

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 10-2009

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, July 9, 2009 commencing at 6:42 p.m.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair. Lockyer, Treasurer/Director, Financial Management; Hagar, Manager, Employee Relations; Meffe, Manager, Employee Relations; Ms. Elliot, Director, Human Resources Services.

CALL TO ORDER

286. Regional Chair Partington called the meeting to order at 6:42 p.m.

CLOSED SESSION

287. Moved by Councillor Augustyn
Seconded by Councillor Baty

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matter of Solicitor-Client Advice, Update on OCCOPS Hearing Preparations and a Matter of Labour Relations Regarding - ONA 9 Public Health

Carried.

Councillors Bentley and Smeaton as a courtesy to Regional Council left the room during the discussion on the Matter of Solicitor-Client Advice, Update on OCCOPS Hearing Preparations.

288. A Matter of Solicitor-Client Advice
Update on OCCOPS Hearing Preparations
Oral Report Confidential

Mr. Kyne, Director, Legal Services provided Regional Council with a brief oral report.

CLOSED SESSION, RISE AND REPORT

289. Moved by Councillor Casselman
Seconded by Councillor Zimmerman

That this Committee do now rise without report.

Carried.

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

The following individuals were in attendance during the Open Session of the Regional Council meeting:

ATTENDANCE

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

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Diakow, Director, IT Solutions; Lockyer, Treasurer/Director, Financial Management & Planning; Roach, Manager, Public Works Financial Services; Pilon, Associate Director, Service Quality & Improvement; Steele, Associate Director, Strategy Business Management; Ms. Murphy, Associate Director, Current Capital Budget; Ms. Crowley, Current Budget Analyst.

N.R.P.S.: Chief Wendy Southall; Mr. Fuentes, C.A.O; Ms. George, Director, Business Services.

ADOPTION OF THE AGENDA

290. Moved by Councillor Bentley
Seconded by Councillor Henderson

That the Council Agenda CL 10-2009, be approved and adopted.

Carried.

CONFLICTS OF INTEREST

291. Councillor Forster declared a pecuniary interest with respect to matters respecting Labour Relations, as she is a staff member with the Ontario Nurses Association, and she therefore left the Council Chambers during the discussion of these matters.

Councillor Heit declared a 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 Timms declared a 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.

PRESENTATIONS

292. Niagara Community Foundation

As they have done in previous years, Ms. Liz Palmieri, Executive Director, Niagara Community Foundation and Ms. Maria Menechella, Director, Niagara Community Foundation Board provided Regional Council with an update on the activities of the Niagara Community Foundation (NCF).

Over the past year, the NCF formed a Marketing Task Force to provide them with valuable insight and leadership into updating their image and how to best tell their stories.

2008 and 2009 have been challenging years for the foundation. While the volatility of the investment market impacted the value their endowment funds, they have still been able to increase their grants to the community to \$469,000 in 2008, which represents a 12% increase over the previous year and they will still be granting from their endowment funds in 2009, unlike many endowments across the country.

Ms. Menechella thanked the NCF donors for stepping up to the plate, realizing that community needs increase during tough times and resources are required to meet those needs, donors are making additional non-endowed gifts to the NCF to flow-through to local charities so that the annual grant from their fund will at least match what was given in previous years, they still donated more than \$1.1 million to the foundation.

The NCF is blessed with many volunteers helping to promote the foundation in their local community or assisting us with our grant allocations. They are also thankful for the support of many members of Regional Council who have helped to promote the foundation.

The NCF over the next year, will be putting more of their discretionary granting dollars into four areas of need: collaborative approaches to poverty reduction; projects that help young people reach their full potential; projects that will improve our local environment and providing support to help local organizations improve their capacity to deliver their programs and services

Ms. Palmieri asked the members of Regional Council to hand deliver their copy of the 2008 Annual Report once they have finished reading it, to someone in their community whom they think should know about the work of the foundation and to do this within the next 10 days. She suggested that her request is not a lot to ask of members of Regional Council, especially since the foundation was the millennium project for the Niagara Region and that their continued success is because of the leadership of the Niagara Region. By passing on the annual reports, the NCF's story is being told to someone new, they are amazed at the scope of the NCF's work and its impact in their community. If extra copies are needed, they can be obtained by calling the NCF.

On behalf of the NCF Board, Ms. Palmieri thanked members of Regional Council in advance for helping to spread the word about the foundation in their community and for continuing to support the NCF's work.

293. Onghiara Natural Heritage Park

Mr. Randy Busbridge, Harmony Residents Group provided Regional Council with a presentation on Onghiara Natural Heritage Park, which will be a model ecopark anchoring the growing ecotourism industry, a place to enjoy nature, appreciate heritage, learn and discover and to visit all year.

The Harmony Residents Group advised Regional Council that Niagara-on-the-Lake is in need of a heritage park, with only 2% forest cover, limited public waterfront access and a stimulus for year-round tourism, and therefore, noted that the Parks Canada site on Lakeshore Road is ideal for a heritage park and is in need of protection. As a Heritage Park the site will offer: a range of heritage and nature-based experiences; undertake a variety of rehabilitation and research projects; site plans will minimize the human footprint and the capital costs will be modest.

