THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 14-2008

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, September 4, 2008 commencing at 6:35 p.m.

ATTENDANCE

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

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Acting Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Bergsma, Commissioner, Corporate Services; Dr. Williams, Medical Officer of Health; Ms. Elliott, Lead, Human Resources; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk.

Staff (Other): Messrs. Roberts, Executive Officer to the Regional Chair; Kyne, Director, Legal Services; Diakow, Director, IT Solutions; Hagar, Manager Employee Relations; Meffe, Manager Employee Relations; Ms. Isajiw, Legal Counsel.

CALL TO ORDER

366. Regional Chair Partington called the meeting to order at 6:35 p.m.

CLOSED SESSION

367. Moved by Councillor Bentley
Seconded by Councillor McMullan

That this Council do now move into Closed Session for the purposes of receiving information and dealing with Matters of Labour Relations; Matters of Solicitor-Client Advice, Privilege and Litigation and Personal Information about Identifiable Individuals.

Carried.

368. A Matter of Solicitor-Client Advice

Moved by Councillor Collins
Seconded by Councillor Salci

That the Director of Legal Services be authorized to proceed as directed.

Carried.

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CLOSED SESSION, RISE AND REPORT

369. Moved by Councillor Rigby
Seconded by Councillor Gabriel

That this Committee do now rise with report.

Carried.

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; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Timms; Trombetta; Zimmerman.

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

RETAIL HOLIDAY BUSINESS ACT PUBLIC MEETING

370. The Regional Chair introduced the Public Meeting which was to consider the passage of by-laws to permit the three businesses to open on holidays.

The Regional Chair asked whether there were any persons in attendance who wished to speak to the reports, there were two individuals who were recognized and spoke to the following:

Mr. Dean Tebbutt and Ms. Janet Moore, employees of the A & P Food Store at 3770 Montrose Road in Niagara Falls advised Regional Council that these holidays are very important holidays for the employees as well and that they would like them to remain as days the employees can take to enjoy with family and friends. The employees are just as deserving as everyone else and should be permitted to take these days off, just as everyone else does.

As there were no other persons in attendance to speak to the applications, the three reports (CSD 119-2008; CSD 120-2008 and CSD 121-2008) were discussed.

As there were members of the public waiting for the presentations, it was:

Moved by Councillor Zimmerman
Seconded by Councillor Gabriel

That Regional Council delay the consideration of the recommendations in the three reports (CSD 119-2008; CSD 120-2008 and CSD 121-2008) until after the presentations.

Carried.

PRESENTATIONS

371. 2008 Regional Chair's Bursaries
Regional Chair's Bursary for Brock University
Regional Chair's Bursary for Niagara College

Regional Chair Partington noted that this year marks the seventh year for the award of the Regional Chair's Bursaries approved by Council in 2002. The two Regional Chair's Bursaries, have been increased to $1,500, and $350 for each of the six finalists, given the increasing cost of tuition and are awarded to a first-year student entering Brock University and to a first-year student entering Niagara College.

Regional Council congratulated Ms. Amanda Fazzalari a graduate of École Secondaire Catholique Jean-Vanier in Welland entering Brock University in the Community Health Sciences program to pursue her career goal of becoming a pediatrician for being awarded the Regional Chair's Bursary for Brock University and the finalists Mr. Gordon Irvine a graduate of Denis Morris High School in St. Catharines entering Brock University in the Biochemistry program to pursue his career goals of becoming a doctor of medicine or biochemistry and working as a pathologist or in the field of medical research; Ms. Kristen Soucy a graduate of Thorold Secondary School entering Brock University in the Concurrent Education program to pursue her career goal of becoming a grade seven/eight elementary teacher. Ms. Frances Nicolaides a graduate of South Lincoln High School in Smithville entering Brock University in the Concurrent Education program to pursue her career goal of becoming a high school visual arts and biology teacher.

Regional Council congratulated Ms. Carrie Pahowski a graduate of Lakeshore Catholic High School in Port Colborne entering Niagara College in the Graphic Design program to pursue her career goal of becoming an Art Teacher for being awarded the Regional Chair's Bursary for Niagara College and the finalists Ms. Crystal Veres a graduate of St. Francis High School in St. Catharines entering Niagara College in the Practical Nursing program to pursue a career in nursing; Ms. Jillian Eden a graduate of Ridgeway Crystal Beach High School entering Niagara College in the Police Foundations program to pursue a career as a police officer; Ms. Andrea Kerton a graduate of the Lifetime Leaning Centre in St. Catharines entering Niagara College in the Accounting Co-Op program to pursue her career goal of becoming a bookkeeper in the Niagara Region.

RETAIL HOLIDAY BUSINESS ACT PUBLIC MEETING (Continued)

372. Application for Exemption under the Retail Business Holidays Act
A & P Food Store, 3770 Montrose Road, Niagara Falls – CSD 119-2008
Home Depot Canada Inc., 7190 Morrison Street, Niagara Falls – CSD 120-2008
Value Village, 6278 Lundy's Lane, Niagara Falls – CSD 121-2008

Discussion ensued with numerous questions from Regional Council. It was suggested that the report be deferred pending the receipt of a further report to the Corporate Services Committee that takes a holistic approach to the issue and incorporates information from the Niagara Regional Police Service as to how they are enforcing the Act and how many changes have been laid in the past.

Following discussion it was:

Moved by Councillor Zimmerman
Seconded by Councillor Salci

That Report CSD 119-2008, September 4, 2008, Application for exemption under the Retail Business Holidays Act (the "Act"), A & P Food Stores, 3770 Montrose Road, Niagara Falls; Report CSD 120-2008, September 4, 2008, Application for exemption under the Retail Business Holidays Act (the "Act"), Home Depot Canada Inc. 7190 Morrison Street, Niagara Falls and Report CSD 121-2008, September 4, 2008, Application for exemption under the Retail Business Holidays Act (the "Act"), Value Village, 6278 Lundy's Lane, Niagara Falls, be deferred pending the receipt of a further report at the Corporate Services Committee that takes a holistic approach of the Region and incorporates information from the NRPS as to how they are enforcing the Act and how many charges have been laid in the past.

Carried.

ADOPTION OF THE AGENDA

373. Moved by Councillor Burroughs
Seconded by Councillor Greenwood

That the Council Agenda CL 14-2008 be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

374. 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 Bylsma declared an indirect pecuniary interest with respect to matters related to Modern Corporation/Sheldrick Sanitation Ltd., as his employer has business dealings with Modern Corporation/Sheldrick Sanitation Ltd., and he therefore took no part in the discussion of or voting on these matters.

Councillor Casselman declared an indirect pecuniary interest with respect to any matters relating to the Hospital Improvement Plan as submitted by the Local Health Integrated Network by the Niagara Health System as it has the potential to affect her husband's practice of Urology in St. Catharines, and she therefore took no part in the discussion of, or voting on, these matters.

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 matter 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.

REGIONAL CHAIR'S REMARKS

375. The Regional Chair made note of the announcement from earlier this week, respecting the John Deere plant in Welland, which will be closing, causing the loss of 800 jobs and the loss of significant employer within Niagara. Regional Chair Partington has spoken with Councillor Goulbourne and offered him and his community his support.

Last week the Regional Chair attended the annual Association of Municipalities of Ontario (AMO) Conference with several Regional Councillors. During the conference he was able to meet with several government provincial ministers and federal officials to advance Niagara's agenda and issue. The Regional Chair was also pleased to participate in the main reception on Sunday evening which showcased Niagara's finest wines and foods that are produced here in Niagara. The Niagara tables were the hit of the reception and garnered much accolades mainly due in part to the great wines produced here, but also due to our Regional Councillors who acted as ambassadors!

The Regional Chair noted that many of Niagara's Regional Councillors and Niagara residents were glued to your televisions sets watching the Olympics in Beijing! The Regional Chair was pleased that Niagara was well represented and brought home medals, namely:

Tonya Verbeek from Beamsville who won a Bronze Medal in the 55kg freestyle wrestling category. Tonya also won a silver at the 2004 Athens Olympics as well as a bronze medal at the 2005 world championship.

Melanie Kok of St. Catharines won a bronze medal in the Woman's double sculls—lightweight.

Congratulations to Tonya and Melanie on their accomplishments!

