

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 20-2008

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, December 18, 2008 commencing at 6:35 p.m.

These are the individuals who were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Brothers, Commissioner, Public Works; Dr. Sider, Associate Medical Officer of Health; Ms. Pilon, Acting Regional Clerk; Ms. Reilly, Legislative Assistant.

Staff
(Other): Ms. Elliott, Acting Lead, Human Resources; Messrs. Hagar, Manager, Employee Relations; Kyne, Director, Legal Services; Pilon, Associate Director, Service Quality & Improvement; Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategic Business Management.

CALL TO ORDER

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

CLOSED SESSION

528. Moved by Councillor Cordiner
Seconded by Councillor Greenwood

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matter of Solicitor-Client Advice; Matters of Security of the Property of the Municipality and Litigation; Personal Matters about an Identifiable Individual and Matters of Labour Relations.

Carried.

529. A Matter of Solicitor-Client Advice

There were no issues raised.

530. A Matter of Security of the Property of the Municipality
Purchase of Mixed Fibres and Plastic from the Region of Waterloo
Oral Report

Moved by Councillor Heit
Seconded by Councillor Burroughs

That the Oral Report respecting A Matter of Security of the Property of the Municipality, Purchase of Mixed Fibres and Plastic from the Region of Waterloo, be received; and

That staff be authorized to proceed and report back.

Carried.

531. Matters Concerning Security of the Property of the Municipality and Litigation
(OLG Tax Appeal)

Oral Report

Mr. Kyne provided Regional Council with an oral report on this subject.

CLOSED SESSION, RISE AND REPORT

532. Moved by Councillor Badawey
Seconded by Councillor Baty

That this Committee do now rise with report.

Carried.

These are the individuals who were in attendance during the Open Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner, Public Works; Dr. Williams, Medical Officer of Health; Ms. Pilon, Acting Regional Clerk; Ms. Reilly, Legislative Assistant.

Staff
(Other): Ms. Elliott, Acting Lead, Human Resources; Messrs. Hagar, Manager, Employee Relations; Kyne, Director, Legal Services; Pilon, Associate Director, Service Quality & Improvement; Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategic Business Management.

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

ADOPTION OF THE AGENDA

533. Moved by Councillor Trombetta
Seconded by Councillor Henderson

That the Council Agenda CL 20-2008 be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

534. Councillor Collins declared an indirect pecuniary interest with respect to any police matters 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 Forster declared an indirect pecuniary interest with respect to Report COM 67-2008 respecting Application of Provincial Funding for an Automated Common Resident Assessment Instrument – Final Phase and Report PHD 69-2008 respecting Ministry of Health and Long-Term Care Funding; Infection

Control Practitioner Position, as she is a staff member with the Ontario Nurses Association, and she 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.

PRESENTATIONS

535. Smithville District Christian High School Community Choir

The Smithville District Christian High School Community Choir sung classic Christmas selections for Council enjoyment.

Regional Chair Partington on behalf of Regional Council thanked the choir for singing for Council this evening.

536. 2008 Niagara Regional Chairman's Charity Golf Tournament
Cheque Presentations

It was the Regional Chair's pleasure to present the proceeds from this year's Regional Chair's Charity Golf Tournament. This year's tournament marked the 11th year for this tournament, which raised over \$100,000.00 dollars for 2008. The Regional Chair was also pleased to announce that, over the past 11 years, the Niagara Regional Chairman's golf tournaments have raised in excess of \$785,000.00. Proceeds from this annual event have gone back to Niagara charities directly. The Regional Chair acknowledged and thanked all of the Councillors, outside organizations, staff and community partners whose participation and support contributed to making this event so successful.

As the Regional Chair stated earlier, this year's tournament raised over \$100,000.00 and this year's recipients, the YMCA of Niagara, Pro Kids Program and the Boys and Girls Club of Niagara, will each receive a cheque in the amount of \$50,000.00.

The Regional Chair commented that he was proud that the Niagara Region was able to donate this year's proceeds to two worthy causes that help to invest in Niagara's Youth, which is a valuable investment in Niagara's Future.

The Regional Chair presented Mr. Dave Wylie from the YMCA of Niagara, Pro Kids Program and Ms. Elaine Wallis and Ms. Joanne Turner from the Boys and Girls Club of Niagara with cheques in the amount of \$50,000.00 each.

REGIONAL CHAIR'S REMARKS

537. Regional Chair Partington, on behalf of Council, thanked the Smithville District Christian High school Community Choir for their outstanding and inspirational contribution to the Niagara Region's Council session and for providing such a festive atmosphere to the Chairman's/CAO's staff holiday celebration.

Regional Chair Partington advised that Project Niagara met recently with Niagara-on-the-Lake Council and provided them with an update on their feasibility study and that they will be presenting to the Integrated Community Planning and Public Works Committee and the Corporate Services Committee in January.

Regional Chair Partington noted that further to the last Council meeting and at the request of several council members, the CAO, Mike Trojan and the Regional Chair met with the Police Service Board Chair Iggulden and Chief Southall to discuss opportunities to move forward on the Police Long Term Accommodation issues. In response to the Police Service Board's letter of November 27th and the recent meeting, the Regional Chair forwarded a letter to the Board confirming Council's position. A copy of the Regional Chair's letter was forwarded to Council on December 17, 2008. There will be a further report by staff to Council in January on this matter.

The Regional Chair commented that as this year ends and Regional Council reaches its midway point for this term, Council will be entering a period of economic challenges for the Region. Speaking on behalf of Council, the Regional Chair assured Niagara's citizens that Council will be working closely with area municipalities, local businesses, as well as senior levels within the provincial and federal governments, to sustain and build Niagara's economy.

The Regional Chair commented that he was pleased that the 2009 Capital Budget has received approval and that the Current Budget will be dealt with by the Budget Review Committee of the Whole on January 15, 2009 at 4:00 p.m. with the possible approval of the Current Budget at the January 22, 2009 Council meeting. The Regional Chair noted that it is crucial to Niagara's economy that Niagara invests in infrastructure projects in 2009 to help stimulate Niagara's economy and create jobs within Niagara.

The Regional Chair mentioned that as part of Niagara's economic plan, he will be meeting with Senior Federal Ministers to propose key initiatives on behalf of Niagara and to gain their support. This is part of the Regional Chair's goal to increase and strengthen the Niagara Region's working relationship with the Federal and Provincial governments.

The Regional Chair also noted that he is looking forward to Council working through the 2009 Operational Budget and completing it early in the New Year.

The Regional Chair noted that as Regional Council moves into its final two years of this term of office, he is looking forward to working with Council on the: 406 extension to east Main Street and East West Corridor; continuing to push forward a proactive plan to achieve some form of Regional transit for Niagara as he believes this is critical to Niagara's economic success; working closely with Regional staff and Council on behalf of the citizens of Niagara and continuing to work on Council's Business Plan.

The Regional Chair noted that at this festive time of year, holidays are celebrated in different ways. For many, Christmas celebrates the birth of Jesus, born more than 2000 years ago; for others, it is Hanukah, for Jewish people commemorating a miracle of light. For Muslims, this time of year marks the birth of a divinely inspired messenger. To others, this is a time to celebrate Dwali, Kwanza and others. But the meaning of the season does not stop at the door of the church or the synagogue or the mosque. The themes of these celebrations have much in common - one of special foods, gifts for children, generosity to those in need, the gathering of family and friends and a profound spirit of compassion and goodwill which must live in our hearts throughout the year. This is especially true this year when we recognize the economic and social challenges that face us all here in Niagara and around the world.

The Regional Chair asked us to be inspired and strengthened by the spirit of this season, recognizing that we in Niagara are blessed with great natural assets and our outstanding geographic location in the heart of the North American continent; creative and productive people from diverse backgrounds and a system of government that brings stability, freedom and opportunity to its systems to all to build a better life for ourselves and others; and tremendous opportunities are at our hand, let's seize them for a better Niagara.

