

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL1-2009

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, January 22, 2009 commencing at 4:15 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 Badawey, Bentley; Burroughs; Casselman; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit; Henderson; Katzman; Marshall; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms.

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Cousins, Acting Commissioner, Public Works; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Kyne, Director, Legal Services; Roberts, Executive Officer to the Regional Chair; Diakow, Director IT Solutions.

CALL TO ORDER

1. Regional Chair Partington called the meeting to order at 4:15 p.m.

CLOSED SESSION

2. Moved by Councillor Salci
Seconded by Councillor Greenwood

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matters of Solicitor-Client Privilege, Litigation, Proposed Dispositions of Land and Closed Meetings under the Police Services Act re: the Police Long-Term Accommodation Strategy; A Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality – Reconstruction of Regional Road 20, City of Thorold; Matters of Potential Litigation and Solicitor/Client Advice; A Matter of the Security of the Property of the Municipality – Preservation of Corporate Records; A Matter of Labour Relations Regarding Non Union Compensation and A Proposed Acquisition of Land by the Municipality – Lease Renewal, City of Niagara Falls.

Carried.

3. Matters of Solicitor-Client Privilege, Litigation,
Proposed Dispositions of Land and Closed Meetings
under the Police Services Act re: the
Police Long-Term Accommodation Strategy

Confidential Memorandum

Mr. Kyne provided Regional Council with Client-Solicitor advice.

Moved by Councillor Badawey
Seconded by Councillor McMullan

That this Committee do now rise without report.

Carried.

Regional Council recessed at 6:00 p.m.

Regional Council reconvened at 6:40 p.m.

The following individuals in attendance at the Closed Session of Regional Council at 6:40 p.m.:

ATTENDANCE

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

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Cousins, Acting Commissioner, Public Works; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Kyne, Director, Legal Services; Roberts, Executive Officer to the Regional Chair; Diakow, Director IT Solutions.

4. Moved by Councillor Collins
Seconded by Councillor Badawey

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matters of Solicitor-Client Privilege, Litigation, Proposed Dispositions of Land and Closed Meetings under the Police Services Act re: the Police Long-Term Accommodation Strategy; A Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality – Reconstruction of Regional Road 20, City of Thorold; Matters of Potential Litigation and Solicitor/Client Advice; A Matter of the Security of the Property of the Municipality – Preservation of Corporate Records; A Matter of Labour Relations Regarding Non Union Compensation and A Proposed Acquisition of Land by the Municipality – Lease Renewal, City of Niagara Falls.

Carried.

5. Matters of Potential Litigation and Solicitor/Client Advice
CSD 18-2009 (PWA 04-2009) Confidential

Moved by Councillor Marshall
Seconded by Councillor McMullan

That Regional Council authorizes Councillor Goulbourne to share this report with the City of Welland Council.

Carried.

6. A Matter of Solicitor-Client Advice

There were no issues raised.

7. A Proposed Acquisition of Land by the Municipality and
Potential Litigation Affecting the Municipality
Reconstruction of Regional Road 20
City of Thorold
CSD 23-2009/PWA 10-2009 Confidential

Moved by Councillor Badawey
Seconded by Councillor D'Angela

That Confidential Report CSD 23-2009/PWA 10-2009, (January 22, 2009) respecting A Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality, Reconstruction of Regional Road 20 in the City of Thorold, be received and the recommendations contained therein ***with the exception of the recommendation that authorizes staff to complete the acquisition of this property at a cost of no more than the amount reported*** be approved.

Carried.

CLOSED SESSION, RISE AND REPORT

8. Moved by Councillor Burroughs
Seconded by Councillor Greenwood

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 Badawey, Bentley; Burroughs; Casselman; Collins; Cordiner; D'Angela; Forster; Goulbourne; Greenwood; Heit; Henderson; Hodgson; Katzman; Lepp; Marshall; McMullan; Puttick; Rigby; Saracino; Smeaton; Timms.

Staff: Messrs. Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Planning and Development; Hutchings, Commissioner, Community Services; Cousins, Acting Commissioner, Public Works; Dr. Williams, Medical Officer of Health; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Kyne, Director, Legal Services; Roberts, Executive Officer to the Regional Chair; Diakow, Director IT Solutions.

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

ADOPTION OF THE AGENDA

9. Moved by Councillor Burroughs
Seconded by Councillor Puttick

That the Council Agenda CL 1-2009 be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

10. 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, 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.

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.

RISE AND REPORT FROM CLOSED SESSION

11. Matters of Solicitor-Client Privilege, Litigation,
Proposed Dispositions of Land and Closed Meetings
under the Police Services Act re: the
Police Long-Term Accommodation Strategy
Confidential Memorandum

Moved by Councillor Smeaton
Seconded by Councillor Burroughs

That the Police Services Board be requested to instruct the Niagara Regional Police Service to return to the Police Long-Term Accommodations Committee (PLTAC) and fully participate in the PLTAC's process and upon meeting consider all of the recommendations outlined in the Director of Legal Services' confidential January 20, 2009 memorandum to Regional Councillors; and

That the Regional Chair recommend to Council the appointment of two Regional Councillors to the Police Long-Term Accommodation Committee with full status at his earliest convenience.

Carried.

CURRENT BUDGET PUBLIC MEETING

12. The Regional Chair noted that in accordance with the requirements of the Municipal Act, a newspaper ad was published in the daily and weekly newspapers in the Region the week of December 1, 2008 advising of Council's approval of the 2009 Current and Capital Budgets on December 11, 2008, and inviting public input.

Interested persons were invited to submit comments in writing or to the website, or to request an appointment to speak.

At the Regional Council meeting on December 11, 2008, the 2009 Capital Budget was approved. The 2009 Current Budget discussions continued at the Budget Review Committee of the Whole meeting on Thursday, January 15, 2009, and the Current Budget was recommended for approval and will be ratified later in the meeting.

The Regional Chair asked whether there was anyone in the audience who wished to speak to the 2009 Current Budget, there were no responses, Regional Council proceeded with the meeting.

REGIONAL CHAIR'S REMARKS

13. The Regional Chair met with the Honourable John Baird, Minister of Transport, Infrastructure and Communities on January 15, 2009. During the meeting with Minister Baird, the Regional Chair discussed the advancement of Niagara Region's infrastructure priorities.

The package that was presented will help stimulate Niagara's economy within 120 days and create much needed jobs; the projects discussed could be initiated over the next 12 to 24 months to continue to propel the local economy and job creation opportunities. Minister Baird was understanding of Niagara's situation and appreciated the opportunity to be better informed about the economic challenges and the opportunities to work with the federal government to stimulate Niagara's economy. The Regional Chair noted that St. Catharines MP and Parliamentary Assistant to Citizenship and Immigration, Rick Dykstra was in attendance and supported Niagara during the meeting.

The Regional Chair strongly believes that these projects will provide added stimulus that will support Niagara's economic strategy and will have a major economic impact for Niagara. Niagara's goal is to partner closely with the federal and provincial governments to ensure that taxpayers receive the biggest impact for their tax dollars in the shortest amount of time. The infrastructure package presented to Minister Baird will benefit the entire region, and the Regional Chair is looking forward to working with the federal government to bring these projects to fruition. In follow up to our meeting with Minister Baird, the Regional Chair's office is working to arrange a meeting with Ontario's Minister responsible for Infrastructure, the Honourable George Smitherman, Minister of Energy and Infrastructure and the Honourable Jim Bradley, Minister of Transportation to brief them on the Regional Chair's meeting with Minister Baird and to continue to advance Niagara's infrastructure needs.

In addition to creating jobs now, these infrastructure projects will help attract business and industry to this region in the future. As a regional government, we must create and maintain an attractive environment in which businesses can invest and grow.

Council has demonstrated an ongoing commitment to cost containment that has resulted in lower average tax increases than those in neighbouring municipalities. Over the last three years, the average regional tax increase in the region has been slightly over one percent. This is generally, and in some cases significantly, below comparable jurisdictions.

At the same time, we have been able to maintain or improve vital services. This is due to the dedication and commitment of the departments of the Niagara Region who are working together with Council to identify areas where we can provide good stewardship of the public purse.

In addition to investments in infrastructure and a commitment to keeping taxes as low as possible, the Region can play a leadership role in bringing people together to identify opportunities for growth.

As we move forward, we will continue to work with business, community and academic leaders across the Niagara Region. Success can only be achieved through a partnership approach that will benefit all. The Regional Chair is looking forward to building a strong and bright future here in Niagara.

The Regional Chair thanked Gerard & John Schouwenaar of Orchard Park Growers Limited of St. Catharines for the plants that adorned the Council Chamber. These plants will be donated to West Niagara Adult Day Service Program in Grimsby.

APPROVAL OF MINUTES

14. **Report CL 20-2008**

Moved by Councillor Timms
Seconded by Councillor Katzman

That Report CL 20-2008, being the minutes of the Proceedings of Council of Thursday, December 18, 2008, be approved and adopted.

Carried.

CORRESPONDENCE

15. Moved by Councillor Lepp
Seconded by Councillor Goulbourne

That Communications C7185 to C7204, be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7185 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (December 16, 2008) respecting Wage Freeze for Politicians.

Received.

- C7186 A letter from the Minister Stockwell Day, Ministry of International Trade and Ministry for the Asia-Pacific Gateway (December 17, 2008) in response to the Regional Chair's letter of congratulations on his appointment.
- Received.*
- C7187 A letter from Debbie Zimmerman, Chair, MPAC Board of Directors (December 15, 2008) respecting the 2008 Assessment Update.
- Received.*
- C7188 A letter from Minister Dwight Duncan, Ministry of Finance and Minister Jim Watson, Ministry of Municipal Affairs and Housing (December 15, 2008) respecting the Ontario Municipal Partnership Fund (OMPF) allocations for 2009.
- Received and referred to the Departmental Budget Coordinators.*
- C7189 A letter from Cheryl Miclette, Town Clerk, Town of Pelham (December 16, 2008) advising Regional Council of the Town of Pelham's appointment of Mr. Paul Nemy as their representative on the 2015 Pan American Games Committee and Ms. Saskia Holditch, as the Town of Pelham's representative on Sub-Committees when and if established.
- Received and referred to the 2015 Pan American Games Committee.*
- C7190 An e-mail from Louise Howe, a resident of Niagara-on-the-Lake (December 15, 2008) respecting Project Niagara.
- Received and referred to staff.*
- C7191 An e-mail from Brian Turner, a resident of Sherkston, Ontario (December 18, 2008) requesting that Regional Council maintain a tax increase as close to 0% as possible, being as taxes will increase just based on a dwellings value.
- Received and referred to staff.*
- C7192 Card of thanks from Suzanne Papp an employee of the Community Services Department, for the kind donation to Tender Wishes Foundation in memory of her husband William Papp.
- Received.*

- C7193 Card of thanks from Melbye family, for the kind donation to Bethany Community Church in memory of Leslie Melbye.
- Received.*
- C7194 A letter from RD Bowman, President, Niagara Chapter CAVUNP (December 24, 2008) respecting veteran parking permits.
- Received and referred to Transportation Services, Public Works Department.*
- C7195 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (December 17, 2008) to Tony D'Amario, CAO, Niagara Peninsula Conservation Authority (NPCA) requesting that the NPCA provide documentation of its permit fee structure for works related to municipal drain projects by January 30, 2009; that the NPCA remove any fees related to municipal works under the *Drainage Act* by February 27, 2009; and a request that the Regional Municipality of Niagara intervene if the NPCA fails to provide the documentation by January 30, 2009.
- Received and referred to the Integrated Community Planning Department.*
- C7196 A letter from Brian McMullan, Mayor, City of St. Catharines (December 16, 2008) respecting Minister Jim Watson, Minister of Municipal Affairs and Housing response to Mayor McMullan's letter of October 2, 2008, which noted concerns about the potential relocation of the Niagara Regional Police Headquarters from downtown St. Catharines to a Greenfield site.
- Received and referred to the Police Long-Term Accommodations Committee.*
- C7197 A letter from JoAnne Turner, Executive Director, Boys & Girls Club of Niagara thanking Niagara Region for the generous contribution of \$50,000.
- Received.*
- C7198 A letter from Dean Iorfida, City Clerk, City of Niagara Falls (December 19, 2008) respecting a Request for Reconsideration of Regional Council's Denial of Applications for Openings on Statutory Holidays in Niagara Falls.
- Received.*

C7199 The Corporation of the Municipality of Clarington (December 9, 2008) requesting endorsement for their resolution respecting Lottery Licensing – Request for Process Streamlining.

Received.

C7200 A letter from Mayor Salci, City of Niagara Falls ((January 9, 2009) to Minister McMeekin, Ministry of Government Services petitioning the Province to allow Niagara Falls City Council to be the approval authority for tourist exemption requests for businesses within the municipality.

Received.

C7201 A letter from Mayor Salci, City of Niagara Falls (January 5, 2009) to Minister Bradley, Ministry of Transportation respecting the Queen Elizabeth Way Road Widening EA, Niagara Falls.

Received and referred to Transportation Division, Public Works.

C7202 An e-mail from Mrs. Barbara Morrison a resident of the City of Niagara Falls (January 20, 2009) questions following the Project Niagara Feasibility Study presentation.

Received and referred to Corporate Services and Integrated Community Planning and Public Works Committees.

C7203 A letter from Jack Lightstone, President and Vice-Chancellor, Brock University (January 13, 2009) suggesting that the word “Niagara” be used in every mailing address in the Niagara Region, along with the normal municipal designation.

Received and referred to the Niagara Economic Development Corporation.

C7204 Card of thanks from Councillor Henderson, for the kind donation to the Welland Hospital Foundation in memory of her mother-in-law Shirley Ann Henderson.

Received.

Carried.

COMMITTEE REPORTS

INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

16. Report 1-2009

Moved by Councillor Smeaton
Seconded by Councillor Rigby

That Report 1-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, January 14, 2009, be approved and adopted.

Carried.

CORPORATE SERVICES COMMITTEE

17. Report 1-2009

Moved by Councillor Collins
Seconded by Councillor Saracino

That Report 1-2009, being the minutes of the Corporate Services Committee meeting of Wednesday, January 14, 2009, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

18. Report 1-2009

Moved by Councillor Casselman
Seconded by Councillor Bentley

That Report 1-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, January 13, 2009, be approved and adopted.

Carried.

COUNCIL ORGANIZATION REVIEW COMMITTEE

19. Moved by Councillor Timms
Seconded by Councillor Cordiner

That Report 9-2008, being the minutes of the Council Organization Review Committee meeting of Monday, November 10, 2008, be approved and adopted.

Carried.

BUDGET REVIEW COMMITTEE OF THE WHOLE

20. Report 8-2009 Budget

Moved by Councillor Rigby
Seconded by Councillor Marshall

That Report 8-2009 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, January 15, 2009, be approved and adopted ***with the addition of Councillor Badawey's name in the attendance.***

Carried.

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

(Refer to Councillor Information Requests and Other Business)
21. Moved by Councillor Timms
Seconded by Councillor Goulbourne

That Niagara Economic Development Corporation retain the \$86,144 from their accumulated surplus; and

That the Niagara Economic Development Corporation be authorized to use the funds as detailed in Option II of BRCOTW 11-2009 (a Report from Patrick Gedge, CEO, Niagara Economic Development Corp. (NEDC) in response to the motion requesting information on how NEDC could use the \$86,144 (earmarked for return to the Region) for Tourism and Economic Development).

Carried.

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

NOTICES OF MOTIONS

22. Reconsideration of the Applications for Exemption under the Retail Business Holidays Act

Councillor Greenwood advised Regional Council that she would be bringing forward a motion at the February 12, 2009 Regional Council meeting for the reconsideration of the three applications for Exemptions under the Retail Business Holidays Act, which were defeated at the November 27, 2008 Regional Council meeting.