The Regional Chair also recognized other Niagara residents who participated in the Beijing Olympics, namely, Saeed Azarbayjani of St. Catharines who competed in Freestyle Wrestling; Buffy Williams of St. Catharines who competed in the rowing competition; David Davidson of Thorold who competed in Baseball; Nick Weglarz of Stevensville who competed in Baseball; Frank Dancevic of Niagara Falls who competed in Tennis; Brady Reardon a Brock Health Science Student competed in the Canoe/Kayak, Flatwater; Roland Moses of St. Catharines competing for Grenada in Boxing and Marty Calder of Thorold, a wrestling coach.

Regional Chair Partington thanked Alfred Kiers of Railroad Gardens of Wainfleet for the flowers that adorned the Council Chamber. The flowers will be donated to Gilmore Lodge in Fort Erie.

Regional Council observed a moment of silence to remember the three Canadian soldiers killed and the five Canadian soldiers injured in a recent attack.

APPROVAL OF MINUTES

376. Report CL 13-2008

Councillor Casselman requested that her conflict as noted in Report CL 13-2008, be amended as follows:

Councillor Casselman declared an indirect pecuniary interest with respect to any matters relating to the Hospital Improvement Plan as submitted by the Local Health Integrated Network by the Niagara Health System as it has the potential to affect her husband's practice of Urology in St. Catharines, and she therefore took no part in the discussion of, or voting on, these matters.

Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That Report CL 13-2008, being the minutes of the Proceedings of Council of Thursday, July 24, 2008, be approved and adopted ***as amended***.

Carried.

CORRESPONDENCE

377 Moved by Councillor Bylsma
Seconded by Councillor Goulbourne

That Communications C7097 to C7102 and C7104 to C7107, ***as amended*** be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7097 Card of thanks from the Valerio family, for the kind donation to Muscular Dystrophy Canada in memory of Tony Valerio.

Received.

C7098 Card of thanks from Theodore Waskawich, an employee of the Public Health Department, for the kind donation to the St. Thomas More Building Fund in memory of his father Theodore Waskawich.

Received.

C7099 Card of thanks from Barbara Marr Anguish, an employee of the Community Services Department, for the kind donation to the Camp Trillium in memory of her father Alvin Marr.

Received.

C7100 A letter from Annie Brassard, Commissioner General, International Relations and Quebec's 400th Anniversary (July 18, 2008) thanking Niagara Region for the certificate of recognition for Quebec's 400th Anniversary.

Received.

C7101 A letter from Jillian Bevan, 2005 Silver Anniversary Bursary Recipient (August 6, 2008) expressing her appreciation for the Silver Anniversary Bursary that continues to support her educational pursuits at McMaster University and updating Council on her progress.

Received.

C7102 A letter from Minister David Caplan, Ministry of Health and Long-Term Care (August 7, 2008) in appreciation of the letter of congratulations on his appointment as Minister of Health and Long-Term Care.

Received.

C7104 A letter from Mr. Rob Janssen a resident of Jordan Station (August 18, 2008) requesting that Regional Council stop the ongoing downloading on Niagara's residents tax bills and work more with private investors and fund raising activities to fund the projects currently being considered by the Niagara Region

Received and referred to Corporate Services.

C7105 A memorandum from Mr. Robson, Acting Commissioner, Planning Services Department (September 4, 2008) respecting proposed funding for City of Port Colborne for Visualization of Waterfront Revitalization Project (DPD 36-2008, Recommendation 2)

Received.

C7106 A memorandum from Mr. Bergsma, Commissioner, Corporate Services (September 4, 2008) respecting an update on the Police Long Term Accommodations Committee Meetings – Summer, 2008.

Received ***as amended*** to read as follows:

2. ***Initiating the process*** of land acquisition for the site of a new facility in Fort Erie has been approved.

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C7107 A memorandum from Mr. Bergsma, Commissioner, Corporate Services (September 4, 2008) respecting the Use of Council Strategic Initiative Funding in 2008 approved Current and Capital Budgets.

Received.

Carried.

(Refer to Councillor Information Requests)

378. Moved by Councillor Collins
Seconded by Councillor Martin

That Correspondence Item C7103, the Draft 2009 Schedule of Regular Meetings: Regional Council, Budget Review Committee of the Whole and Standing Committees, from January to August 31, 2009, ***as amended by changing the June 11th Corporate Services Committee meeting to June 15th***, be received and approved.

