

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 17-2007

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, December 20, 2007 commencing at 6:50 p.m.

ATTENDANCE

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

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

Staff

(Part-Time): Messrs. Kyne, Director, Legal Services; Robson, Director, Community Integration; Friesen, Director, Waste Management; Smith, Associate Director, Waste Management Engineering; Steele, Environmental Coordinator.

CALL TO ORDER

491. Regional Chair Partington called the meeting to order at 6:50 p.m.

CLOSED SESSION

492. Moved by Councillor Collins
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.

CLOSED SESSION, RISE AND REPORT

493. Moved by Councillor Rigby
Seconded by Councillor Casselman

That this Committee do now rise without report.

Carried.

Council met in regular session, commencing at 7:05 p.m. with an Invocation by Councillor Lepp followed by the singing of 'O Canada'.

ADOPTION OF THE AGENDA

494. Moved by Councillor Collins
Seconded by Councillor Lepp

That the Council Agenda CL 17-2007 be approved and adopted as presented.

Carried.

- 495.

CONFLICTS OF INTEREST

Councillor Baty declared an indirect pecuniary interest with respect to Minute Item 507, Planning and Public Works Committee minutes, December 12, 2007, Report PWA 172-2007/CSD 176-2007 respecting Niagara's Alternative Biosolids Management Contract Amendments, as he is a member of the Ontario Teachers Pension Plan, and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Bylsma declared an indirect pecuniary interest with respect to Minute Item 513, Planning and Public Works Committee minutes, December 12, 2007, Report DPD 132-2007, respecting the Update on Wind Energy Policies Regional Policy Plan Amendment 5-2007, as a family member is involved in a similar project and he therefore took no part in the discussion of, or voting on, 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, these matters.

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 Minute Item 286, Public Health and Social Services Committee minutes, December 11, 2007, Confidential Report PHD 80-2007 (CSD 182-2007), respecting the Update – Proposed Acquisition of Property by the Municipality in the City of Welland, as he has family member who owns property that may be subject to Regional Development Charges, and he therefore took no part in the discussion of or voting on this matter.

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.

REGIONAL CHAIR'S REMARKS

496. Regional Chair Partington wished everyone a Merry Christmas, and best wishes for a healthy and safe holiday season, and a happy New Year.

Regional Chair Partington noted that he would be bringing forward more elaborate comments to Council in early 2008, however, he wanted to highlight some of our achievements as a Council and a Region in 2007:

- Highway 406 extension through to Port Robinson Road.
- Creation and operation of Niagara Specialized Transit.
- Successful funding announcements – and our portion thereof – for the planned Convention Centre in Niagara Falls.
- Our final group of staff moved in to their new home in Campbell East.
- The regional funding for the new hospital.
- Continuing to move forward on finding a solution for our water quality issues in Wainfleet.

Regionally, there have been a number of events to mark the holiday season, the annual Public Health department holiday celebration and the CAO and Chair's Christmas coffee break, both of which were held in the atrium in Campbell East – a wonderful way to make use of our new facility, and both were a great success, with many funds raised for the United Way and the Health Bus.

Regional Chair Partington advised Regional Council that many of our departments, programs and divisions host events this time of year, and he was proud to say that many of them raise money to support a host of worthy charitable causes, or solicit donations to local food banks. As do the Councillors and Mayors in their respective communities, who contribute both personally and professionally in similar pursuits, and it's important that we acknowledge and support such efforts.

Regional Chair Partington on behalf of Regional Council congratulated, our Deputy Clerk, Janet Pilon, who was recently certified as a Level 3 Certified Municipal Manager by the Ontario Municipal Management Institute.

Regional Chair Partington announced that our addition to regional headquarters – Campbell East – has been recognized for its environmentally friendly and ‘green’ features, being awarded the Silver rating from the Leadership in Energy and Environmental Design (LEEDs) rating system. The Canada Green Building Council manages the program, and they have provided Niagara Region with a plaque that will be displayed in Campbell East. Regional Chair Partington thanked all of our staff who worked diligently at realizing this designation, as this is a small but important step in lining up our business practices with our environmental objectives.

The Provincial Minister of Transportation, Jim Bradley, hosted a media conference at the St. Catharines Transit Terminal this week, to announce gas tax funding for municipal transit systems. This was a significant provincial announcement, and a significant portion of the Region’s gas tax funding goes to operate our Specialized Transit Service. Niagara Region extended their thanks to the Minister for hosting that announcement locally in Niagara.

Regional Chair Partington on behalf of Regional Council thanked Pioneer Flower Farms Limited in St. Catharines, and Henk Sikking Jr. for the poinsettias on display in the Council Chambers.

APPROVAL OF MINUTES

497. Report COTW 10-2007

Moved by Councillor Puttick
Seconded by Councillor Zimmerman

That Report COTW 10-2007, being the minutes of the Committee of the Whole meeting of Thursday, November 29, 2007, be approved and adopted.

Carried.

498. Report CL 16-2007

Moved by Councillor Bentley
Seconded by Councillor Casselman

That Report CL 16-2007, being the minutes of the Proceedings of Council of Thursday, November 29, 2007, be approved and adopted.

Carried.

CORRESPONDENCE

499. Moved by Councillor Goulbourne
Seconded by Councillor Marshall

That Communications C6978 to C6983; C6985 and C6987, be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C6978 A letter from Kenneth R. Todd, Director of Corporate Support Services, City of St. Catharines (November 23, 2007) requesting that the Niagara Region forward a request to the Minister of Municipal Affairs to make regulations under the Municipal Act authorizing the Region to exercise its powers under Section 218 of the Municipal Act with respect to the composition of Regional Council.

Received and referred to the Council Organization Review Committee.

C6979 A letter from Janet Beckett, City Clerk, City of Port Colborne (November 29, 2007) advising Regional Council of the City of Port Colborne's resolution declaring that they are not in favour of adding more Regional Councillors and of weighted votes so that Port Colborne's level of representation is not diminished.

Received and referred to the Council Organization Review Committee.

C6980 A letter from Susan Daniels, Deputy City Clerk, City of Thorold (December 5, 2007) respecting Municipal Representation at Regional Council.

Received and referred to the Council Organization Review Committee.

C6981 Card of thanks from Amy White, an employee of the Public Works Department, for the kind donation to the Canadian Cancer Society in memory of her father-in-law Jack White.

Received.

C6982 Card of thanks from Dan Oettinger, an employee of the Community Services Department, for the kind donation to the Hospice of Tuscarawas County, Dover, Ohio in memory of his mother Madaline Frances Oettinger.

Received.

C6983 A letter from the newly appointed Minister of Municipal Affairs and Housing, Jim Watson, (November 22, 2007) introducing himself and acknowledging some concerns shared by both the Ministry and the Niagara Region.

Received.

C6985 Card of thanks from Judy Adamson, an employee of the Public Health Department, for the kind donation to the Niagara Community Mental Health Program in memory of her father Bob Bowen.

Received.

C6987 A letter from Craig Stirtzinger, General Manager, Communications, Council and Legislative Services/City Clerk, City of Welland (October 22, 2007) respecting a resolution from the City of Welland's Council on the Health Care Industry Growth Plan.

Received.

Carried.

500. Moved by Councillor Saracino
Seconded by Councillor Casselman

That Communication C6988, a letter from Bernadette requesting the opportunity to address Regional Council on the matter of the Peace Bridge Capacity Expansion Project, Bi-National Integrated Environmental Assessment Design Report Draft Environmental Impact Statement (DEIS) Status Update, PWA 170-2007;

That Regional Council allow Ms. Secco the opportunity to address Regional Council at this time.

Carried.

DELEGATIONS (RELATED TO COMMITTEE REPORTS)

501. Peace Bridge Capacity Expansion Project
Bi-National Integrated Environmental Assessment
Design Report Draft Environmental Impact Statement (DEIS) Status Update
PWA 170-2007

Mr. Leigh Whyte, Avalon Consulting Professionals of Ontario, advised Regional Council that there is an alternative to the Peace Bridge Expansion Project, the International Railroad Bridge Corridor and that they would be moving forward as this alternative presents a viable business opportunity; establishes an additional commercial connection between Canada and the United States and it serves the needs of the Region while not destroying a neighbourhood.

Mr. Whyte noted that the Canadian Environmental Assessment Act (CEAA) can require that "...*the need for the project and alternatives to the project*" be considered in the preparation of the screening report required under CEAA. Under CEAA's Operation Policy Statement alternatives to the project should be established in relation to the project need and purpose. This assessment must include an evaluation of the Niagara Ambassador proposal as a viable alternative to the Peace Bridge Expansion Project.

Mr. Whyte referred to the letter from Transport Canada, dated November 21, 2007, which indicates that the Niagara Ambassador project is considered a viable proposal that will be processed by the federal government.

Mr. Whyte requested that Regional Council object to recommendation # 2 in the report PWA 170-2007, which reiterates Niagara Region's support for the project and recommends that the PBA proceed with either Alternative 1 or Alternative 3 as quickly as possible.

502. Peace Bridge Capacity Expansion Project
Bi-National Integrated Environmental Assessment
Design Report Draft Environmental Impact Statement (DEIS) Status Update
PWA 170-2007

Ms. Bernadette Secco, a resident of the City of Niagara Falls, advised Regional Council that there were two significant errors and one significant omission in Report PWA 170-2007.

The errors she referred to were that there were no Canadian permits in place and that the report suggests that the draft impact statement includes Canadian data.

The omission she referred to is that recommendation # 2 is asking for support of the alternatives, however, they have not been evaluated.

Ms. Secco, therefore requested that Regional Council accept only recommendations # 1 and # 3 in the report, as there are concerns with recommendation # 2.

503. Moved by Councillor Badawey
Seconded by Councillor McMullan

That Regional Council amend the order of the agenda, in order to deal with the Planning and Public Works Committee minutes of December 12, 2007 at this time.

Carried.

COMMITTEE REPORTS

504. Moved by Councillor Badawey
Seconded by Councillor McMullan

That Regional Council amends the order of the Council Agenda, in order to deal with the Planning and Public Works Committee minutes of December 12, 2007, at this time.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE

505. Report 17-2007

Moved by Councillor Smeaton
Seconded by Councillor Rigby

That Report 17-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, December 12, 2007, be approved and adopted.

506. Moved by Councillor McMullan
Seconded by Councillor Heit

That Report PWA 170-2007, December 12, 2007, respecting Peace Bridge Capacity Expansion Project, Bi-National Integrated Environmental Assessment Design Report Draft Environmental Impact Statement (DEIS) Status Update, be lifted and dealt with by this Council at this time.

Carried.

507. Peace Bridge Capacity Expansion Project
Bi-National Integrated Environmental Assessment
Design Report Draft Environmental Impact Statement (DEIS) Status Update
PWA 170-2007

Regional Council discussed the concerns raised by the delegations and it was therefore:

Moved by Councillor Zimmerman
Seconded by Councillor Rigby

That recommendation # 2 of Report PWA 170-2007, December 12, 2007, respecting Peace Bridge Capacity Expansion Project, Bi-National Integrated Environmental Assessment Design Report Draft Environmental Impact Statement (DEIS) Status Update, be deferred pending the receipt of a staff report addressing the concerns raised.

Defeated.

Upon a vote being taken, the Regional Chair declared the original motion on Report 17-2007, being the minutes of the Planning and Public Works Committee meeting of Wednesday, December 12, 2007, was carried.

BUDGET REVIEW COMMITTEE OF THE WHOLE

508. Report 3-2008 Budget

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 3-2008 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, November 29, 2007, be approved and adopted.

Carried.

Regional Council recessed at 8:35 p.m. to continue the Committee of the Whole meeting.

Regional Council reconvened at 9:10 p.m.

PLANNING AND PUBLIC WORKS COMMITTEE (Continued)

509. Appointments to the Wainfleet Servicing Project Joint Advisory Committee

Moved by Councillor McMullan
Seconded by Councillor Smeaton

That the membership of the Wainfleet Servicing Project Joint Advisory Committee be expanded to include all interested members of Regional Council.

Carried.

510. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That Councillors Cordiner; Smeaton; Zimmerman; Greenwood; Martin; Puttick and Rigby, be appointed as members of the Wainfleet Servicing Project Joint Advisory Committee.

Carried.

CORPORATE SERVICES COMMITTEE

511. Report 17-2007

Moved by Councillor Martin
Seconded by Councillor Saracino

That Report 17-2007, being the minutes of the Corporate Services Committee meeting of Wednesday, December 12, 2007, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

512. Report 17-2007

Moved by Councillor Casselman
Seconded by Councillor Collins

That Report 17-2007, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, December 11, 2007, be approved and adopted.

Carried.

(Refer to Councillor Information Requests)

513. Moved by Councillor Casselman
Seconded by Councillor Collins

That Communications C6984 and C6895, memorandums from Robert Jones, Director, Administrative Services, Public Health (December 14, 2007 and December 19, 2007) respecting the 2007 Terms and Conditions Extension and the One-Time Funding Request to Ministry of Health and Long Term Care Documents that require the Regional Chair's signature on December 20, 2007, be received and the Regional Chair be authorized to sign the respective documents.

Carried.

COUNCIL ORGANIZATION REVIEW COMMITTEE

514. Report 1-2007

Moved by Councillor Baty
Seconded by Councillor Timms

That Report 1-2007, being the minutes of the Council Organization Review Committee meeting of Tuesday, December 4, 2007, be approved and adopted.

Carried.

(Refer to Councillor Information Requests)

COMMITTEE OF THE WHOLE

515. Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That the decisions made at the Committee of the Whole meeting of Thursday, December 20, 2007, be approved and adopted.

Carried.

MOTIONS

516. Fair Representation by Population and
Equitable Representation in the House of Commons

Moved by Councillor McMullan
Seconded by Councillor Goulbourne

WHEREAS one of the founding principles of Confederation is the fair and equitable representation in the House of Commons:

WHEREAS the formula proposed by the Federal Government in Bill C-22 will add seats to the House of Commons, in an inequitable manner,

WHEREAS under the proposed legislation Members of Parliament from Ontario will continue to represent a greater number of constituents than Members of Parliament in other provinces, effectively reducing the representation of Ontarians;

BE IT RESOLVED that the Regional Municipality of Niagara recognizes that despite the Federal Government's efforts to improve the representation of growing provinces in the House of Commons, the proposed formula is unfair to Ontario and calls on the Federal Government to amend Bill C-22 to provide Ontarians with their fair share of seats in the House of Commons while maintaining the constitutionally protected seat guarantees of smaller provinces;

BE IT FURTHER RESOLVED that this resolution be forwarded to Prime Minister Stephen Harper, Ontario Premier Dalton McGuinty and all Niagara MPs and MPPs.

BE IT FURTHER RESOLVED that this resolution be forwarded to all municipalities in Ontario for their endorsement.

Upon a recorded vote being requested, Council voted on the motion:

Voting for the Motion:

Augustyn	Henderson	
Badawey	Katzman	
Baty	McMullan	
Burroughs	Marshall	
Bylsma	Puttick	
Casselman	Rigby	
Collins	Salci	
Cordiner	Saracino	
D'Angela	Smeaton	
Gabriel	Timms	
Goulbourne	Trombetta	
Heit	Zimmmerman	(24)

Voting against the Motion:

Bentley	Lepp	
Greenwood	Martin	(5)
Hodgson		

Upon a vote being taken, the Regional Chair declared the motion, carried.

NOTICES OF MOTION

511. Reconsideration – Waiving Notice Requirement

Moved by Councillor Greenwood
Seconded by Councillor Casselman

That Regional Council waive the notice requirement, under Section 19.16 of Procedural By-law 96-2007 to reconsider a matter approved at the November 21, 2007 Corporate Services Committee meeting, and ratified by Council on November 29, 2007 respecting the Appointment of Local Authority Services Limited (LAS) as an Investigator in accordance with section 239.2 of the Municipal Act effective January 1, 2008.

Carried.

512. Reconsideration – Appointment of Municipal Investigator

Moved by Councillor Greenwood
Seconded by Councillor Casselman

That notwithstanding its November 29, 2007 resolution with respect to report CSD 173-2007, Niagara Region defer its execution of the proposed agreement with Local Authority Services Limited (LAS) appointing LAS as an Investigator in accordance with section 239.2 of the Municipal Act until Councillor Greenwood's December 20, 2007 Notice of Motion is considered by Regional Council; and

That Niagara Regional Council invite a representative from Local Authority Services Limited (LAS) and the Provincial Ombudsman's office to make presentations at the first Corporate Services Committee meeting in January 2008.

Carried.

513. Appointment of Municipal Investigator

Councillor Greenwood advised Regional Council that she will be bringing forward a motion at the January 17, 2008 Regional Council meeting, requesting that Regional Council reconsider their decision on Niagara Region's Closed Meeting Investigator following the receipt of the presentations by LAS and the Ombudsman's office.

514. Niagara Region to Honor their Obligation

Councillor Marshall advised Regional Council that he will be bringing forward a motion at the January 17, 2008 Regional Council meeting, requesting that Niagara Region honor their obligation to provide fluoridation.

OTHER BUSINESS

515. Committee of the Whole Meeting – January 24, 2008 Re: Fluoridation

Regional Council will hold a Committee of the Whole meeting on January 24, 2008 at 6:30 p.m. on Fluoridation.

516. Wainfleet Servicing Project Joint Advisory Committee – Meeting Schedule

Councillor Collins noted that several of the scheduled meetings for the Wainfleet Servicing Project Joint Advisory Committee are being held on Council days, the Committee will review the meeting schedule at their first meeting and adjust the schedule if necessary.

517. 2007 – 2011 Council Business Plan

Councillor Puttick requested that staff provide Regional Council with the costs incurred in the preparation of the 2007 – 2011 Council Business Plan.

518. Business Delegation to Japan and Korea

Councillor Puttick asked when Regional Council would be receiving the Regional Chair's report on the Business Delegation to Japan and Korea.

519. Public Relations

Councillor Smeaton requested that staff investigate the cost of publishing the Standing Committee Highlights in the dailies following each Regional Council meeting.

520. Niagara Development Corridor Partnership

Councillor D'Angela noted his disappointment with omitting the City of Thorold in their publications.

Councillor Goulbourne advised Regional Council that the Niagara Development Corridor Partnership (NDC) is a team comprised of the cities of St. Catharines, Niagara Falls, Welland, the Town of Fort Erie and the Niagara Economic Development Corporation. They are all equal partners contributing equal shares to the partnership and they would welcome other interested communities.

BY-LAWS

521. Moved by Councillor Salci
Seconded by Councillor Cordiner

That the following Bills be now read and do pass:

Bill 116

A By-law to Establish Parcel 20-6, Section Concession 2 Being Part of Lot 20 Concession 2 in the City of St. Catharines as Part of Regional Road No. 42 (Ontario Street)

Bill 117

A By-law to Establish Part of Township Lot 92, in the City of Niagara Falls as Part of Regional Road No. 43 (Bridge Street)

Bill 118

A By-law to Establish Part Of Lot 34, Concession 8 in the Township of West Lincoln as Part of Regional Road No. 20 (Former Highway 20)

Bill 119

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting Held on the 20th of December, 2007

Carried.

522. Moved by Councillor Badawey
Seconded by Councillor Hodgson

That the following Bills be now read and do pass:

Bill 120

A By-Law to Establish Part of Lot 22, Concession 5 in the City of St. Catharines as Part of Regional Road No. 38 (Martindale Road)

Bill 121

A By-Law to Establish Part of Lot 252, Corporation Plan 3 in the Town of Lincoln as Part of Regional Road No. 18 (Mountain Street)

Bill 122

A By-Law to Provide For the Regulation of Traffic on Regional Highways in the Town of Niagara on the Lake.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff was requested to:

- promote the events, such as what is listed in PHD 76-2007 to ensure that public is aware of the events being organized by the Niagara Region. (Councillor Goulbourne) (Refers to Minute Item 512)
- include the "Election of the Regional Chair at Large" in the Terms of Reference for the Council Review Organization Committee, which are currently being revised. (Councillor Zimmerman) (Refers to Minute Item 514)

ADJOURNMENT

The Council meeting adjourned at 9:55 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Pam Gilroy
Regional Clerk