23. Reconsideration of the Motion that would Allow Regional Council to Consider a By-Law to “Opt-Out” of the Retail Business Holidays Act

Councillor Marshall advised Regional Council that he would be bringing forward a motion at the February 12, 2009 Regional Council meeting for the reconsideration of the motion that would allow Regional Council to consider a by-law to “opt out” of the Retail Business Holidays Act which was defeated at the November 27, 2008 Regional Council meeting.

OTHER BUSINESS

24. Police Services Board’s request to fund the Interim Facilities Plan BRCOTW 8-2009 Budget

Mr. Trojan advised Regional Council that staff will discuss the Niagara Regional Police Services’ request for \$667,000, and advised the Niagara Regional Police Service of the nature of the information that would be helpful to staff in determining whether or not we could accommodate the request prior to the Police Services Board meeting on Monday, January 26, 2009. (Refers to Minute Item 20)

25. Ministry of Tourism’s Funding to the Niagara Economic Development Corporation

The Regional Chair advised Regional Council that he would be satisfying Councillor Puttick’s request for information surrounding the Ministry of Tourism’s funding to the Niagara Economic Development Corporation which matched the amount funded from the Niagara Region.

26. Niagara Economic Development Corporation’s Operating Agreement Review

Mr. Trojan advised Regional Council that following the November 13, 2008 Council Business Planning Session, Regional Council approved the recommendations contained in Report CAO 12-2008, respecting the Council Business Planning Session, Niagara Economic Development Corporation, which addressed the updating of the Niagara Economic Development Corporation’s Operating Agreement to bring it to a current state.

27. Town of Lincoln “Hockeyville 2009”

Councillor Hodgson advised Regional Council that the first round of Hockeyville 2009 successfully ended on January 18th with the Town of Lincoln being named one of the top ten finalists.

The announcement of top five finalists will begin this Sunday night, with one finalist being named, the remaining four finalists will be named one by one on each consecutive Saturday night on CBC.

Councillor Hodgson thanked those who have voted for the Town of Lincoln for their support; Mayor McMullan for hosting the Town of Lincoln at the Ice Dogs game and Mayor McCallion for her support.

28. Niagara 2031, Committee of the Whole Meeting

Regional Council reminded the public of the Committee of the Whole meeting being held on January 29th beginning at 10:00 a.m. in Council Chamber of Regional Headquarters respecting Niagara 2031, Niagara Region's Growth Management Strategy.

BY-LAWS

29. Moved by Councillor Bentley
Seconded by Councillor Casselman

That the following Bills be now read and do pass:

Bill 01

A By-Law to Amend By-Law 07-2007, Being a Bylaw to Appoint an Acting Regional Chair

Bill 02

A By-Law to Authorize Long-Term Financing (1-5 Years) in the Amount of \$300,000 for NRP Project ZPO0619, Network Upgrades

Bill 03

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$2,750,000 for Project ZRC0816, Reconstruction of Regional Road 57 (Thorold Stone Road) Extension East of Stanley Avenue, City of Niagara Falls

Bill 04

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$9,200,000 for Various Projects in the 2009 Capital Program

Carried.

30. Moved by Councillor Heit
Seconded by Councillor Burroughs

That the following Bills be now read and do pass:

Bill 06

A By-Law to Adopt the 2009 Current Budget for the Regional Municipality of Niagara

Bill 07

A By-Law to Accept, Assume and Dedicate Part of Township Lot 159 in the City of Thorold, as Part of Regional Road No. 20 (Highway 20)

Carried.

CONFIRMING BY-LAW

31. Moved by Councillor Henderson
Seconded by Councillor Burroughs

That the following Bill be now read and do pass:

Bill 05

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 22nd of January, 2009.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff was requested to:

- review the anticipated loss in the recycling revenue source. (Refers to Minute Item 20) Councillor Burroughs

ADJOURNMENT

The Council meeting adjourned at 8:34 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Pam Gilroy
Regional Clerk