Carried.

COMMITTEE REPORTS

BUDGET REVIEW COMMITTEE OF THE WHOLE

379. Report 2-2009 Budget

Moved by Councillor D'Angela
Seconded by Councillor Greenwood

That Report 2-2009 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, July 24, 2008, be approved and adopted.

Carried.

PLANNING AND PUBLIC WORKS COMMITTEE

380. Report 11-2008

Regional Council noted that Minute Items 249 and 250, should reflect that the reports are deferred ***for two weeks;*** and that Minute Item 269 should be noted as ***Canboro Road***, it was therefore;

Moved by Councillor Rigby
Seconded by Councillor McMullan

That Report 11-2008, being the minutes of the Planning and Public Works Committee meeting of Wednesday, September 3, 2008, be approved and adopted ***as amended***.

Carried.

(Refer to Councillor Information Requests)

CORPORATE SERVICES COMMITTEE

381. Report 11-2008

Moved by Councillor Martin
Seconded by Councillor Augustyn

That Report 11-2008, being the minutes of the Corporate Services Committee meeting of Thursday, August 28, 2008, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

382. Report 10-2008

Regional Council noted that the minutes be amended to include the following Councillor Information Request under Councillor Information Requests:

Councillor Timms requested that staff report back on the Niagara Regional Housing's process for the appointment of members to the Board with a comparison between the Niagara Regional Housing's and Niagara Economic Development Corporation's process.

Moved by Councillor Baty
Seconded by Councillor Timms

That Report 10-2008, being the minutes of the Public Health and Social Services Committee meeting of Thursday, August 28, 2008, be approved and adopted ***as amended.***

Carried.

383. Meeting with Dr. Kitts

Regional Chair Partington advised Regional Council of the letter his office has received from the Niagara LHIN, the letter is an invitation on behalf of Dr. Kitts and was extended to the area Mayors as well. The invitation extends to Niagara Region's Chair the opportunity to invite one additional Councillor.

Regional Chair Partington asked for Council's guidance on how they would like to respond to this request, would they like to have an additional representative join him at the meeting and if so, Council was reminded that the Councillor should be prepared to take a Regional view to the meeting as the local Mayors will be representing the views from their local communities.

Moved by Councillor Rigby
Seconded by Councillor Puttick

That Councillor Baty be selected as the Councillor to accompany the Chair to the meeting with Dr. Kitts.

Carried.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

384. Council Business Plan (2007-2011) Progress Report
CAO 8-2008

Moved by Councillor Badawey
Seconded by Councillor Hodgson

That Report CAO 8-2008, September 4, 2008, respecting the Council Business Plan (2007-2011) Progress Report, be received for information.

Carried.

NOTICES OF MOTION

385. Agreement Between the Region and
Niagara Economic Development Corporation

Councillor Puttick gave notice that he will be bringing a motion forward respecting the Agreement between the Region and the Niagara Economic Development Corporation at the September 25, 2008 meeting.

OTHER BUSINESS

386. Jill Hildreth 1K and 5K Fun Run/Walk

Councillor Baty encouraged all to take part in the 2008 Jill Hildreth Walk & Run, which is taking place on September 18, 2008 at 5:00 p.m. followed by a barbeque.

The proceeds from this year's event will be a donation of running shoes to low income children and youth.

387. Closure of the John Deere Facility, Welland

Councillor Goulbourne extended his appreciation to the Regional Chair, Minister Pupatello (Ministry of Economic Development and Trade) and her staff for their support following John Deere's announcement to close their facility in Welland.

Councillor Goulbourne noted that a formal strategy has been developed, with the assistance of the CAW. Councillor Goulbourne noted that he will be supporting the CAW, when they ask John Deere to revisit their decision.

388. Appointment to the AMO Board

Councillor Collins thanked all who supported him at the AMO Conference, where he was successfully re-elected as a member of the AMO Board.

Councillor Collins noted that in addition to himself from Niagara are Councillors Grenier (Welland) and Collard (Niagara-on-the-Lake) who were elected to the Small Urban Caucus.

389. FCM Conference 2014

Councillor Collins noted that Niagara Region was successful in obtaining the FCM Conference in 2014 in Niagara Falls and advised Regional Council that he will be working toward bringing a future AMO Conference to Niagara Region.

390. Capital Projects List

Councillor Burroughs advised Regional Council that the Capital Projects List will be available shortly.

391. Homelessness Forum in Grimsby

Councillor Zimmerman thanked the staff of Community Services, in particular, Dave Pelette and Sarah Pennisi for the excellent work they did and for the clarity they put forward in relaying the challenges Niagara Region faces with individuals who are living in poverty.

392. Scotia Bank Luncheon
Niagara Wine Festival

Councillor Zimmerman encouraged everyone to attend the Scotia Bank Luncheon on September 17th, with guest speaker Mr. Don Cherry.

393. Regional Arterial Road Study - Update

Mr. Brothers noted that staff is soliciting comments from the area municipalities and that a follow up meeting will be held in September with a report back to Planning and Public Works Committee in October.

394. East/West Environmental Assessment - Update

Mr. Brothers advised Regional Council that a consultant has been selected, public meetings are being scheduled, with a completion date either the later part of 2008 or the first part of 2009.

395. West Niagara Mayors Golf Tournament

Councillor Bentley noted that the West Niagara Mayors held their golf tournament last week, which raised $40,000 for the Niagara Community Foundation.

396. Regional Chair's Golf Tournament

Regional Council was reminded of the Regional Chair's Golf Tournament which is being held on September 11, 2008.

BY-LAWS

397. Moved by Councillor Burroughs
Seconded by Councillor Heit

That the following Bills be now read and do pass:

Bill 79
A By-Law To Accept, Assume and Dedicate Block 13, Plan 30M-379, in the Town of Niagara-on-the-Lake, as part of Regional Road No. 90 (Airport Road)

Bill 80
A By-Law to Accept, Assume and Dedicate Part of Township Lots 45 &54, in the City of Niagara Falls as Part of Regional Road No. 98 (Montrose Road)

Bill 81
A By-Law to Accept, Assume and Dedicate Part of Range 18, Plan 1, in the City of Niagara Falls as Part of Regional Road No. 102 (Stanley Avenue)

Bill 85
A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of $900,000 for Project ZPO9802, S.P.I.R.I.T. (Supporting Police in Records and Information Technology)

Bill 86
A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount $2,800,000 for Project ZPO0810, Enterprise Content Management System

Carried.

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

That the following Bills be now read and do pass:

Bill 88
A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of $495,000 for Project ZGL0707, Closure Works Station Road Landfill Site, Wainfleet

Bill 89
A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of $910,000 for Project ZRC0236, Reconstruction of RR 81 (St. Paul Street), Ninth to Seventh Street, St. Catharines, and Project ZRC0840, Reconstruction of RR 81 (Old Hwy. 8), Vinehaven Trail to 23rd Street, Lincoln

Bill 90
A By-Law to Accept, Assume and Dedicate Part of Lot 6, Plan 442, in the Town of Lincoln as Part of Regional Road No. 81 (King Street)

Bill 91
A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Town of Fort Erie.

Bill 92
A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of St. Catharines

Bill 93
A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Town of Fort Erie.

Bill 94
A By-Law to Provide for the Regulation of Traffic on Regional Highways in the City of Welland, City of Thorold.

Bill 95
A By-Law to Regulate the Use of the Solid Waste Management System for the Regional Municipality of Niagara.

Carried.

CONFIRMING BY-LAW

399. Moved by Councillor Goulbourne
Seconded by Councillor Bylsma

That the following Bill be now read and do pass:

Bill 87
A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 4th of September, 2008.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff was requested to:

- ensure that the draft RFP, the Terms of Reference and any future documents, be given to all Regional Councillors (Refers to C7106) – Mr. Trojan noted that this would have to be with the Niagara Regional Police Services Board's approval, given the confidentiality of some of the documents. (Refers to Minute Item 377) Councillor McMullan

- refer Correspondence Item PWC 31-2008 to the Public Health and Social Services Committee. (Refers to Minute Item 380) Councillor Timms

- consider underground wiring for the Wind Energy Project as a preferred option for the Township of Wainfleet. (Refers to Minute Item 380) Councillor Henderson

ADJOURNMENT

The Council meeting adjourned at 9:52 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Clerk

Pam Gilroy
Regional Clerk