

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 2-2009

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The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, February 12, 2009 commencing at 6:36 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; Baty; Bentley; Burroughs; Bylsma; Casselman; Collins; Cordiner; D'Angela; Gabriel; Goulbourne; Greenwood; Henderson; Katzman; Lepp; Marshall; Martin; Puttick; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Diakow, Acting 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; Lockyer, Treasurer/Director, Financial Management; Steele, Associate Director, Strategic Business Management; Pilon, Associate Director, Service Quality & Improvement.

#### CALL TO ORDER

32. Regional Chair Partington called the meeting to order at 6:36 p.m.

#### CLOSED SESSION

33. Moved by Councillor Collins  
Seconded by Councillor Puttick

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matters of Solicitor-Client Advice, A Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality – Reconstruction of Regional Road 20, City of Thorold; Matters of Solicitor-Client Privilege and Litigation and Casino Property Tax Reassessment Appeals by OLG.

Carried.

**CONFLICT OF INTEREST**

34. Councillor Zimmerman declared an indirect pecuniary interest with respect to the presentation by the Municipal Property Assessment Corporation (MPAC) as she is Chair of the Municipal Property Assessment Commission, and she therefore vacated the Council Chamber during the discussion of and voting on, this matter.

35. A Matter of Solicitor-Client Advice

There were no issues raised.

36. A Matter of Solicitor-Client Advice  
**CSD 33-2009 Confidential**

Moved by Councillor Marshall  
Seconded by Councillor Zimmerman

That Confidential Report CSD 33-2009, (February 12, 2009) respecting A Matter of Solicitor-Client Advice, be referred to the Council Organization Review Committee for further scrutiny.

Carried.

37. A Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality, Reconstruction of Regional Road 20, City of Thorold  
**CSD 32-2009/PWA 18-2009 Confidential**

Moved by Councillor Augustyn  
Seconded by Councillor Greenwood

That Confidential Report CSD 32-2009/PWA 18-2009, (February 12, 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 be approved.

Carried.

*Regional Council recessed the Closed Session portion of the meeting at 7:00 p.m. to reconvene following the Presentation.*

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

**ATTENDANCE**

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

Staff: Messrs. Trojan, Chief Administrative Officer; Diakow, Acting 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; Lockyer, Treasurer/Director, Financial Management; Steele, Associate Director, Strategic Business Management; Pilon, Associate Director, Service Quality & Improvement.

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

**ADOPTION OF THE AGENDA**

38. Moved by Councillor Salci  
Seconded by Councillor Lepp

That the Council Agenda CL 2-2009 be approved and adopted as presented.

Carried.

**CONFLICT OF INTEREST**

39. 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.

## **PRESENTATIONS**

### 40. Living in Niagara

Ms. Catherine Mindorff, Chair, Niagara Research and Planning Council provided Regional Council with the history of the Niagara Research and Planning Council (NRPC) which began in 2005 in an evolutionary manner as a result of community members, primarily leaders in Niagara's "For Social Profit" agencies convening to discuss their concerns about the social future of Niagara's citizens.

The parameters the members agreed to follow, were to act soon; stay flexible and adaptable to handle new challenges; start modestly-not bite off more than it can handle; start with research and data collection, to get the "fact-base" established; begin with focus on social and economic issues and expand from there; and to stay focused on Niagara-wide perspective and avoid working in silos and having only a local and municipal perspective.

Ms. Mindorff provided Regional Council with an overview of the Living in Niagara report, which by its content will enable the development of an integrated community based planning approach to reflect the values of Niagara citizens; provide research and statistics on key issues; validate social service/voluntary sectors (with statistics); create and maintain a community report card and measure the well-being of Niagara.

Ms. Mindorff advised Regional Council of the Council's planning mechanism, which will act as a conduit for community questions that assists with the framing of questions for research and analysis; creates a space for community partners to facilitate community conversations; respects Community Uniqueness; works with Niagara Community Observatory and Niagara College to provide Research, Analysis and Access to Reliable Information; provides results, facilitates action planning; communication completed by Living Niagara reports to the community and constant evaluation and feedback.

Ms. Mindorff noted that individuals and groups can become involved through the use of the information and indicators to stimulate discussion at work and in the community; take part in efforts to build an Integrated Social and Community Plan for Niagara; collaborate with the NRPC if they are part of a regional planning or action project in Niagara; share additional data, information and your comments at [www.livinginniagara.com](http://www.livinginniagara.com), noting that everyone's input and involvement are essential to the success of this project.

*Regional Council reconvened in Closed Session at 7:30 p.m.*

**CLOSED SESSION, RISE AND REPORT**

41. Moved by Councillor Burroughs  
Seconded by Councillor Gabriel

That this Committee do now rise with report.

Carried.

**REGIONAL CHAIR'S REMARKS**

42. The Regional Chair provided Regional Council with some comments on an interesting article found in the February 2009 issue of Municipal World, forwarded to all Councillors last week. The article, entitled Culture, Authenticity, Place: Connecting Cultural Mapping and Place Branding, outlines the importance of creating and understanding cultural and identity assets within each region, and further capitalizing on each of their one-of-a-kind advantages.

The article describes the Regional Municipality of Niagara as a “real life example of just how powerful the process of place branding can be.” Furthermore; the article reads, “What emerged from the research and consultation was a powerful story of originality. Niagara’s one-of-a-kind innovations and attractions have drawn visitors and maverick entrepreneurs from around the globe for centuries. Its heritage of visionaries, risk takers, and innovators still inspires the region’s independent, creative, and cutting-edge entrepreneurs.” Each of these characteristics reconfirms the unique qualities that make Niagara a great place to live, work and play.

In addition, the article applauds the efforts of the Niagara Culture Plan Task Force for undertaking the creation of the Niagara Culture Plan. The culture plan will work towards bringing the needs of the region and local municipalities, business and community leaders together, to build a shared vision and strategy for supporting creativity and culture. “The plan is significant for being one of the first municipal cultural plans in Ontario undertaken in a two-tier municipal environment.”

The Regional Chair noted that he had the opportunity to attend the Mayors of South Niagara Luncheon meeting held at Club Rheingold in Port Colborne on February 5, 2009. The event was organized by the Chambers of Commerce from Welland-Pelham, Port Colborne-Wainfleet and Fort Erie. Mayor Damian Goulbourne, Mayor Doug Martin, Mayor Vance Badaway, Mayor Dave Augustyn, and Mayor Barb Henderson were in attendance. Last year the mayors met to discuss what they saw as the top 10 issues in south Niagara: health, wellness and recreation; social issues; impaired driving; downtown revitalization; agriculture; economic issues; water and sewer infrastructure; transportation; collaboration and marketing the region. Last Thursday, the mayors discussed these issues again, speaking of the progress that has been made over the last year, as well as, strategies to address the new economic challenges facing South Niagara.

Regional Chair Partington had the opportunity to meet informally with the premier and several Ontario Cabinet Ministers including; Minister George Smitherman and Minister Donna Cansfield on February 6, 2009. The Regional Chair continued to advance Niagara's priorities and the need to work with federal and provincial governments regarding Niagara's needs.

In closing, the Regional Chair thanked Hillside Greenhouses of Niagara-on-the-Lake for the plants that adorned the Council Chamber. The flowers will be delivered to Linhaven in the City of St. Catharines for the resident's enjoyment.

**APPROVAL OF MINUTES**

43. Report CL 1-2009

Moved by Councillor Marshall  
Seconded by Councillor Gabriel

That Report CL 1-2009, being the minutes of the Proceedings of Council of Thursday, January 22, 2009, be approved and adopted.

Carried.

**CORRESPONDENCE**

44. Moved by Councillor Henderson  
Seconded by Councillor Smeaton

That Communications C7206 to C7215, be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7206      A letter from Robert Whitenect, Chairman, WLMH Board of Directors and Alice Klamer, President, WLMH Foundation (January 26, 2009) updating Regional Council on the new West Lincoln Memorial Hospital building.

*Received.*

C7207      A letter from Ashley Grigg, Deputy City Clerk (January 16, 2009) a resolution approved by Thorold City Council on January 13, 2009 respecting Wage Freeze for Politicians.

*Received.*

C7208      An update from Waste Diversion Ontario, Stewardship Ontario and the Association of Municipalities of Ontario (January 23, 2009) respecting the Blue Box Material Commodity Markets.

*Received.*

C7209 Card of thanks from Marcello Panaccione an employee of the Corporate Services Department, for the kind donation to Juravinski Cancer Centre in memory of her father Vincenzo Panaccione.

*Received.*

C7210 Card of thanks from Cathy Martin an employee of the Public Health Department, for the kind donation to The Old Boys Lacrosse Association in memory of her father Edward (Ted) Howe.

*Received.*

C7211 Notice of Public Information Centre #2 for the Niagara to GTA Corridor Planning and Environmental Assessment Study – Phase 1.

*Received.*

C7212 A letter from Holly Dowd, Town Clerk (February 3, 2009) respecting the Niagara-on-the-Lake Council resolution on 2009 Wage Freeze for Politicians.

*Received.*

C7213 A letter from David C. Onley, Lieutenant Governor of Ontario (February 2, 2009) calling for nominations for the Order of Ontario.

*Received.*

C7214 A letter from Fareed Amin, Deputy Minister, Ministry of Municipal Affairs and Housing (January 30, 2009) respecting nominations for Long-Standing Service Awards.

*Received.*

C7215 A letter from Scott Vaughan, Commissioner of the Environment and Sustainable Development (February 5, 2009) respecting Third Party Notification of Environmental Petition no. 257 and 258.

*Received.*

Carried.

**COMMITTEE REPORTS**

**INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE**

45. Report 2-2009

Moved by Councillor Smeaton  
Seconded by Councillor Henderson

That Report 2-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, February 4, 2009, be approved and adopted.

46. Moved by Councillor Augustyn  
Seconded by Councillor Collins

That Report PWA 09-2009, February 4, 2009 respecting the Extension of Contract 2002-T-46 with Modern Corporation/Sheldrick Sanitation Ltd. to February 28, 2011, be lifted and dealt with separately at this time.

Carried.

47. Extension of Contract 2002-T-46 with  
Modern Corporation/Sheldrick Sanitation Ltd.  
to February 28, 2011  
**PWA 09-2009**

Moved by Councillor Augustyn  
Seconded by Councillor Collins

That Report PWA 09-2009, February 4, 2009 respecting the Extension of Contract 2002-T-46 with Modern Corporation/Sheldrick Sanitation Ltd. to February 28, 2011, **be referred to the Waste Management Planning Steering Committee.**

Carried.

Upon a vote being taken, the Regional Chair declared the original motion **as amended**, carried.

**CORPORATE SERVICES COMMITTEE**

48. Report 2-2009

Moved by Councillor Augustyn  
Seconded by Councillor Saracino

That Report 2-2009, being the minutes of the Corporate Services Committee meeting of Wednesday, February 4, 2009, be approved and adopted.

Carried.

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE**

49. Report 2-2009

Moved by Councillor Baty  
Seconded by Councillor Cordiner

That Report 2-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, February 3, 2009, be approved and adopted.

Carried.

**MOTIONS**

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

Moved by Councillor Greenwood  
Seconded by Councillor Puttick

That notwithstanding its November 27, 2008 resolutions with respect to report CSD 119-2008, respecting Application for Exemption under the Retail Business Holidays Act, A & P Food Store, 3770 Montrose Road, Niagara Falls; CSD 120-2008, respecting Application for Exemption under the Retail Business Holidays Act, Home Depot Canada Inc., 7190 Morrison Street, Niagara Falls and CSD 121-2008, Application for Exemption under the Retail Business Holidays Act, Value Village, 6278 Lundy's Lane, Niagara Falls, Niagara Region reconsider it's decisions at the March 5, 2009 Regional Council meeting following presentations by the applicants and other interested parties.

Defeated.

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

Councillor Greenwood withdrew her motion for the reconsideration of Regional Council's November 27, 2008 resolution with respect to Regional Council urging the provincial government to proclaim section 1.2 (1) of the Act which would allow Regional Council to consider a by-law to "opt out" of the Act, and a consultative process take place across the Niagara Region, Niagara Region reconsider it's decisions at the March 5, 2009 Regional Council meeting.

52. Analysis of the St. Catharines' Proposal for the NRPS Headquarters

Moved by Councillor Timms  
Seconded by Councillor Casselman

That the City of St. Catharines' be invited to the next Regional Council meeting to present their proposal for the Niagara Regional Police Headquarters.

Regional Council noted that the Police Chief's presentation was referred to the Police Long Term Accommodations Committee and therefore, this presentation should be referred to that Committee as well.

Regional Council noted that notice of this motion should have been given at the last Regional Council meeting and therefore, it was;

Moved by Councillor Timms  
Seconded by Councillor Casselman

That Regional Council waive the rules respecting notice for the presentation of a motion, in order to deal with this motion at this time.

Defeated.

**NOTICES OF MOTION**

53. Analysis of the St. Catharines' Proposal for the NRPS Headquarters

Councillor Timms advised Regional Council that he would be bringing forward a motion at the March 5, 2009 Regional Council meeting to request that staff analyze the City of St. Catharines' proposal for the NRPS Headquarters.

**OTHER BUSINESS**

54. Niagara Airports – Update

Regional Council was advised that the capital needs for the airports has been identified, however, to date the Niagara Region has not received a commitment for federal or provincial funding for the proposed cost sharing arrangement (1/3, 1/3 and 1/3) and that the study currently underway will be completed the end of June.

55. Transit Vision

Councillor Zimmerman asked the Mayors of the three largest municipalities in Niagara to use their collective strength to bring a transportation network to fruition for the Niagara Region.

56. Police Facilities

Regional Council requested that the Manager of Facilities be in attendance at the February 19, 2009 meeting.

Regional Council was given an overview of the process that has been followed in the last few weeks, following the appointment of Councillors Goulbourne and Rigby to the Police Long-Term Accommodations Committee.

Regional Council discussed the contents of the confidential letter from the Police Services Board dated February 12, 2009, and referred the discussion to the February 19, 2009 Special Council meeting.

57. Computers for Seniors

Councillor Puttick announced that Niagara Region is the recipient of funding for the Computers for Seniors program, a program to help seniors become computer savvy. By providing up to six classroom training sessions, a free computer, and \$100.00 towards access, seniors will be able to access the information and services that they need, increase self sufficiency, decrease isolation, and forge relationships with other seniors and youth in the community. A support network has been set up so that if anyone has questions or problems with their computer applications, help is only a phone call away.

This program allows seniors to interact electronically through email and the internet. By providing training and a computer, we are helping seniors gain and hone skills that will enable them to stay connected, not just with family and friends, but with the community and the world.

Computers for Seniors is a project that has been developed for seniors interested in computers and the internet but do not have the resources to purchase their own basic computer, internet and email training, a free computer from Industry Canada is set up in their home or residence, and once basic training has started, the internet funding is provided for a set period of time.

58. Funding for Homelessness in Niagara Region

Councillor Puttick advised Regional Council that the City of Hamilton has received \$7.4 Million towards homelessness in their community, while Niagara Region has only received \$1.3 Million. The difference is due to Niagara Region only being recognized for the population of their largest municipality (St. Catharines) rather than as a region.

(Refer to Councillor Information Requests)

59. Dividing the Question

Councillor Burroughs requested that staff report back on how Regional Council could have dealt with each Application for Exemption under the Retail Business Holidays Act separately, rather than as a block, when there was no debate on a reconsideration motion, as some may have voted differently if these issues were dealt with separately.

60. Opting Out

Councillor Burroughs requested that staff report back on the process a municipality would follow to opt out of a triple majority commitment previously made.

61. Buy Canadian Resolution

Councillor Collins requested that staff forward Report CSD 42-2009 respecting the Buy Canadian Resolution brought forward by the CAW, to Messrs. Scott, Michaud and Gates.

62. Analysis of the St. Catharines' Proposal for the NRPS Headquarters

Please refer to Notices of Motion, Minute Items 52 and 53.

**BY-LAWS**

63. Moved by Councillor Salci  
Seconded by Councillor Goulbourne

That the following Bills be now read and do pass:

Bill 9

A By-Law to Accept, Assume and Dedicate Part of Lot 146, City Plan 121, Township Plan 98 in the City of St. Catharines as Part of Regional Road No. 50 (Glenridge Avenue)

Bill 10

A By-Law to Accept, Assume and Dedicate Part of Lot 330, Plan 307, in the City of Niagara Falls as Part of Regional Road No. 102 (Stanley Avenue)

Bill 11

A By-Law to Authorize Long-Term Financing (1-5 Years) in the Amount of \$2,294,623 for Project ZGC0901, IT Asset Replacement and Project ZGC0904, IT Disaster Recovery in the 2009 Information Technology Capital Program

Bill 12

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$2,353,999 for Various Projects in the 2009 Niagara Peninsula Conservation Authority Capital Program

Bill 13

A By-Law to Authorize Long-Term Financing (1-20 Years) in the Amount of \$2,062,757 for Various Projects in the 2009 Niagara Regional Housing Capital Program

Bill 14

A By-Law to Authorize a 2009 Levy for the Regional Municipality of Niagara

Carried.

**CONFIRMING BY-LAW**

64. Moved by Councillor Trombetta  
Seconded by Councillor Lepp

That the following Bill be now read and do pass:

Bill 15

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 12th of February, 2009.

Carried.

**COUNCILLOR INFORMATION REQUESTS**

Staff was asked:

- to prepare a report that outlines what Niagara Region can do to receive more funding. (Refers to Minute Item 58) Councillor Puttick

**ADJOURNMENT**

The Council meeting adjourned at 9:18 p.m.

Peter Partington  
Regional Chair

Janet Pilon  
Deputy Regional Clerk

Pam Gilroy  
Regional Clerk