

# THE REGIONAL MUNICIPALITY OF NIAGARA

## PROCEEDINGS OF COUNCIL

### REPORT CL 6-2009

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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, April 16, 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; Badawey, Baty; Bentley; Bylsma; Casselman; D'Angela; Forster, Gabriel; Goulbourne; Greenwood; Heit, Henderson; Hodgson, Katzman; Lepp; Marshall; Puttick; Rigby, Salci; Saracino; Smeaton; Timms; Zimmerman.

Staff: Messrs. Bergsma, Acting CAO; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Pollock, Acting Commissioner, Public Works; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Acting Regional Clerk; Ms. Ricci, Legislative Assistant.

Staff (Other): Messrs. Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategic Business Management; Lockyer, Treasurer/Director, Financial Management & Reporting; Bernard, Associate Director, Court Services; Ms. Elliott, Director, Human Resources.

#### CALL TO ORDER

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

#### CLOSED SESSION

147. Moved by Councillor Lepp  
Seconded by Councillor Puttick

That this Council do now move into Closed Session for the purposes of receiving information and dealing with Matters of Solicitor-Client Advice, Proposed Acquisition of Land by the Municipality, A Matter of Labour Relations and a Matter of Litigation and Solicitor-Client Advice.

Carried.

148. A Matter of Solicitor-Client Advice  
**CSD 33-2009 Amended**

Moved by Councilor Augustyn  
Seconded by Councillor Heit

That Confidential Report CSD 33-2009 Amended, April 16, 2009, respecting A Matter of Solicitor-Client Advice, be received and the recommendations contained therein be approved.

Carried.

**CLOSED SESSION, RISE AND REPORT**

149. Moved by Councillor Augustyn  
Seconded by Councillor Heit

That this Committee do now rise with report.

Carried.

*Closed Session is to reconvene following the conclusion of the presentation.*

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

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; Bylsma; Casselman; D'Angela; Forster, Gabriel; Goulbourne; Greenwood; Heit, Henderson; Hodgson, Katzman; Lepp; Marshall; McMullan; Puttick; Rigby, Salci; Saracino; Smeaton; Timms; Zimmerman.

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

Staff  
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategic Business Management; Lockyer, Treasurer/Director, Financial Management & Reporting; Bernard, Associate Director, Court Services; Ms. Elliott, Director, Human Resources.

### **ADOPTION OF THE AGENDA**

150. Moved by Councillor D'Angela  
Seconded by Councillor Heit

That the Council Agenda CL 6-2009 be approved and adopted as presented.

Carried.

### **CONFLICTS OF INTEREST**

151. 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.

Councillor Bylsma declared an indirect pecuniary interest with respect to any matters that deal with the 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, these matters.

Councillor Zimmerman declared an indirect pecuniary interest with respect to CSD 58-2009, April 8, 2009, respecting 2009 Tax Policy and Tax Rates, as she is Chair of the Municipal Property Assessment Corporation, and she left the Council Chambers during the discussion of, or voting on, this matter.

### **PRESENTATIONS**

152. Unveiling of the Regional Chairs' Portraits

Regional Chair Partington was pleased to note the presence of past Regional Chair's Wilbert Dick, Brian Merritt and Debbie Zimmerman, as Niagara Region recognizes and commemorates their time in office as Regional Chair for the Niagara Region.

The portraits on display in the lobby of Regional Headquarters are a symbol, and in recognition of their dedication and commitment that each of these individuals had provided to the citizens of Niagara.

The portraits will not only recognize the contributions made, but will also allow us the opportunity to share the important role each of these leaders have played in shaping Niagara.

153. 8<sup>TH</sup> Annual Elementary Tobacco-Free Living Poster Contest

Ms. Grace Toki, Health Promoter and Ms. Nancy O'Neill, Public Health Nurse, School Health Elementary Program advised Regional Council that the Niagara Region Public Health Department sponsored 8th Annual Tobacco-Free Living Poster Contest was launched during National Non-Smoking Week in January of 2009. This year's theme was tobacco free sport and recreation focusing on play, live be tobacco free which aligned nicely with the provincial initiative. The posters were judged by representatives from community agencies such as the YMCA of Niagara and Healthy Living Niagara.

Awards were presented by Regional Chair Partington and Councillor Casselman, together with Ms. Nancy O'Neill, Public Health Nurse, School Health Elementary Program to the following winners:

PRIMARY DIVISION

- 3<sup>rd</sup> place - **Maggie Rekowski** - Sacred Heart, Niagara Falls
- 2<sup>nd</sup> place - **Mimi Dunda** - Nelles Public School, Grimsby
- 1<sup>st</sup> place - **Antonella D'Arrigo** - Michael J. Brennan, St.Catharines

FRENCH PRIMARY DIVISION

- 3<sup>rd</sup> place - **Alyssa Montgomery** - Ecole Du Sacre-Coeur, Welland
- 2<sup>nd</sup> place - **Sara Fortier** - École Sacré-Coeur, Welland
- 1<sup>st</sup> place - **Magenta Hayne** - Ec. Ste. Marguerite-Bourgeoys, St. Catharines

JUNIOR DIVISION

- 3<sup>rd</sup> place - **Juliana Kim** - Port Weller, St. Catharines
- 2<sup>nd</sup> place - **Jenna Huibers** - St. Edwards, Jordan
- 1<sup>st</sup> place - **Christopher Vecchi** - Our Lady of Mount Carmel, Niagara Falls

FRENCH JUNIOR DIVISION

- 3<sup>rd</sup> place - **Michelle Riganelli** - Ec. Ste. Marguerite-Bourgeoys, St. Catharines
- 2<sup>nd</sup> place - **Chantal Ross** - Ec. St. Antoine, Niagara Falls
- 1<sup>st</sup> place - **Ashley Carter** - Ecole Du Sacre-Coeur, Welland

INTERMEDIATE DIVISION

- 3<sup>rd</sup> place - **Andrea Caruso** - Holy Name, Welland
- 2<sup>nd</sup> place - **Katie Thomas** - St. Mark, Beamsville
- 1<sup>st</sup> place - **Martina DiRuscio** - Our Lady of Mount Carmel, Niagara Falls

FRENCH INTERMEDIATE DIVISION

- 3<sup>rd</sup> place- **Marie-Eve Vincelette** - Ecole Du Sacre-Coeur, Welland
- 2<sup>nd</sup> place- **Jacqueline Droujko** - Ec. St. Antoine, Niagara Falls
- 1<sup>st</sup> place- **Danielle Marion** - Ec. Confederation, Welland

Healthy Living Niagara and the YMCA of Niagara were thanked for generously sponsoring this event. Posters will be on display in schools, health professionals' offices, libraries and the Public Health Department entranceway from May 25<sup>th</sup> to June 5<sup>th</sup> in promotion of World No Tobacco Day May 31<sup>st</sup>.

154. Certificates of Appreciation to Outstanding Seniors Services Volunteers

Mr. Dominic Ventresca, Director, Seniors Services and Regional Chair Partington presented Certificates of Appreciation to Outstanding Seniors Services Volunteers for:

*Outstanding years of volunteer service to:*

Eleanor Snider for 40 years of service to Sunset Haven/The Woodlands of Sunset Auxiliary

Savina Di Tomaso for 50 years of service to Sunset Haven/The Woodlands of Sunset Auxiliary

*Outstanding fundraising achievements to:*

Nelly VanPagee, President, Friends of Linhaven received the award on behalf of the Friends of Linhaven, who through their fundraising efforts have raised \$200,000 for the residents of Linhaven

Lorraine Leyden who through her fundraising efforts raised over \$200,000 for furnishings and equipment for the residents of Linhaven

Joyce Milligan, President, Linhaven Auxiliary, celebrating 50 years of service and who through their fundraising efforts have raised close to \$1 million for the residents of Linhaven

These are the individuals who were in attendance during the Closed Session portion of the Regional Council meeting that began at 8:05 p.m.:

**ATTENDANCE**

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

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

Staff  
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategic Business Management; Lockyer, Treasurer/Director, Financial Management & Reporting.

**CLOSED SESSION**

157. Moved by Councillor Bentley  
Seconded by Councillor Katzman

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Proposed Acquisition of Land by the Municipality, A Matter of Labour Relations and a Matter of Litigation and Solicitor-Client Advice.

Carried.

157. A Matter of Solicitor-Client Advice – *Legal Counsel*  
Niagara Regional Police Services Board  
Ontario Civilian Commission on Police Services (OCCOPS) Application – Update

Regional Council was provided with an update.

**CLOSED SESSION, RISE AND REPORT**

157. Moved by Councillor Lepp  
Seconded by Councillor Katzman

That this Committee do now rise without report.

Carried.

*Regional Council reconvened the Open Session portion of the meeting at 8:50 p.m.*

### **REGIONAL CHAIR'S REMARKS**

158. Regional Chair Partington took this opportunity to provide Regional Council with comments on some of the recent federal and provincial announcements involving Niagara, and to outline a few of the upcoming events happening across the Niagara Region.

On April 5, 2009, GO Transit announced that the Niagara Region will benefit from an expansion into Niagara and a \$2.5 million investment for the construction of four GO Transit Park-and-Ride facilities along the QEW corridor. GO Transit's expansion into Niagara will not only help Niagara's tourism industry, but will also enhance our economy in attracting and retaining new industry. This announcement strengthens the need for Niagara to implement an inter-municipal transit system for the residents of Niagara.

On April 13, 2009, the federal government announced that \$13.3 million in gas tax will be transferred to Niagara Region, for the repair and redesign of roads around the Niagara Region. The first transfer is scheduled to take place at the end of the month.

On April 28, 2009, the Regional Chair will be assisting in the official ground breaking ceremony of one of the most significant new infrastructure projects in the Niagara Region. The Niagara Health Care Complex (Walker Family Cancer Centre) is scheduled to be completed by 2012, opening to patients by 2013.

The Regional Chair will also be attending the official ground breaking ceremony of the Niagara Convention and Civic Centre on May 1, 2009. The 280,000 square foot centre is scheduled to open by 2011, and offers great potential for Niagara Falls and the Niagara Region.

Regional Chair Partington was proud to announce, that on March 28, 2009, Niagara Emergency Medical Services was proudly represented by paramedics who placed first, in the Primary Care Paramedic division, at the 2<sup>nd</sup> Annual National Paramedic Challenge. Thirty five other agencies across Ontario and Canada also participated in the competition. The Regional Chair on behalf of Niagara Regional Council congratulated them on their accomplishments.

From May 2 - May 9, 2009, it is Children's Mental Health Week in the Province of Ontario. In the Niagara Region, Niagara Child and Youth Services is the primary provider of mental health services for children, youth and their families. Here are a few facts regarding Children's Mental Health: One in five children and youth live with a diagnosable mental health problem; Mental illness interferes with the way children and youth think, feel and behave and limits their present lives and their future potential; Early prevention, intervention and treatment can reduce the demand on child welfare and youth justice systems, reduce bullying, substance abuse, homelessness and suicide. During Children's Mental Health Week area residents are encouraged to get informed, as education and awareness are important tools in lifting the stigma surrounding mental health issues.

Regional Chair Partington was hopeful that members of Regional Council would be able to join him as he delivers his State of the Region Address at the Sparrow Lakes Golf Club, Friday, April 17, 2009 at 11:30 a.m., hosted by the Port Colborne/Wainfleet, Fort Erie, and Pelham/Welland Chambers of Commerce.

Regional Chair Partington thanked Meyers Flowers of Niagara-on-the-Lake for the plants that adorned Council Chamber. These flowers will be donated to Gilmore Lodge, Fort Erie.

### **APPROVAL OF MINUTES**

159. Report COTW 3-2009

Moved by Councillor Lepp  
Seconded by Councillor Bylsma

That Report COTW 3-2009, being the minutes of the Committee of the Whole meeting of Thursday, March 26, 2009, be approved and adopted.

Carried.

160. Report CL 5-2009

Moved by Councillor Timms  
Seconded by Councillor Katzman

That Report CL 5-2009, being the minutes of the Proceedings of Council of Thursday, March 26, 2009, be approved and adopted.

Carried.

**CORRESPONDENCE**

161. Moved by Councillor Saracino  
Seconded by Councillor Katzman

That Communications C7244 to C7251, be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7244 Card of thanks from the Mihalides family for the kind donation to the trust fund for Christian and Brandon Mihalides in memory of Mark Mihalides an employee of the Public Health Department.

*Received.*

C7245 A memorandum from Janet Pilon, Acting Regional Clerk (April 9, 2009) respecting the Memorial Award for the late Councillor T. Roy Adams.

*Received.*

C7246 A letter from Doug Martin, Mayor, Town of Fort Erie (April 1, 2009) respecting the Niagara Health System – Hospital Improvement Plan (NHS-HIP)

*Received.*

C7247 A letter from Michael Chan, Minister, Ministry of Citizenship and Immigration (March 2009) respecting the Lincoln M. Alexander Award 2009.

*Received.*

C7248 Card of thanks from Terry Wyborn an employee of the Community Services Department for the kind donation to the Heart and Stroke Foundation in memory of her mother Lina Pellizzon.

*Received.*

C7249 Card of thanks from Mary Lou Tanner an employee of the Public Works Department for the kind donation to the University of Western Ontario, Geology Department in memory of her father Dr. James Gordon Tanner.

*Received.*

C7250 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (April 1, 2009) in support of the Town of Lincoln's resolution: Uploaded Region of Niagara Program Costs and Local Tier OMFP Adjustments.

*Received.*

C7251 A letter from Ashley Grigg, Deputy City Clerk (April 14, 2009) respecting the resolution on the Neighbourhoods of Rolling Meadows – Various Requests.

*Received and referred to the Development Charges Task Force.*

Carried.

### **COMMITTEE REPORTS**

#### **INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE**

162. Report 5-2009

Moved by Councillor Rigby  
Seconded by Councillor Smeaton

That Report 5-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, April 8, 2009, be approved and adopted.

163. Moved by Councillor Bentley  
Seconded by Councillor Zimmerman

That Report PWA 38-2009, April 8, 2009 respecting Request for Parking Prohibition Regional Road 39 (North Service Road) Town of Grimsby, be lifted and dealt with separately at this time.

Carried.

164. Request for Parking Prohibition  
Regional Road 39 (North Service Road)  
Town of Grimsby  
**PWA 38-2009**

Moved by Councillor Marshall  
Seconded by Councillor Zimmerman

That Report PWA 38-2009, April 8, 2009 respecting Request for Parking Prohibition Regional Road 39 (North Service Road) Town of Grimsby, be referred back to staff to provide Lakemount Worship Centre with an opportunity to find alternate parking arrangements for their parishioners.

Carried.

165. Moved by Councillor Bentley  
Seconded by Councillor Zimmerman

That Report PWA 39-2009, April 8, 2009 respecting Speed Limit Regional Road 40 (South Service Road) Town of Grimsby, be lifted and dealt with separately at this time.

Carried.

166. Speed Limit  
Regional Road 40 (South Service Road)  
Town of Grimsby  
**PWA 39-2009**

Moved by Councillor Bylsma  
Seconded by Councillor Rigby

That Report PWA 39-2009, April 8, 2009 respecting Speed Limit Regional Road 40 (South Service Road) Town of Grimsby, be deferred in the interest of public safety for a period of approximately 6 months in order to allow the traffic to settle, now that the South Service Road has opened and the anticipated impact of the new GO Bus facility scheduled to be in operation in the fall of 2009.

Carried.

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

**CORPORATE SERVICES COMMITTEE**

167. Moved by Councillor Augustyn  
Seconded by Councillor Saracino

That the decisions made at the Corporate Services Committee meeting of Wednesday, April 8, 2009 that was concluded on Thursday, April 16, 2009, be approved and adopted.

168. Moved by Councillor Badawey  
Seconded by Councillor Hodgson

That Report CSD 58-2009, April 8, 2009, respecting 2009 Tax Policy and Tax Rates, be lifted and dealt with separately at this time.

Carried.

169. 2009 Tax Policy and Tax Rates  
**CSD 58-2009**

Upon a recorded vote being requested, Regional Council voted on the original motion contained in Report CSD 58-2009, **as amended** to include "**That the Pipeline benefit in the amount of \$35,283 be redistributed to all other property classes**", approved at the Corporate Services Committee meeting of Wednesday, April 8, 2009 as follows:

Voting for the Motion:

Councillor Augustyn	Councillor Lepp	
Councillor Bentley	Councillor Marshall	
Councillor Bylsma	Councillor McMullan	
Councillor Casselman	Councillor Puttick	
Councillor Greenwood	Councillor Rigby	
Councillor Gabriel	Councillor Salci	
Councillor Goulbourne	Councillor Smeaton	
Councillor Heit	Councillor Timms	(17)
Councillor Katzman		

Voting against the Motion:

Councillor Badawey	Councillor Hodgson	
Councillor Baty	Councillor Forster	
Councillor D'Angela	Councillor Saracino	(6)

Upon the recorded vote being taken, the Regional Chair declared the motion carried.

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

**PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE**

170. Report 5-2009

Moved by Councillor Casselman  
Seconded by Councillor Bentley

That Report 5-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, April 7, 2009, be approved and adopted.

Carried.

**COUNCIL ORGANIZATION REVIEW COMMITTEE**

171. Report 2-2009

Moved by Councillor Baty  
Seconded by Councillor Timms

That Report 2-2009, being the minutes of the Council Organization Review Committee meeting of Monday, March 9, 2009, be approved and adopted.

Carried.

**OTHER BUSINESS**

172. Northland Power Project Not Affected

Councillor D'Angela advised Regional Council that the Northland Power Project is not affected by AbitibiBowater's bankruptcy.

Councillor D'Angela also advised Regional Council that AbitibiBowater are at full production and they will continue to do so.

**BY-LAWS**

173. Moved by Councillor Salci  
Seconded by Councillor Goulbourne

That the following Bills be now read and do pass:

**Bill 30**

A By-Law to Authorize Long-Term Financing (1-10 Years) in the Amount of \$3,550,000 for Various Projects in the 2009 Capital Program for Water, Wastewater, Waste Management & Roads

**Bill 31**

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Town of Lincoln

**Bill 32**

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

**Bill 35**

A By-Law to Provide for the Regulation of Traffic on Regional Highways in the Town of Lincoln

**Bill 36**

A By-Law to Accept, Assume and Dedicate Part of Lot 16, Concession 1, Clinton, in the Town of Lincoln as Part of Regional Road No. 18 (Ontario Street)

Carried.

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

That the following Bills be now read and do pass:

**Bill 38**

A By-Law to Set and Levy the Rates of Taxation for Regional General and Special Purposes for the Year 2009.

**Bill 39**

A By-Law to Set Tax Ratios and Tax Rate Reductions for Prescribed Property Subclasses for Regional Purposes and Area Municipal Purposes for the Year 2009.

Carried.

**CONFIRMING BY-LAW**

175. Moved by Councillor Zimmerman  
Seconded by Councillor Gabriel

That the following Bill be now read and do pass:

**Bill 37**

A By-law to Adopt, Ratify and Confirm the Actions of the Regional Council at its Meeting held on the 16th of April, 2009.

Carried.

**ADJOURNMENT**

The Council meeting adjourned at 9:58 p.m.

Peter Partington  
Regional Chair

Lisa Ricci  
Legislative Assistant

Janet Pilon  
Acting Regional Clerk