The Regional Chair especially thanked Regional Council, as each and every one of them, have contributed to Niagara's success on a daily basis. Regional Council's hard work and dedication are not only appreciated by the Regional Chair, but most importantly by the citizens lives that we touch every day. He commented that it has been a pleasure to work with the members of Regional Council as we continue to build a better Niagara for all.

The Regional Chair extended Season's Greetings, Merry Christmas and a Happy New Year to Regional Council and the citizens of Niagara.

The Regional Chair thanked P.J Vermeer from Westbrook Floral Ltd. in the Town of Grimsby for their generous donation of the flowers gracing the Council Chambers.

APPROVAL OF MINUTES

538. Report CL 18-2008

Moved by Councillor Saracino
Seconded by Councillor Augustyn

That Report CL 18-2008, being the minutes of the Proceedings of Council of Thursday, November 27, 2008, be approved and adopted.

Carried.

539. Report CL 19-2008

Moved by Councillor Timms
Seconded by Councillor Baty

That Report CL 19-2008, being the minutes of the Proceedings of Council of Thursday, December 11, 2008, be approved and adopted.

Carried.

CORRESPONDENCE

540. Moved by Councillor Puttick
Seconded by Councillor D'Angela

That Communications C7173 to C7184, be dealt with as noted in the Council Agenda and Addendum ***as amended***, which reads as follows:

C7173 A letter from Minister Tony Clement, Ministry of Industry (November 21, 2008) thanking Regional Council for the kinds words of congratulations.

Received.

C7174 Card of thanks from John McNeil, President and Al Scott, Poppy Chairman of the Royal Canadian Legion Branch 230 Ridgeway for sharing Remembrance Day with them.

Received.

C7175 Card of thanks from Ruth Johnson an employee of the Corporate Services Department, for the kind donation to Glad Tidings Church of God in memory of her mother Phyllis May Mires.

Received.

- C7176 Card of thanks from Kelly McNeil an employee of the Community Services Department, for the kind donation to Sport by Ability Niagara in memory of her father.
- Received.*
- C7177 An e-mail (December 9, 2008) advising Regional Council of the Town of Lincoln's appointment of Doug Kerr, Acting Director, Public Works as their representative on the 2015 Pan American Games Committee.
- Received and referred to the 2015 Pan American Games Committee.*
- C7178 A letter from Brian McMullan, Mayor, City of St. Catharines (November 24, 2008) advising Regional Council of the City of St. Catharines' appointment of Peter Secord and Len Stack, as their representatives on the 2015 Pan American Games Committee.
- Received and referred to the 2015 Pan American Games Committee.*
- C7179 A letter from Pamela C.A. Ellens, Executive Director (December 1, 2008) noting their appreciation for Regional Council's ongoing support of the West Lincoln Memorial Hospital.
- Received.*
- C7180 A letter from Minister Jim Watson, Ministry of Municipal Affairs and Housing (November 26, 2008) respecting the reporting requirements for the 2008 Municipal Performance Measurement Program (MPMP)
- Received.*
- C7181 A memorandum from Gord Lockyer, Treasurer/Director, Financial Management & Planning (December 16, 2008) respecting the 2009 Ontario Municipal Partnership (OMPF) Announcement.
- Received.*
- C7182 A letter from Gail Cosman, President, Nestlé Waters Canada (December 3, 2008) offering their considerable industry knowledge and requesting participation in any future discussions related to the continued sale of bottled water in our facilities, should such a matter be raised as an issue in our community.
- Received and referred to staff.*

C7183 A letter from Minister John Baird, Ministry of Transport, Infrastructure and Communities (December 9, 2008) thanking the Regional Chair for his letter of congratulation on his appointment.

Received.

C7184 An e-mail from Kari Cullen, Project Niagara (December 17, 2008) respecting the News Release: Project Niagara Feasibility Study

Received.

Carried.

(Refer to Councillor Information Requests)

AGENCIES, BOARDS AND COMMISSIONS

541. Niagara Regional Housing Quarterly Report
July 1, 2008 – September 30, 2008
NRH 6-2008

Moved by Councillor Forster
Seconded by Councillor Gabriel

That Report NRH 6-2008, (December 18, 2008) respecting the Niagara Regional Housing Quarterly Report, July 1, 2008 to September 30, 2008 be received for information.

Carried.

COMMITTEE REPORTS

BUDGET REVIEW COMMITTEE OF THE WHOLE

542. Report 5-2009 Budget

Moved by Councillor Goulbourne
Seconded by Councillor Bylsma

That Report 5-2009 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, November 27, 2008, be approved and adopted.

Carried.

543. Report 6-2009 Budget

Moved by Councillor Burroughs
Seconded by Councillor Heit

That Report 6-2009 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, December 4, 2008, be approved and adopted.

Carried.

544. Report 7-2009 Budget

Moved by Councillor Goulbourne
Seconded by Councillor Collins

That Report 7-2009 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, December 11, 2008, be approved and adopted.

Carried.

INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

545. Report 16-2008

Moved by Councillor Smeaton
Seconded by Councillor Rigby

That Report 16-2008, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, November 26, 2008, be approved and adopted.

Carried.

546. Report 17-2008

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report 17-2008, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, December 10, 2008, be approved and adopted.

Carried.

(Refer to Councillor Information Requests)

CORPORATE SERVICES COMMITTEE

547. Report 16-2008

Moved by Councillor Collins
Seconded by Councillor Saracino

That Report 16-2008, being the minutes of the Corporate Services Committee meeting of Wednesday, December 10, 2008, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

548. Report 14-2008

Moved by Councillor Baty
Seconded by Councillor Cordiner

That Report 14-2008, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, December 9, 2008, be approved and adopted.

Carried.

OTHER BUSINESS

549. Answers from Niagara Economic Development Corporation

Councillor Puttick advised Regional Council that he asked for answers to several questions from the Niagara Economic Development Corporation, however, to date, he has not received these answers. Councillor Puttick made note of two questions in particular, the letter from Minister Papatello, respecting the \$500K the Niagara Economic Development Corporation received and Niagara Region matched for a \$1 Million investment and information on the process and costs associated with the Niagara Brand.

550. Niagara Brand

Moved by Councillor Puttick
Seconded by Councillor McMullan

That staff report back on the process and costs incurred by Niagara Falls Hydro for their new logo, in comparison to the process and costs associated with the Niagara Brand.

Defeated.

551. Updated Project Listing as of December 31, 2008

Councillor Burroughs requested that staff include the 2009 Capital Budget to the project list and that it be run off by December 31, 2008 for the Audit Committee and the Auditors, as it is extremely helpful.

BY-LAWS

552. Moved by Councillor Zimmerman
Seconded by Councillor Gabriel

That the following Bills be now read and do pass:

Bill 124

A By-Law to Appoint Sewage System Inspectors for The Regional Municipalities of Niagara Pursuant to the Building Code Act and to Repeal By-Law No. 8984-98.

Bill 126

A By-Law to Accept, Assume and Dedicate Part of Lot 41, Township Plan 94 in the City of St. Catharines as Part of Regional Road No. 69 (Pelham Road)

Bill 127

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

Carried.

553. Moved by Councillor Bylsma
Seconded by Councillor Lepp

That the following Bills be now read and do pass:

Bill 125 Amended

A By-Law For the Regulation of Small, On Lot Sewage Systems in The Regional Municipality of Niagara and to Repeal By-Law No. 8983-98

Bill 129

A By-Law to Adopt the 2009 Capital Budget For The Regional Municipality of Niagara

Carried.

CONFIRMING BY-LAW

554. Moved by Councillor Badawey
Seconded by Councillor Hodgson

That the following Bill be now read and do pass:

Bill 128

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 18th of December, 2008.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff was requested to:

- include Report PHD 57-2008, Safe Water Program – Bottled Water in the review (Refers to Minute Item #540 - C7182) Councillor Timms
- report back on whether Niagara Region has the ability to take our land applied biosolids somewhere else or do we have to go through Terratec. (Refers to Minute Item #546) Councillor Burroughs

ADJOURNMENT

The Council meeting adjourned at 8:17 p.m.

Peter Partington
Regional Chair

Gail Reilly
Legislative Assistant

Janet Pilon
Acting Regional Clerk