

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 12-2008

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 3, 2008 commencing at 6:50 p.m.

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn, Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Collins; Cordiner; D'Angela; Forster; 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; Brothers, Commissioner, Public Works; Robson, Acting Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Bergsma, Commissioner, Corporate Services; Nicol, Commissioner, Human Resources; Dr. Sider, Associate Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Ms. Rae, Legal Counsel.

CALL TO ORDER

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

CLOSED SESSION

296. Moved by Councillor Casselman
Seconded by Councillor Collins

That this Council do now move into Closed Session for the purposes of receiving information and dealing with Matters Concerning the Proposed Acquisition of Land and Property by the Municipality and Budget Approval and Initiation of Capital Project ZPO0813 Digital Video Recording System.

Carried.

CLOSED SESSION, RISE AND REPORT

297. Moved by Councillor Burroughs
Seconded by Councillor Puttick

That this Committee do now rise without report.

Carried.

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

ADOPTION OF THE AGENDA

298. Moved by Councillor Collins
Seconded by Councillor Casselman

That Dr. John Bacher, be permitted to speak to Thundering Waters Official Plan Amendment, City of Niagara Falls, Report PWA 64-2008, June 25, 2008, under Delegations.

Defeated.

299. Moved by Councillor Trombetta
Seconded by Councillor Greenwood

That the Council Agenda CL 12-2008 be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

300. Councillor Baty declared an indirect pecuniary interest with respect to Minute Item 109 of the June 24, 2008 Public Health and Social Services meeting, Report PHD 32-2008 respecting New Smart Systems for Health Agencies (SSHA)'s Agreements – The ONE ID Direct Service Module and the Data Hosting Service Module for the Oral Health Information support System (OHISS) as he has a family member who is an employee of the firm and he therefore took no part in the discussion of, or voting on, this matter.

Councillor Bylsma declared an indirect pecuniary interest with respect to any matters that deal with Wind Energy Project, as he has a family member involved in a Wind Energy Project Development in the Niagara Region 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 relating to the Police as he has a family member employed by the Niagara Regional 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 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 Zimmerman declared an indirect pecuniary interest with respect to any matters related to the Municipal Property Assessment Commission, as she is Chair of the Municipal Property Assessment Commission, and she therefore took no part in the discussion of, or voting on, these matters.

PRESENTATIONS

301. Niagara's Greenest Family

Niagara's Greenest Family contest was held in early 2008 and open to all Niagara residents; entries were received from eleven of the twelve municipalities. The title of Niagara's Greenest Family was awarded to one family from each municipality that was deemed to have made the Greenest effort to reduce their energy and water consumption, use environmentally friendly transportation, and generally reduce, reuse, recycle and compost.

The following families were titled Niagara's Greenest Families in their respective municipality:

Towers family – Fort Erie; Schat family – Grimsby; D'Achille family – Lincoln; McMaster family – Niagara Falls; Hellwig family – Niagara-on-the-Lake; Southwell family – Pelham; Trefz family – St. Catharines; Macauley-Brenet family – Thorold; Ens family – Wainfleet; Merritt family – Welland and Shaver family – West Lincoln.

302. Niagara International Chamber Music Festival

Ms. Barbara Worthy provided Regional Council with a brief history of the Niagara International Chamber Music Festival, which is now in its 10th year.

The Niagara International Chamber Music Festival is a registered not for profit organization, which has a nine member board, of which Christopher Newton is an Associate, a staff of two, an accountant, a fundraiser, and a vast pool of volunteers. Concerts are performed at venues across the region, from Fort Erie to Grimsby, from Welland to Niagara-on-the-Lake, in some of Niagara's prized historical buildings and exotic locations.

The Niagara International Chamber Music Festival has over the years formed valuable partnerships with local businesses, such as Vintage Inns, Peller Estates Winery, Inniskillin Winery, and the Shaw Festival - blending three vital components of the Niagara Region – tourism, wine, and the arts.

The festival's 2008 10th anniversary season consists of 50 concerts, and will run from July 21 to August 16.

Ms. Worthy noted that invitations to attend the Opening Gala on July 21, 2008 have been placed at each of the Councillors places.

REGIONAL CHAIR'S REMARKS

303. Regional Chair Partington noted that earlier today members of Council and staff marked the 400th Anniversary of Quebec City by ringing of bells and revisiting some of the rich history that Quebec City has enjoyed over the past 400 years. On behalf of Regional Council, Happy 400th Birthday, Quebec City!

Regional Chair Partington acknowledged the 17 years of service that John Nicol has provided to Niagara Region as Commissioner of Human Resources, noting, that the reorganization of our administrative structure that was undertaken, resulted in a new structure that no longer contains the role of Commissioner for the Human Resources Department. As a result, Mr. Nicol will no longer occupy the position as of July 7, 2008. Mr. Nicol has served this community well. He has been a trusted advisor to two Chief Administrative Officers, four Regional Chairs, himself included; and seven Regional Councils. He has carried out his often difficult tasks with skill and sensitivity. He leaves the Region with a positive labour relations environment and we wish him well in his future endeavors.

Councillor Zimmerman thanked Mr. Nicol for his years of dedicated service to the Niagara Region, noting that it was a privilege to have worked with him and wished him luck in his future endeavors.

Regional Council and staff in attendance acknowledged Mr. Nicol's years of service at Niagara Region with a standing ovation and wished him the best of luck in his future.

Regional Chair Partington noted that there has been some media attention with respect to an issue that had previously been dealt with by this Council, namely representation by population. Regional Chair Partington provided some comments with respect to this issue.

Regional Chair Partington understands that the meeting with Minister Watson and Mayor McMullan is to provide clarity around the letters that were forwarded by St. Catharines City Council to the Minister regarding the "Rep by Pop" issue that was dealt with by Niagara Region Council.

The meeting is between the Mayor and the Minister, the Minister fully understands that this issue was dealt with by Council and that a final decision was determined by Council on February 28th, 2008. During the February 28th Council meeting, Council voted 22 to 5 not to take any further action on the issue of Rep by Pop. In effect the issue was decided by a majority of Council (81%) and the issue is now closed.

The Regional Chair will be meeting with Minister Watson during the upcoming MARCO meetings and at that time, he is expecting to reaffirm Council's position.

Regional Chair Partington on behalf of Council thanked Northland Floral Ltd. for the plants that adorned the council chamber. These plants will be donated to the Woodlands of Sunset in Welland.

APPROVAL OF MINUTES

304. Report CL 11-2008

Moved by Councillor Saracino
Seconded by Councillor Martin

That Report CL 11-2008, being the minutes of the Proceedings of Council of Thursday, June 12, 2008, be approved and adopted.

Carried.

CORRESPONDENCE

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

That Communications C7073 to C7078 and C7080 to C7085 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7073 Card of thanks from John Alessandrino, an employee of the Public Works Department, for the kind donation to the Canadian Diabetes Association in memory of his mother Angelina Alessandrino.

Received.

C7074 An invitation to attend an open house from International Niagara Board of Control respecting matters affecting flows and levels in the Niagara River on September 15, 2008 at 7:30 p.m. at the Adam's Mark Hotel, 120 Church Street, Buffalo, NY.

Received.

C7075 Federation of Canadian Municipalities (FCM) Member Advisory (June 18, 2008) respecting an invitation to Canadian Municipalities to submit expressions of interest for the Municipal Partnership Program – Cambodia project.

Received and referred to Waste Management.

C7076 Card of thanks from the Birr Family, for the kind donation to the Heart and Stroke Foundation in memory of Mairi Birr.

Received.

C7077 Card of thanks from Heather Grundy, an employee of the Community Services Department, for the kind donation to the Central United Church in memory of her father Robert Eric Grundy.

Received.

C7078 A letter from Ms. Grandoni, (June 26, 2008) respecting Thundering Waters Official Plan Amendment, City of Niagara Falls, Report PWA 64-2008, June 25, 2008.

Received.

C7080 A letter from Dr. Bacher (June 26, 2008) respecting Official Plan Amendment 81, City of Niagara Falls, Official Plan (Thundering Waters), Report PWA 64-2008, June 25, 2008.

Received.

C7081 A letter from Minister Jim Bradley, Ministry of Transportation advising Niagara Region of funding in the amount of \$2,457,340 for the purpose of funding municipal road and bridge capital investment needs.

Received.

C7082 Card of thanks from Robert Pretty, an employee of the Public Works Department, for the kind donation to the Heart and Stroke Foundation in memory of his father Raymond Gerald Pretty.

Received.

C7083 A letter from Dean Iorfida, City Clerk, City of Niagara Falls (June 12, 2008) respecting the motion passed by the City of Niagara Falls Council in regards to Brochure Space at Gateway Niagara Welcome Centre.

Received and referred to the Niagara Economic Development Corporation.

C7084 An e-mail from Fiona McMurrin, Council of Canadians (July 3, 2008) objecting to the Proposed Amendment No. 81, Thundering Waters.

Received.

C7085 A memorandum from John Bergsma, Commissioner of Corporate Services (July 3, 2008) respecting the 2008 Debenture Issue.

Received.

Carried.

(Refer to Councillor Information Requests)

COMMITTEE REPORTS

PLANNING AND PUBLIC WORKS COMMITTEE

306. **Report 9-2008**

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report 9-2008, being the minutes of the Planning and Public Works Committee meeting of Wednesday, June 25, 2008, be approved and adopted.

Carried.

Councillor Rigby noted that the word "will" in the first paragraph, last sentence on Page 4 of Report PWA 62-2008/DPD 26-2008 has been changed to "may".

CORPORATE SERVICES COMMITTEE

307. Report 9-2008

Moved by Councillor Collins
Seconded by Councillor Augustyn

That Report 9-2008, being the minutes of the Corporate Services Committee meeting of Wednesday, June 25, 2008, be approved and adopted.

Carried.

Councillor Collins as Co-Chair of the Corporate Services Committee thanked Mr. John Nicol for his assistance during his tenure as Co-Chair, it has been very much appreciated.

308. Moved by Councillor Puttick
Seconded by Councillor Zimmerman

That Communication C7079, A letter from Mr. Larry Iggulden, Police Services Board Chair (June 26, 2008) respecting Police Facilities, be received.

Carried.

309. Moved by Councillor Bylsma
Seconded by Councillor Lepp

That Communication C7086, A letter from Mr. Peter Partington, Regional Chair (June 27, 2008) in response to Mr. Iggulden's letter of June 26, 2008, be received.

Carried.

310. Moved by Councillor Zimmerman
Seconded by Councillor Gabriel

That Communication C7087, A memorandum from Mr. Mike Trojan, Chief Administrative Officer (July 3, 2008) in response to the Police Services Board's correspondence of July 2, 2008, be received; and

That staff be authorized to make any necessary changes to the terms of reference for the Joint Oversight Committee to:

- balance the representation (i.e. 4 staff members from both Region and Police Service);
- better clarify the role of the committee as advisory to the respective Boards;
- include PSB language that was articulated in their letter dated June 26, 2008 that would better capture the purpose of the committee and its formal "commitment to mutual co-operation and information sharing"; and
- include and ensure transparency and accountability to the citizens of Niagara Region.

Carried Unanimously.

311. Re: PSB Confidential Board Report Number C.110/2008
Dated May 15, 2008 (Grimsby Police Facility)
CSD 93-2008 REVISED

Moved by Councillor Hodgson
Seconded by Councillor Badawey

That Report CSD 93-2008 Revised (June 25, 2008), respecting PSB Confidential Board Report Number C.110/2008 dated May 15, 2008 (Grimsby Police Facility), be received.

That Project ZPO0407 Grimsby Police Facility be initiated in the amount of \$1,000,000 as approved in the 2007 Police Capital Budget;

That approval be given to finance the project with long term financing (1-20 years) in the amount of \$1,000,000;

That all processes relevant to the new Grimsby Police Facility including its financing, planning, design and construction be referred to the Police Long-Term Accommodation Committee for administration; and

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

Carried.

Councillor Timms requested that he be recorded as opposed to the aforementioned motion.

(Refer to Councillor Information Requests)

312. Re: PSB Confidential Board Report Number C.101/2008
Dated May 16, 2008 (Fort Erie Police Facility)
CSD 94-2008 REVISED

Moved by Councillor Cordiner
Seconded by Councillor Salci

That Report CSD 94-2008 Revised (June 25, 2008), respecting PSB Confidential Board Report Number C.101/2008 dated May 16, 2008 (Fort Erie Police Facility), be received.

That Project ZPO0702 Fort Erie Police Facility be initiated in the amount of \$3,500,000 as approved in the 2007 Police Capital Budget;

That approval be given to finance the project with long term financing (1-20 years) in the amount of \$3,500,000;

That all processes relevant to the new Fort Erie Police Facility including its financing, planning, design and construction be referred to the Police Long-Term Accommodation Committee for administration; and

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

Carried.

(Refer to Councillor Information Requests)

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

313. Report 8-2008

Moved by Councillor Baty
Seconded by Councillor Timms

That Report 8-2008, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 24, 2008, be approved and adopted.

Carried.

BUDGET REVIEW COMMITTEE OF THE WHOLE

314. Moved by Councillor Martin
Seconded by Councillor Augustyn

That the decisions made at the Budget Review Committee of the Whole meeting of Thursday, July 3, 2008, be approved and adopted.

Carried.

NOTICES OF MOTION

315. Reconsideration – Waiving Notice Requirement

Moved by Councillor Augustyn
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 June 3, 2008 Public Health and Social Services Committee meeting, and ratified by Council on June 12, 2008 respecting Report PHD 26-2008, June 3, 2008, Endorsement and Recommendations for Bill 8, Healthy Food for Healthy Schools Act, 2008.

Carried.

316. Reconsideration – Endorsement and Recommendations for Bill 8
Healthy Food for Healthy Schools Act, 2008

Moved by Councillor Augustyn
Seconded by Councillor Casselman

That notwithstanding its June 12, 2008 resolution with respect to Report PHD 26-2008, June 3, 2008, respecting Endorsement and Recommendations for Bill 8, Healthy Food for Healthy Schools Act, 2008, Niagara Region defer the forwarding of the letters to the Minister of Education and the Minister of Health Promotion commending the introduction of Bill 8 and provide recommendations to strengthen the overall impact of the legislation; and the local school boards endorsing the importance of Bill 8 in relation to the nutritional benefits and overall health of Niagara's children and youth and offer support to local school boards to implement the Act, pending the reports reconsideration at the July 15, 2008 Public Health and Social Services Committee meeting.

Carried.

317. Endorsement and Recommendations for Bill 8
Healthy Food for Healthy Schools Act, 2008

Councillor Augustyn advised Regional Council that he will be bringing forward a motion at the July 24, 2008 Regional Council meeting, requesting that Regional Council reconsider their decision respecting Report PHD 26-2008, June 3, 2008, respecting Endorsement and Recommendations for Bill 8, Healthy Food for Healthy Schools Act, 2008.

OTHER BUSINESS

318. Immunization Clinics

Councillor Casselman noted that the Public Health Department will be holding immunization clinics over the summer months in order for parents to immunize their children prior to the beginning of the school year.

Parents were encouraged to immunize their children before September and visit the Niagara Region's website for information on the clinics.

319. Apology

Councillor Rigby apologized to Council for noting a Point of Order at the June 12, 2008 Council meeting, respecting the listing of community events during Other Business at Regional Council meeting, which is a matter of discussion, not a decision of Council at this time.

320. Project Niagara – Update

Regional Council was advised that Project Niagara is at the present time taking their reports through their reporting bodies and that Niagara Region has not received a response from them to date.

321. West St. Catharines Transportation Study

Councillor Timms asked that staff report back as to what effect the Greenbelt Act has had on the West St. Catharines Transportation Study, which was completed prior to its inception.

322. Partners in the Sky Fundraiser

Councillor Greenwood noted she will be taking part in the Partners in the Sky skydiving fundraising event for the Boys and Girls Club of Niagara at Skydive Burnaby on July 12, 2008. She thanked all those who sponsored her for this event.

323. Brian Romagnoli's Mural

Councillor Hodgson advised Regional Council that he was pleased to have been at the unveiling of Brian Romagnoli's latest large scale mural, depicting farming.

Renowned artist Brian Romagnoli encompassed the joyful essence of the Kowalik farm family in his art work, the first agricultural mural of its kind for Niagara, which is mounted in wood-framed panels along the front wall of the busy Peach Country Farm Market on the Kowalik Vineland Station farm property.

The mural is a celebration of 50 years in farming and marks the 75th birthday of a farmer (Chester Kowalik) who has seen it all and loves the business of growing and selling.

BY-LAWS

324. Moved by Councillor Heit
Seconded by Councillor Henderson

That the following Bill be now read and do pass:

Bill 55

A By-Law to Authorize Long-Term Financing (3-5 Years) in the Amount of \$2,625,000 For Various Projects in the 2008 Information Systems Capital Program

Bill 56

A By-Law to Authorize Long-Term Financing (1-20 Years) in the Amount of \$24,000,000 For Various Projects in the 2008 Wastewater Capital Projects

Bill 57

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$400,000 For Capital Project ZPO0813 Digital Video Recording System

Carried.

325. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That the following Bills be now read and do pass:

Bill 59

A By-Law to Authorize the Borrowing Upon Instalment Debentures in the Aggregate Principal Amount of \$4,923,673.00 (5 Year Instalment Debentures in the Principal Amount of \$454,970.00 And 10 Year Instalment Debentures in the Aggregate Principal Amount of \$4,468,703.00), \$1,228,000.00 of Which 10 Year Instalment Debentures May Be Raised By the Issue of Refinancing Debentures on or Before the Final Maturity Date, for the Purposes of the Regional Municipality of Niagara

Bill 60

A By-Law to Authorize the Borrowing Upon 10 Year Instalment Debentures in the Aggregate Principal Amount of \$17,355,327.00 (5 Year Instalment Debentures in the Principal Amount of \$427,030.00 And 10 Year Instalment Debentures in the Aggregate Principal Amount of \$16,928,297.00) for the Purposes of the Cities of St. Catharines, Welland and Port Colborne and the Town of Niagara-on-the-Lake

Bill 61

A By-Law to Authorize the Borrowing of the Aggregate of the Principal Amounts Authorized By By-Laws Nos. By-Law No. 59-2008 and By-Law No. 60-2008 in the Aggregate Principal Amount of \$22,279,000.00 (5 Year Instalment Debentures in the Aggregate Principal Amount of \$882,000.00 and 10 Year Instalment Debentures in the Aggregate Principal Amount of \$21,397,000.00) and the Issuing of One Series of Instalment Debentures Therefor, \$1,228,000.00 of Which 10 Year Instalment Debentures May Be Raised By the Issue of Refinancing Debentures on or Before the Final Maturity Date

Bill 62

A By-Law to Authorize Long-Term Financing (1-20 Years) in the Amount of \$1,000,000 for Project ZPO0407, Grimsby Police Facility

Bill 63

A By-Law to Authorize Long-Term Financing (1-20 Years) in the Amount of \$3,500,000 for Project ZPO0702, Fort Erie Police Facility

Carried.

CONFIRMING BY-LAW

326. Moved by Councillor Bentley
Seconded by Councillor Casselman

That the following Bill be now read and do pass:

Bill 58

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 3rd of July, 2008.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff was requested to:

- report back in one month's time respecting Communication C7083 (Refers to Minute Item 305) Councillor Puttick
- set definitive timeframes for these facilities (Refers to Minute Item 311 & 312) Councillor Zimmerman

ADJOURNMENT

The Council meeting adjourned at 9:43 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk