working Group c/o Opportunities Niagara by no later than August 13, 2007.

Carried.

290. Board of Health Update re the Wainfleet Boil Water Advisory

Dr. Williams, Medical Officer of Health and Mr. Hunter, Manager, Health Protection & Promotion, provided Regional Council with an update respecting the Wainfleet Boil Water Advisory (BWA).

Mr. Hunter provided Regional Council with the results of the various studies that were performed in October 2002 (MacViro), March 2005 (MacViro) and August 2005 (MacViro), which resulted in the same conclusions. The results indicated a significant impact on local water supplies, most likely due to private individual sewage disposal systems.

Mr. Hunter provided Regional Council with diagrams that illustrated properly maintained septic systems and the current and potential scenarios in Wainfleet.

The Board of Health is mandated to “raise public awareness of health hazards” and has done so through door-to-door drops and ads in local media at the time of the BWA; a hot line has been established; letters have been mailed to all affected residents in May 2007; paid ads in local media and will ensure that seasonal residents are informed of the BWA each May (linked to Canadian and American long weekends).

Councillor Henderson noted that a public meeting will be held on Saturday, August 11 from 9:00 a.m. to Noon. Port Colborne Brethren In Christ Church, 10641 Highway 3, Wainfleet.

(Refer to Staff Directions)

CLOSED SESSION (Continued)

291. Moved by Councillor Bentley
Seconded by Councillor Baty

That this Council do now reconvene in Closed Session for the purposes of receiving information of a confidential nature relating to legal, personnel and property matters.

Carried.

CLOSED SESSION, RISE AND REPORT

292. Moved by Councillor Burroughs
Seconded by Councillor McMullan

That this Committee do now rise with report.

Carried.

Regional Council recessed to continue the Budget Committee of the Whole meeting.

Regional Council reconvened at 9:30 p.m.

REGIONAL CHAIR'S REMARKS

293. Regional Chair Partington took this opportunity to recognize the loss of a very special individual, Tony Thompson. Mr. Thompson had a rich and rewarding career here in Niagara Region as a long time horticultural consultant with the NEDC. His passion for promoting horticulture in Niagara was evidenced by his ongoing coordination of floral donations from local growers for each Council meeting. a gesture appreciated by all members of Council.

On behalf of Regional Council, Regional Chair Partington extended heartfelt sympathy to Mr. Thompson's colleagues, friends and family.

Regional Chair Partington thanked Cosmic Plants Inc. for their gift of the beautiful orchids that adorn Council Chambers.

APPROVAL OF MINUTES

294. Report COTW 5-2007

Moved by Councillor Saracino
Seconded by Councillor Katzman

That Report COTW 5-2007, being the minutes of the Committee of the Whole meeting of Thursday, July 5, 2007, be approved and adopted.

Carried.

295. Report CL 9-2007

Moved by Councillor Goulbourne
Seconded by Councillor Cordiner

That Report CL 9-2007, being the minutes of the Proceedings of Council of Thursday, July 5, 2007, be approved and adopted.

Carried.

CORRESPONDENCE

296. Moved by Councillor Bentley
Seconded by Councillor Casselman

That Communications C6928 to C6935 and C6938 to C6940, be received and dealt with as noted in the Council Agenda and Addendum:

- C6928 A letter from Minister Donna Cansfield, Ministry of Transportation (July 5, 2007) respecting the re-establishment of driver and vehicle licensing services, on an interim basis, in the Town of Grimsby.
- C6929 A letter from Deb Morton, Executive Director, Niagra Regional Police Services Board (June 7, 2007) respecting the Niagra Regional Police Service 2007-2009 Business Plan.
- C6930 A letter from Janis Lankester, Clerk, Haldimand County (July 5, 2007) requesting that the Niagra Region indicate their interest in responding to a Request for Proposals, for the provision of policing services to Haldimand County on a contract basis.
- C6931 An update from Jill Cappa, Niagra Physician Recruitment & Retention Coordinator, respecting the activities accomplished April 1, 2007 – June 30, 2007.
- C6932 A letter from Minister Greg Sorbara, Ministry of Finance informing Niagra Region that the Ontario government has reduced the 2007 industrial education tax rate for the Niagra Region to match the municipal tax reduction for the Region's large industrial property class.
- C6933 The Niagra Regional Police Service 2006 Annual Report.
- C6934 A card of thanks from Jean Conway, an employee of the Community Services Department, for the kind donation to the Douglas Memorial Hospital, Palliative Care in Fort Erie in memory of her mother Alice Zuidema.

- C6935 A request to speak at Regional Council from John Papadakis (July 20, 2007) respecting Regional Policy Plan Amendment 4-2006, which he has appealed to the Ontario Municipal Board.
- C6938 A card of thanks from Tony Valerio, an employee of the Public Works Department, for the kind donation to the Heart and Stroke Foundation of Ontario in memory of his mother Nella Valerio.
- C6939 QEW Contractor Haul Routes, Minutes of Meeting No. 1, July 11, 2007. Revised further from the Revised PWC 31-2007 distributed at the meeting.
- C6940 A letter from Susan Daniels, Deputy City Clerk, City of Thorold (July 19, 2007) respecting the City of Thorold's Council support for the Heritage Designation of the Welland Canals Corridors

Carried.

297. Moved by Councillor Saracino
Seconded by Councillor Martin

That Communication C6936, respecting the letter from Councillor Timms (July 20, 2007) requesting an unpaid leave of absence from his responsibilities as a Regional Councillor September 9, 2007 to October 11, 2007 during his candidacy in the provincial election, be received and approved.

Carried.

298. Moved by Councillor Lepp
Seconded by Councillor Goulbourne

That Communication C6937, respecting the letter from Holly Dowd, Town Clerk, Town of Niagara-on-the-Lake (June 18, 2007) requesting support for an Environmental Assessment and Final Design for the new QEW/Glendale Avenue Interchange, be received and supported.

Carried.

299. Moved by Councillor Timms
Seconded by Councillor Baty

A letter from Regional Chair Partington (July 23, 2007) to the Honourable George Smitherman, Minister of Health and Long-Term Care respecting Mental Health Services for Postpartum Mood Disorders in Niagara Region, be received and approved.

Carried.

COMMITTEE REPORTS

PLANNING AND PUBLIC WORKS COMMITTEE

300. Report 10-2007

Moved by Councillor Smeaton
Seconded by Councillor Rigby

That Report 10-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, July 18, 2007, be approved and adopted as amended to include the aforementioned referral back to Committee during the Closed Session portion of the Council meeting.

Carried.

(Refers to Minute Item 284)

301. Initiation of Emergency Capital Levy Programs
Included in the 2007 Capital Budget
PWA 129-2007/CSD 132-2007

Moved by Councillor Rigby
Seconded by Councillor Marshall

That Report PWA 129-2007/CSD 132-2007, July 26, 2007, respecting the Initiation of Emergency Capital Levy Programs included in the 2007 Capital Budget, be received.

That the financing in the amount of \$100,000 gross and net be approved from the 2007 Emergency Capital Levy Programs for Projects ZGG0702.

That approval be given to fund the projects with financing consisting of \$100,000 Capital Levy.

That the Regional Clerk be directed to ensure that the appropriate by-law(s) are prepared for presentation to Regional Council.

Carried.

CORPORATE SERVICES COMMITTEE

302. Report 10-2007

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 10-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, July 18, 2007, be approved and adopted as amended to include the aforementioned referral back to Committee during the Closed Session portion of the Council meeting.

Carried.

(Refers to Minute Item 284)

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

303. Report 10-2007

Moved by Councillor Baty
Seconded by Councillor Timms

That Report 10-2007, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, July 17, 2007, be approved and adopted.

Carried.

COMMITTEE OF THE WHOLE

304. Moved by Councillor Burroughs
Seconded by Councillor Heit

That the decisions made at the Budget Review Committee of the Whole meeting of Thursday, July 26, 2007, be approved and adopted.

Carried.

OTHER BUSINESS

305. Proper Notice

Councillor Greenwood requested that staff ensure that proper notice is provided to all Regional Councillors for all regional events.

BY-LAWS

306. Moved by Councillor Henderson
Seconded by Councillor Smeaton

That the following Bills be now read and do pass:

Bill 78

A By-Law to Establish Part of Lots 798, 799, 800, 801, and 802, Plan No. 17, in the City of Niagara Falls as Part of Regional Road No. 102 (Stanley Avenue)

Bill 79

A By-Law to Establish Part of Lot 29, Corporation Plan No. 5, in the Town of Niagara-on-the-Lake as Part of Regional Road No. 87 (Lakeshore Road)

Bill 80

A By-Law to Establish Block 109, Plan 30M-369 in the Town of Grimsby as Part of Regional Road No. 81 (Main Street West).

Bill 81

A By-Law to Establish Blocks 110 and 111 Plan 30M-369 in the Town of Grimsby as part of Regional Road No. 512 (Livingston Avenue).

Bill 82

A By-Law to Establish Part of Lots 37 and 38 in the City of Niagara Falls as Part of Regional Road 102 (Stanley Avenue)

Bill 83

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$346,000 for Project ZGD0701, Building Improvement Program for Transportation Patrol Yards and Project ZGD0704, Headquarters Building Retrofit

Bill 84

A By-Law to Provide for the Adoption of Amendment 4-2007 to the Official Plan for Niagara Planning Area to Provide for Grants and Loans for Community Improvement Plans in Urban Areas in the Region of Niagara

Bill 85

A By-Law to Adopt, Ratify and Confirm the Actions of the Regional Council at its meeting held on the 26th of July, 2007

Carried.

STAFF DIRECTIONS

Staff were directed to:

- Councillor Henderson requested that staff forward the notice re: this public meeting to all Regional Councillors. (Refers to Minute Item 290)

ADJOURNMENT

The Council meeting adjourned at 10:20 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk