

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 13-2007

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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, September 27, 2007 commencing at 6:00 p.m.

#### **ATTENDANCE**

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bergsma, Commissioner, Corporate Services; Hutchings, Commissioner, Community Services; Farley, Director, Planning Development; Friesen, Director, Waste Management Services; Nicol, Commissioner, Human Resources; Dr. Sider, Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Reilly, Legislative Assistant.

#### Staff

(Part-Time): Messrs. Kyne, Director, Legal Services; Ms. Rae, Legal Counsel.

Others: Mr. Brickell, Smart-Growth-Brownfields; Gedge, Chief Executive Officer; Parass, Chair; Niagara Economic Development Corp.

#### **CALL TO ORDER**

359. Regional Chair Partington called the meeting to order at 6:00 p.m.

#### **CLOSED SESSION**

360. Moved by Councillor Badawey  
Seconded by Councillor Burroughs

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.

361. Personnel Matter  
**Confidential Oral Report**

Mr. Trojan, Chief Administrative Officer, provided an oral report on a Personnel matter.

*Regional Council recessed at 6:30 p.m. to meet again in Open Session at 7:00 p.m.*

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

**ADOPTION OF THE AGENDA**

362. Moved by Councillor Katzman  
Seconded by Councillor Trombetta

That the Council Agenda CL 13-2007 be approved and adopted as presented.  
Carried.

363. **CONFLICTS OF INTEREST**

Councillor Collins declared an Indirect Pecuniary Interest with respect to matters related to the Police as he has a family member employed by the Regional Municipality of Niagara Police Services, and he therefore took no part in the discussion of, or voting on, these matters.

**PRESENTATIONS**

364. World Record Walk and International Charter for Walking

Dr. Andrea Feller, Associate Medical Officer of Health, provided a presentation on the World Record Walk (WRW) to take place on October 3, 2007. The intent of the Ontario World Record Walk 2007 is to break the existing Guinness World Record for the most people walking one kilometer simultaneously. The purpose of the "walkolution" is to create a culture of walking by Public focus and education about the benefits of walking and active transportation and encouraging community design that supports active transportation. The Workplace Wellness Committee invites everyone to join them at the Glenridge Quarry Naturalization Site at 12:15 p.m. to begin their walk at 12:30 p.m.

The Regional Chair signed an International Charter for Walking, as previously recommended by the Public Health and Social Services Committee and approved by Regional Council. The International Charter for Walking signifies a commitment to healthy and sustainable, walkable communities and aligns well with the Region's vision for the future, including TREKZONE, Niagara 2031, and Smart Growth, among others.

365. Niagara to GTA Corridor:  
Opening New Economic Opportunities, June 2007

Mr. Mark Brickell, Niagara Economic Development Corporation, advised that the Regional Municipality of Niagara and the City of Hamilton, in partnership with NEDCO, commissioned a study to examine the direct and indirect economic impact of the proposed Niagara to Greater Toronto Area (GTA) Corridor. The report, Niagara to GTA corridor: Opening New Economic Opportunities, highlights the economic benefits of a new transportation corridor that will accrue to the regional economies in the study area and Ontario as a whole. Mr. Brickell introduced Paula Dowell, PH.D., Vice President, Economics, Freight and Finance, Wilbur Smith Associates, to provide highlights of the study.

Dr. Dowell highlighted how the global economy is changing; how the Region competes in a global economy; what the role of the Niagara to GTA Corridor is and the potential economic benefits of the corridor. The study identifies the many competitive advantages within the study area that would enhance the economic prosperity of the industries and communities if the Corridor were to be completed without delay. These include: a strategic geographic location that provides access to major markets; multimodal transportation assets including an air cargo hub; marine ports and the Welland Canal; Class 1 rail corridors and international border crossings; and underdeveloped lands.

Dr. Dowell illustrated the construction benefits associated to a highway, 4 to 6 lane, 95 km., 6 to 8 interchanges with construction costs assumed to range from \$2.7 to \$5.2 billion over a five year period. \$1 billion in construction expenditures leads to 7,900 direct jobs. This would provide for 24,000 to 45,600 jobs; \$1.7 to \$3.4 billion in income and \$850 to \$1,630 million in tax revenue.

Dr. Dowell advised that based on the estimates within the study, the Niagara to GTA corridor could lead to an average annual growth rate of 2.73 percent compared to 1.03 percent which is currently projected for the Niagara-Hamilton region. Total potential economic benefits (to year 2030) include 130,000-177,000 full time equivalent jobs; \$7 - \$9 billion in additional income; and \$3.4-\$4.4 billion in tax revenue.

Dr. Dowell commented that the corridor investment is not just about attracting population and new business. Failure to invest in additional corridor capacity will leave the region faced with the reality of lost opportunities in terms of even lower than projected growth and, in the worse case scenario, declining economic activity.

Moved by Councillor Zimmerman  
Seconded by Councillor D'Angela

That the presentation by Dr. Paula Dowell, Wilbur Smith Associates, be received;  
and

That the recommendations in the Niagara to GTA Corridor: Opening New  
Economic Opportunities Final Report be endorsed; and

That the Wilbur Smith Associates Report, Niagara to GTA Corridor: Opening  
New Economic Opportunities, 2007, be submitted to the Province as a formal  
input into the Niagara to GTA Environmental Assessment Process; and

That copies of the report be forwarded to area municipalities, AMO, FCM, MPP's  
and MP's.

Carried.

366. Moved by Councillor Rigby  
Seconded by Councillor McMullan

That Planning staff review the Niagara to GTA Corridor: Strengthening  
International Economic Gateways Final Report and the International Charter for  
Walking; Creating healthy, efficient and sustainable communities, to determine  
the correlation between them.

Carried.

**CLOSED SESSION** (continued)

367. Conflict of Interest

Councillor Heit declared an indirect pecuniary interest with respect to Confidential  
Report CSD 143-2007/PWA 145-2007, A Proposed Acquisition of Land by the  
Municipality, Reconstruction of Regional Road No. 20, City of Thorold, as his  
employer is a business associate of the company named in the report and he  
therefore vacated the Council Chambers and took no part in the discussion of, or  
voting on, this matter.

368. Moved by Councillor Katzman  
Seconded by Councillor Goulbourne

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.

*(The Commissioners and staff were asked to vacate the Council Chambers at  
this time.)*

369. Personnel Matter  
**Confidential Oral Report** (continued)

Moved by Councillor Goulbourne  
Seconded by Councillor Bentley

That the Confidential Oral Report, respecting a personnel matter, be received;  
and

That the Chief Administrative Officer be authorized to proceed as recommended.

Carried.

*(The Commissioners and staff reconvened in Closed Session at 8:40 p.m.)*

370. A Property or Pending Acquisition of Land by the Municipality  
Town of Grimsby  
**(Confidential Memo to Regional Councillors, September 27, 2007)**

Moved by Councillor Rigby  
Seconded by Councillor Zimmerman

That the oral report from Mike Kyne, Director, Legal Services, respecting A  
Proposed or Pending Acquisition of Land by the Municipality (Town of Grimsby),  
be received and that the recommendation as contained in the Confidential  
Memorandum from Mike Kyne, Director, Legal Services, (September 27, 2007),  
be approved.

Carried.

**CLOSED SESSION, RISE AND REPORT**

371. Moved by Councillor Rigby  
Seconded by Councillor McMullan

That this Committee do now rise with report.

Carried.

**REGIONAL CHAIR'S REMARKS**

372. Regional Chair Partington made the following announcements:

The 2nd Annual Jill Hildreth Fun Run/Walk which took place on Saturday,  
September 15<sup>th</sup> at the Glenridge Quarry Naturalization site, raised \$3,113 with  
\$2,700 of those funds being used to construct a bike path for the children at the  
St. Catharines Regional Child Care Centre. The remaining funds have been  
deposited in the Roehampton Fire Fund to assist those left homeless in the  
wake of the recent fire.

The 10<sup>th</sup> Annual Regional Chair's Golf Tournament took place on Thursday, September 13<sup>th</sup> and the exact amount of monies raised will be forthcoming. The Chair expressed his appreciation to all those who were involved, for the continued support of the tournament and for the organizations that receive financial assistance through the proceeds.

The Regional Chair encouraged everyone to attend the upcoming festivals such as the Niagara Wine Festival and the Welland Food Festival and other local festivals within the Region.

The Regional Chair attended the official ground-breaking ceremony for the partnership between Abitibi Consolidated and Northland Power for the co-generation plant. This is a major investment of over \$500 million in the Region and another example of some of the "green" projects that are moving forward in Niagara.

The 3rd Annual "Ottawa Week" is being planned where meetings with various Federal Ministers will take place to discuss specific federal issues of relevance to the Niagara region and thanks were extended to local members of Parliament for their continued assistance with this initiative.

The Niagara Economic Development Corporation was recently given an award at the International Economic Development Council annual awards ceremony for their report entitled "Energizing Niagara's Wine Country Communities". Congratulations were extended to the NEDC for this international recognition.

The World Record Walk will be taking place on Wednesday, October 3<sup>rd</sup> at numerous locations across the Region and the Chair encourage any and all to take part in local events. The walk supports the creation of walkable communities and links nicely with other on-going initiative such as Trekzone that truly show the importance of ongoing, daily physical activity in our lives and that of our children, families and friends.

### **APPROVAL OF MINUTES**

373. Report COTW 7-2007

Moved by Councillor Bentley  
Seconded by Councillor Casselman

That Report COTW 7-2007, being the minutes of the Committee of the Whole meeting of Thursday, September 6, 2007, be approved and adopted.

Carried.

374. Report CL 12-2007

Moved by Councillor Puttick  
Seconded by Councillor Greenwood

That Report CL 12-2007, being the minutes of the Proceedings of Council of Thursday, September 6, 2007, be approved and adopted.

Carried.

**CORRESPONDENCE**

375. Moved by Councillor Heit  
Seconded by Councillor McMullan

That Communications C6952 to C6958, be received and dealt with as noted in the Council Agenda and Addendum:

C6952        A card of thanks from Paul Stock, an employee of the Community Services Department, for the kind donation to the Alzheimer Society in memory of his father William Stock.

C6953        A card of thanks from Janet Pilon, an employee of the Corporate Services Department, for the kind donation to the Alzheimer Society in memory of her mother-in-law Margaret Pilon.

C6954        A copy of a letter Ms. Ann Vajdic sent to the Government of Ontario, Minister of Tourism, Jim Bradley (September 1, 2007) respecting the Fort Erie Race Track and the Ontario Lottery and Gaming Corporation.

C6955        A letter from Susan Daniels, Deputy City Clerk, City of Thorold (September 6, 2007) respecting Commercial Water Bottling.

C6956        A letter from Susan Daniels, Deputy City Clerk, City of Thorold (September 6, 2007) respecting Incentives to Family Physicians.

C6957        Letter from Craig Stirtzinger, Clerk, City of Welland (September 17, 2007) respecting 'The Arson Prevention Program for Children in Niagara Region'.

C6958        Letter from Jackie Glen, Niagara South Federation of Agriculture (September 24, 2007) regarding Future Enforcement of the Tree and Forest Conservation By-law.

376. Moved by Councillor Goulbourne  
Seconded by Councillor Burroughs

That Communication C6957, Letter from Craig Stirtzinger, Clerk, City of Welland (September 17, 2007) respecting 'The Arson Prevention Program for Children in Niagara Region', be lifted and dealt with separately by this Council at this time.

Carried.

377. Moved by Councillor Goulbourne  
Seconded by Councillor Bentley

That Communication C6957, Letter from Craig Stirtzinger, Clerk, City of Welland (September 17, 2007) respecting ‘The Arson Prevention Program for Children in Niagara Region’, be referred to the Corporate Services **and Public Health and Social Services Committees**.

Carried.

Upon a vote being taken, the original motion, **as amended**, was carried.

378. Moved by Councillor Katzman  
Seconded by Councillor Martin

That Communication C6959, a letter from Carolyn Kett, Town Clerk, Town of Fort Erie (September 26, 2007) to Andy Burt, General Manager, Niagara Peninsula Conservation Authority, advising that Councillor Martin could no longer serve on the NPCA due to his schedule of commitments and recommending the appointment of Councillor Bob Steckley, be received and approved.

Carried.

### **COMMITTEE REPORTS**

#### **CORPORATE SERVICES COMMITTEE**

379. Report 13-2007

Moved by Councillor Martin  
Seconded by Councillor Augustyn

That Report 13-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, September 19, 2007, be approved and adopted with an amendment to item 286, Confidential Report HR 29-2007/COM 46-2007, A Matter of Labour Relations – Children’s Services Full-Time Equivalent Staff Changes, to include “that Corporate Services Committee be apprised if provincial “Best Start” funds fall below the 100% funding for this service”.

Carried.

380. Procedural By-law & Amendments to Procedural By-law  
CSD 142-2007 & Memorandums

Moved by Councillor Burroughs  
Seconded by Councillor Bentley

That the Confidential Memorandum from Mary Rae, Legal Counsel, dated August 21, 2007 and the email from Mike Kyne, Director, Legal Services, dated September 25, 2007, respecting Information related to the Amendments to the Procedural By-law, be lifted from Closed Session and dealt with in Open Session.

Carried.

381. Moved by Councillor Martin  
Seconded by Councillor Katzman

That Report CSD 142-2007, August 28 & 29, 2007; the memorandum from Mary Rae, Legal Counsel dated September 12, 2007 and the email from Mike Kyne, Director, Legal Services, dated September 25, 2007, respecting Amendments to Procedural By-law, be received; and

That Procedural By-law No. 120-2005 be repealed and replaced with the by-law attached as Appendix 1 and more particularly described in this report with the amendments noted in the memorandum from Mary Rae (September 12, 2007) and the email (September 25, 2007) from Mike Kyne; and

That Policy C2.C01 respecting Confirming By-laws be repealed.

Carried.

382. Moved by Councillor Martin  
Seconded by Councillor Katzman

That Report CAO 10-2007, September 27, 2007, respecting the Review of the Economic Development and Tourism Function in Niagara, be lifted and moved forward on the agenda to be dealt with at this time.

Carried.

### **CHIEF ADMINISTRATIVE OFFICER'S REPORT**

383. Review of the Economic Development and  
Tourism Function in Niagara  
**CAO 10-2007**

Moved by Councillor Goulbourne  
Seconded by Councillor Martin

That Report CAO 10-2007, September 27, 2007, respecting the Review of the Economic Development and Tourism Function in Niagara, be received.

That Regional Council receive and support the principles outlined in the body of this report which represent the understanding between the Niagara Economic Development Corporation (NEDC) and Local Economic Development Offices.

That Regional Council direct staff through the Office of the CAO to provide support to the NEDC Board of Directors to take a lead in the development of key measures of performance for the Economic Development function by making use of the Ontario Municipal CAO's Benchmarking Initiative (OMBI) framework.

Carried.

**CORPORATE SERVICES COMMITTEE** (continued)

384. Procedural By-law & Amendments to Procedural By-law

Moved by Councillor Badawey  
Seconded by Councillor D'Angela

That, while the Niagara Region's Procedural By-law prohibits the unauthorized disclosure of confidential information, and as there is no specific penalty for doing so unless "personal" information as defined by freedom of information legislation is willfully disclosed, that Regional Council examine the possibility of using the services of an Integrity Commissioner to investigate allegations of confidentiality violations, on a case by case basis. This would also allow Council to impose the penalties outlined in the Act including reprimand and suspension of pay for up to 90 days.

Defeated.

385. 2008 Meeting Schedule  
**CSD 144-2007**

Moved by Councillor Badawey  
Seconded by Councillor Baty

That Report CSD 144-2007, September 27, 2007, respecting the 2008 Meeting Schedule, be referred to the Corporate Services Committee.

Carried.

**PLANNING AND PUBLIC WORKS COMMITTEE**

386. Report 13-2007

Moved by Councillor Rigby  
Seconded by Councillor McMullan

That Report 13-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, September 19, 2007, be approved and adopted.

387. Moved by Councillor Marshall  
Seconded by Councillor Rigby

That Report DPD 98-2007, September 19, 2007, respecting the Official Plan Amendment No. 69, Grand Niagara Resort, West of Montrose Road, north of Biggar Road in the City of Niagara Falls, be lifted and dealt with separately at this time.

Carried.

388. Official Plan Amendment No. 69  
Grand Niagara Resort  
West of Montrose Road, North of Biggar Road  
City of Niagara Falls  
**DPD 98-2007 – Oral Report**

Mr. Farley advised Regional Council that the amendment was approved subject to receiving an oral report at the Council meeting respecting the discussions between the proponents and Cytec at their meeting on September 26, 2007.

City of Niagara Falls staff met with representatives and agents of Grand Niagara Resort and Cytec in order to define the issues related to Cytec's objections to OPA No. 69 and By-law No. 2007-162. The meeting was productive, with several minor changes to OPA No. 69 and the By-law being agreed to by all parties. Two more changes requested by Cytec are being further considered by Grand Niagara Resort Corporation. In light of the progress of the meeting and to give an opportunity to further consider the two additional changes, the parties agreed that a request to the Region to defer Regional Council's consideration of OPA No. 69 until such time as the modifications to OPA No. 69 have been drafted would be in order.

Moved by Councillor Rigby  
Seconded by Councillor Marshall

That the Oral Report respecting the discussions between the proponents and Cytec at their meeting on September 26, 2007, be received; and

That Report DPD 98-2007, September 19, 2007, respecting the Official Plan Amendment No. 69, Grand Niagara Resort, West of Montrose Road, north of Biggar Road in the City of Niagara Falls, be deferred to the next Planning and Public Works Committee.

Carried.

Upon a vote being taken, the Regional Chair declared the original motion on Report 13-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, September 19, 2007, **as amended**, was carried.

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE**

389. Report 13-2007

Moved by Councillor Casselman  
Seconded by Councillor Katzman

That Report 13-2007, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, September 18, 2007, be approved and adopted ***as amended, to reflect the Corporate Services Committee motion respecting Report CSD 142-200, Amendments to Procedural By-law No. 120-2005 – Updated, and the amendment to Confidential Report HR 29-2007/COM 46-2007, A Matter of Labour Relations – Children’s Services Full-Time Equivalent Staff Changes, to include “that Corporate Services Committee be apprised if provincial “Best Start” funds fall below the 100% funding for this service”.***

Carried.

**BUDGET REVIEW COMMITTEE OF THE WHOLE**

390. Moved by Councillor Greenwood  
Seconded by Councillor McMullan

That the decisions made at the Budget Review Committee of the Whole meeting of Thursday, September 27, 2007, be approved and adopted.

Carried.

**OTHER BUSINESS**

391. Fort Erie Racetrack

Councillor Martin apprised Council of the challenges facing the Race Track in Fort Erie due to declining revenues. He advised of the plans for a \$300 million proposed four star hotel/entertainment complex which would bring 2,400 additional jobs and \$34 million payroll. He commented that there is general support for the project and that a resolution is projected by the end of the year. Councillor Martin commented that he has been lobbying the Provincial government to help with short term needs which are critical to ensure racing in Fort Erie next year.

Moved by Councillor Augustyn  
Seconded by Councillor Bentley

That Regional Council support the Town of Fort Erie in its efforts to secure horse racing at the Fort Erie Racetrack in 2008.

Carried.

392. Golden Helmets  
Councillor Augustyn thanked those Councillors who joined in the Golden Helmets Charity Ride. He commented there were approximately 400 motorcyclists with 400 to 500 attending the event.
393. “Walk a mile in her Shoes” Challenge  
Councillors Hodgson, Burroughs, D’Angela, McMullan and Augustyn are planning to “Walk a mile in her Shoes” (women’s high heels) in support of Women’s Place. The event is to take place at the Market Square on Friday, October 12<sup>th</sup> and they are looking for pledges and moral support for this.
394. Champion – Mayor’s Grape Stomp  
Councillor Zimmerman congratulated Councillor D’Angela and presented him with a bottle of wine for winning the Mayor’s Grape Stomp, an annual event of the Wine Festival. This was Thorold’s fifth win at this event. Councillor D’Angela thanked the Jaycees, City of St. Catharines and volunteers involved in this event.

### **BY-LAWS**

395. Moved by Councillor McMullan  
Seconded by Councillor Heit

That the following Bills be now read and do pass:

Bill 94

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

Bill 95

A By-Law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting Held on the 27<sup>th</sup> of September, 2007.

Carried.

### **ADJOURNMENT**

The Council meeting adjourned at 10:55 p.m.

Peter Partington  
Regional Chair

Gail Reilly  
Legislative Assistant

Pam Gilroy  
Regional Clerk