Onghiara Natural Heritage Park will:

- Expand Niagara's nature and heritage tourism offerings
- Complement popular Niagara attractions (Nature, Heritage and Cultural)
- Have revenue from a variety of sources, through fundraising, facility rental, educational institutions, research grants, corporate sponsorships and public memberships;
- Have modest costs with minimal staff, students and volunteers; a small ecological footprint (LEED) and maintenance;
- Benefit the Niagara economy by capitalizing on natural and heritage attractions and extend the length of stay (benefitting the hotels, inns, B&Bs, restaurants and shops);
- Benefit Niagara-on-the-Lake residents, by providing the residents with a place to enjoy nature and
- Be a non-profit foundation, in partnership with Parks Canada, Local Institutions and Conservation organization, with a Board composed of

individuals with backgrounds in heritage, the environment, education, business, agriculture and residents

A Business Plan will also be developed that will address partnerships, a governance structure and include a complete feasibility study with the results being communicated to the public.

Regional Council recessed at 7:35 p.m. to reconvene the Budget Review Committee of the Whole meeting.

Regional Council reconvened at 9:58 p.m.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey; Baty; Bentley; Bylsma, Casselman, Cordiner; D'Angela; Forster; Greenwood; Heit, Henderson; Hodgson, Puttick; Rigby; Smeaton; Timms; Zimmerman.

Staff: Messrs. Trojan, CAO; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner Public Works; Bain, Regional Clerk; Kyne, Director Legal Services; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair.

CLOSED SESSION

294. Moved by Councillor Badawey
Seconded by Councillor Augustyn

That this Council do now move into Closed Session for the purposes of receiving information and dealing with a Matter of Solicitor-Client Advice, Update on OCCOPS Hearing Preparations.

Carried.

Councillors Bentley and Smeaton as a courtesy to Regional Council left the room during the discussion on the Matter of Solicitor-Client Advice, Update on OCCOPS Hearing Preparations.

295. A Matter of Solicitor-Client Advice
Update on OCCOPS Hearing Preparations
Oral Report Confidential

Moved by Councillor Puttick
Seconded by Councillor Timms

That staff be authorized to proceed as recommended.

Defeated.

Moved by Councillor Baty
Seconded by Councillor Bylsma

That staff be authorized to proceed as directed by Regional Council.

Carried.

CLOSED SESSION, RISE AND REPORT

296. Moved by Councillor Timms
Seconded by Councillor Rigby

That this Committee do now rise with report.

Carried.

REGIONAL CHAIR'S REMARKS

297. Regional Chair Partington thanked Willy's Greenhouse Ltd. of Niagara-on-the-Lake on behalf of Regional Council for the plants that adorned the Council Chamber. The plants will be donated to Linhaven Home for the Aged in the City of St. Catharines.

APPROVAL OF MINUTES

298. Report BRCOTW 1-2010 Budget

Moved by Councillor Rigby
Seconded by Councillor Heit

That Report BRCOTW 1-2010 Budget, being the minutes of Budget Review Committee of the Whole of Thursday, June 18, 2009, be approved and adopted.

Carried.

299. Report CL 9-2009

Regional Council was advised that the conflict of interest noted following Minute Item 248 for Councillors Bentley and Martin should have been recorded as follows and not as a conflict of interest:

Councillors Bentley and Martin as a courtesy to Regional Council left the room during the discussion on the Matter of Solicitor-Client Advice, Update on OCCOPS Hearing Preparations.

Moved by Councillor Bentley
Seconded by Councillor Smeaton

That Report CL 9-2009, being the minutes of the Proceedings of Council of Thursday, June 18, 2009, be approved and adopted ***as amended***.

Carried.

CORRESPONDENCE

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

That Communications C7291 to C7300 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7291 A letter from Bill Hodgson, Mayor, Town of Lincoln (May 21, 2009) to Minister Jim Watson, Ministry of Municipal Affairs and Housing respecting the Reporting of Social Program Upload Costs.

Received.

C7292 A letter from Minister Tony Clement, Ministry of Industry (June 16, 2009) in response to the Regional Chair's letter of April 24, 2009 respecting the location of the new Southern Ontario Development Agency (SODA)

Received.

C7293 A letter from Minister Kathleen Wynne, Ministry of Education and Minister Deb Matthews, Ministry of Children and Youth Services (June 15, 2009) respecting Dr. Charles Pascal's report *With Our Best Future in Mind: Implementing Early Learning in Ontario*.

Received.

C7294 A letter from Minister Jim Bradley, Ministry of Transportation (May 28, 2009) to Ted Salci, Mayor, City of Niagara Falls in response to the City of Niagara Falls' Council resolution 2008-34 requesting that the Ministry extend the Queen Elizabeth Way (QEW) Widening Preliminary Design and Environmental Assessment Study limits to a point south of McLeod Road.

Received.

C7295 A letter from Patrick Robson, Commissioner, Integrated Community Planning (June 15, 2009) respecting Conformity with the Growth Plan for the Greater Golden Horseshoe Request for Extension on Behalf of Niagara's Local Municipalities.

Received.

C7296 A letter from Minister James Moore, Ministry of Canadian Heritage and Official Language (June 26, 2009) in response to the Regional Chair's letter of April 20, 2009, noting that Niagara Region's suggestions will be considered during the planning process of the upcoming official Royal Visits in 2009 and 2010.

Received.

C7297 Card of thanks from the Palombo Families for the kind donation to Wellspring Niagara in memory of their mother Lynn Harries, a retired employee of the Public Health Department

Received.

C7298 A letter from Brian McMullan, Mayor, City of St. Catharines to Regional Chair Partington (June 15, 2009) respecting the Carlisle Street Parking Garage.

Received.

C7299 A letter from Bea Clark, Chairperson, John Deere Adjustment Committee (June 18, 2009) respecting the establishment of an Adjustment Committee and Action Centre to assist the individuals affected by the closure of the John Deere Welland Works later this year.

Received.

- C7300 Card of thanks from Wendy Middleton an employee of the Public Health Department for the kind donation to Juravinski Cancer Centre in memory of her brother, Andrew Middleton, a Niagara Region Paramedic.

Received.

Carried.

CURFEW EXTENSION

301. Moved by Councillor Bylsma
Seconded by Councillor Baty

That Regional Council extend this meeting's curfew, in order to complete Council's business listed on the Order of Business.

Carried.

DELEGATIONS (RELATED TO COMMITTEE REPORTS)

302. Correspondence (dated March 7, 2008) from Minister of the Environment John Gerretsen to Mr. Mike DiPaola, Senior Transportation Project Engineer respecting Environmental Assessment for the proposed O'Reilly's Bridge (Project) and the Executive Summary – Environmental Study Report – O'Reilly's Bridge Regional Road 627 (O'Reilly's Road) Over the Welland River Township of Wainfleet and Town of Pelham – Municipal Class Environmental Assessment – Schedule C Process

PWC 34-2009 & PWC 35-2009

Mr. Parisee, Chairman of the Citizen's Committee to Save O'Reilly's Bridge advised Regional Council that O'Reilly's Bridge is a Heritage Site that should be preserved and utilized as a pedestrian bridge.

Moved by Councillor Bylsma
Seconded by Councillor Rigby

That Mr. Parisee's presentation respecting O'Reilly's Bridge, be received.

Carried.

COMMITTEE REPORTS

INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

303. Report 9-2009

Moved by Councillor Smeaton
Seconded by Councillor Rigby

That Report 9-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Thursday, July 2, 2009, be approved and adopted.

Carried.

CORPORATE SERVICES COMMITTEE

304. Report 9-2009

Moved by Councillor Augustyn
Seconded by Councillor Badawey

That Report 9-2009, being the minutes of the Corporate Services Committee meeting of Thursday, July 2, 2009, be approved and adopted.

Carried.

Councillor Timms requested that he be recorded as opposed to the Matter of Labour Relations – ONA 9 Public Health (Minute Item 174).

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

305. Report 9-2009

Moved by Councillor Casselman
Seconded by Councillor Bentley

That Report 9-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, June 30, 2009, be approved and adopted.

Carried.

BUDGET REVIEW COMMITTEE OF THE WHOLE

306. Moved by Councillor Rigby
Seconded by Councillor Heit

That the decisions made at the Budget Review Committee of the Whole meeting of Thursday, July 9, 2009, be approved and adopted.

Carried.

Councillors Bentley and Smeaton requested that they be recorded as opposed to the aforementioned motion.

MOTIONS

307. Niagara Region's FCM Conference in 2014

Moved by Councillor Casselman
Seconded by Councillor Badaway

That the motion respecting the formation of a planning group for Niagara Region's FCM Conference in 2014, be deferred to the July 30, 2009 Regional Council meeting.

Carried.

BY-LAWS

308. Moved by Councillor Timms
Seconded by Councillor Baty

That the following Bills be now read and do pass:

Bill 57

A By-Law to Authorize Long-Term Financing (1-10 Years) in the amount of \$400,000 for Project ZGL0717, Emergency Equipment Replacement.

Bill 58

A By-Law to Authorize Long-Term Financing (1-10 Years) in the amount of \$300,000 for Project ZRC0928, Guide Rail Improvement Program.

Bill 59

A By-Law to accept, assume and dedicate part of Lot 1141 and 1142, Corporation Plan No. 2, in the City of St. Catharines as part of Regional Road No. 81 (St. Paul Street)

Bill 60

A By-Law to assume and dedicate part of Lot 16, Concession 6, in the City of Niagara Falls, as part of Regional Road No. 47 (Lyons Creek Road)

Carried.

CONFIRMING BY-LAW

309. Moved by Councillor Hodgson
Seconded by Councillor Badawey

That the following Bill be now read and do pass:

Bill 61

A By-law to Adopt, Ratify and Confirm the Actions of the Committee of the Whole at its Meeting held on the 9th of July, 2009.

Carried.

ADJOURNMENT

The Council meeting adjourned at 11:09 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk