

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 12-2009

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday and Friday, September 10 and 11, 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; Burroughs; Bylsma, Casselman, Cordiner; D'Angela; Gabriel; Greenwood; Heit, Henderson; Hodgson, Lepp, Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms, Trombetta.

Staff: Messrs. Trojan, Chief Administrative Officer; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner Public Works; McQueen, Operating Officer (Health); Bain, Regional Clerk; Kyne, Director Legal Services; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Lockyer, Treasurer/Director, Financial Management; Weir, Director, Administration.

CALL TO ORDER

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

CLOSED SESSION

352. Moved by Councillor Henderson
Seconded by Councillor Trombetta

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality Reconstruction of Regional Road 77 (Fourth Avenue) City of St. Catharines; a Matter in respect of which a Council, Board, Committee or Other Body may hold a closed meeting under another Act namely the Police Services Act; Matters Concerning Identifiable Individuals, Employee Negotiations and Solicitor-Client Advice; Personal Information About Identifiable Individuals – T. Roy Adams Humanitarian of the Year Award 2009; a Matter of Litigation or Potential Litigation Before the Ontario Municipal Board Appeal of Decision to Change a Condition of Draft Plan Approval for The Neighbourhood of Rolling Meadows Subdivision City of Thorold and Matters Concerning Identifiable Individuals, Employee Negotiations and Solicitor-Client Advice (Associate Medical Officer of Health Positions).

Carried.

CLOSED SESSION, RISE AND REPORT

353. Moved by Councillor Rigby
Seconded by Councillor Baty

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

Staff: Messrs. Trojan, Chief Administrative Officer; Bergsma, Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Hutchings, Commissioner, Community Services; Brothers, Commissioner Public Works; McQueen, Operating Officer (Health); Bain, Regional Clerk; Kyne, Director Legal Services; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Lockyer, Treasurer/Director, Financial Management; Weir, Director, Administration; Steele, Associate Director, Strategic Business Management; Hughes, Associate Director, Transportation Engineering; Pilon, Associate Director, Service Quality & Improvement; Diakow, Director, IT Solutions; Ms. Papaiz, Senior Manager, Corporate Communications; Ms. Eashak, Human Resources Advisor.

ADOPTION OF THE AGENDA

354. Moved by Councillor Martin
Seconded by Councillor Saracino

That the order of the agenda be amended to permit the consideration of Communication C7328 following the Presentations.

Carried.

355. Moved by Councillor Trombetta
Seconded by Councillor Lepp

That the Council Agenda CL 12-2009, be approved and adopted as amended..

Carried.

CONFLICTS OF INTEREST

356. Councillor Forster declared a pecuniary interest with respect to Report PHD 35-2009, regarding Supporting Independent Living Senior Services – Community Mental Health Program Partnership, as she is a staff member of ONA, and she therefore took no part in the discussion of, or voting on, this matter.

PRESENTATIONS

357. T. Roy Adams Humanitarian of the Year Award

Regional Chair Partington noted that this is the seventh year for the T. Roy Adams Humanitarian of the Year Award. Roy Adams was a colleague and a dear friend. Regional Council presents this memorial award in Roy Adams' name to honour a resident of Niagara who best exemplifies Roy's values and dedication to community service; a person who sees volunteerism as an integral part of their life.

Roy served as Mayor for the City of St. Catharines from 1976 to 1985, and as a Regional Councillor from 1988 to 2002. He was not only a dedicated Mayor and Regional Councillor, but also a devoted volunteer to community service. Regional Council could always count on Roy to be there. He approached everyone the same, and was a friend to all who knew him.

Unfortunately, Pearl, Bill, and Cathy Adams were unable to attend the presentation; however, they extend their congratulations to this year's recipient.

Councillor Rigby, Chair of the 2009 Adjudication Committee noted that the committee carefully reviewed the nominations for each of the outstanding candidates before deciding on this year's Humanitarian of the Year.

Councillor Rigby expressed his gratitude and appreciation to the members of this year's Adjudication Committee: Councillors Casselman and Marshall and regional staff members Dan Pilon, Jane Beamer, Elaine Aldridge and Margaret Milligan.

Councillor Rigby and Councillor McMullan were please to announce that the committee has selected William Craine as this year's recipient of the T. Roy Adams Humanitarian of the Year Award.

William first started volunteering 28 years ago. To be more effective, he took correspondence and night school classes to become an Addictions Counsellor and has spent many hours counselling people in the Niagara Region. He is always willing to share his knowledge and treat everyone with dignity and respect. William was nominated by the Niagara Detention Centre for his dedication and willingness to go above and beyond expectations.

William has worked tirelessly for:

- The Niagara Detention Centre; representing Alcoholics Anonymous and Pathways to Peace to assist inmates with addiction or anger management issues.
- Pathways to Peace Anger Management Programs; facilitating group sessions for members of the community with anger management issues. He has increased the program in Niagara from one to three groups to better serve a more diverse population.
- Drug Awareness Committee of Niagara; teaching drug awareness.
- Bry-lin, Bethlehem Place and Mainstream as an addictions counsellor

Councillor Rigby noted that having had the privilege of knowing and working with Roy Adams, Regional Council can think of no greater tribute to William than to extend this very prestigious award on behalf of the people of Niagara.

CORRESPONDENCE

358. Moved by Councillor Martin
Seconded by Councillor Saracino

That Correspondence Item C7328, a letter from Carolyn Kett, Town Clerk, Town of Fort Erie (August 11, 2009) requesting support of the Moratorium Call by Ontario Medical Association to Halt Major Health Care Restructuring Decisions, be received and supported ***as amended by removing the original section beginning with Now Therefore be it resolved (contained in the letter) and by revising the last paragraph to make reference to the Rural and Northern Health Care Panel's Report.***

Carried.

Regional Council recessed at 7:37 p.m. to reconvene the Committee of the Whole meeting.

Regional Council reconvened at 10:47 p.m.

CURFEW EXTENSION

359. Moved by Councillor Rigby
Seconded by Councillor Badawey

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

Carried.

Regional Council recessed at 10:47 p.m. to reconvene the Committee of the Whole meeting.

Regional Council reconvened at 11:47 p.m.

REGIONAL CHAIR'S REMARKS

360. Regional Chair Partington took some time to provide a few comments on some of the recent announcements and events that have occurred over the last few weeks in the Niagara Region.

On Thursday September 3rd the Regional Chair was very pleased to hold the 12th Annual Niagara Regional Chair's Golf Tournament held at Legends on the Niagara. Regional Chair Partington thanked Regional Council for its support. In particular, he thanked Regional Councillors for participating in this year's event: Mayor Augustyn, Lord Mayor Burroughs, Mayor Bentley, Councillor Greenwood, Mayor Goulbourne, Mayor Hodgson, Councillor Marshall, Mayor Martin, Mayor Salci and Councillor Zimmerman. Proceeds of this year's tournament will again go to support two outstanding organizations, namely the Boys and Girls Club of Niagara and Prokids. Thank you to everyone for making this year such a great success, and he us looking forward to seeing everyone again next year on Thursday September 9th, 2010.

On September 3rd Niagara Region was pleased to welcome Prime Minister, Stephen Harper to our region to tour the construction site of the new Niagara Convention and Civic Centre, the Queenston-Lewiston Bridge and the Shaw Festival Theatre. The federal government invested \$35 million to the Niagara Convention and Civic Centre, \$62 million towards the second phase of expansion on the Queenston-Lewiston Bridge and \$2.1 million towards the promotion of the Shaw Festival in Niagara-on-the-Lake. Stephen Harper acknowledged that each of these investments in Niagara will create jobs and opportunities for the residents and visitors to the Niagara Region.

On September 4th Minister Bradley and Niagara MPP Kim Craiton announced the start of the Highway 406 construction in Niagara Region. Regional Chair Partington was pleased to join Mayor Goulbourne, Mayor D'Angela, Mayor Augustyn, Mayor Badawey in officially breaking ground on this very important highway extension. As Council is aware, the 406 expansion has been one of my top priorities since becoming Chairman and I am pleased that the construction for this most recent expansion is now underway.

On behalf of Regional Council, Regional Chair Partington thanked Bob Newhouse from Walden Gardens of Wainfleet for the plants that adorned Council Chambers, which will be donated to Linhaven in St. Catharines.

APPROVAL OF MINUTES

361. CL 11-2009

Moved by Councillor Bylsma
Seconded by Councillor Trombetta

That Report CL 11-2009, being the minutes of the Proceedings of Council of Thursday, July 30, 2009, be approved and adopted.

Carried.

CORRESPONDENCE (Continued)

362. Moved by Councillor Salci
Seconded by Councillor Goulbourne

That Communications C7319 to C7321; C7323 to C7325; C7329 and C7331 to C7334 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7319 Card of thanks from the Finnerty family for the kind donation to Heart and Stroke Foundation in memory of Glenn Finnerty, an employee of the Public Health Department.

Received.

C7320 Card of thanks from the Clement family for the kind donation to St. Mark's Anglican Church in memory of Harold Clement, a former Regional Councillor.

Received.

C7321 A letter from Minister Jim Watson, MPP, Ministry of Municipal Affairs and Housing (July 30, 2009) to Mayor Bill Hodgson, Town of Lincoln respecting the uploaded social-program costs.

Received.

C7323 A letter from Minister Jim Watson, Ministry of Municipal Affairs and Housing (August 24, 2009) respecting the Provincial-Municipal Fiscal and Service Delivery Review Update,

Received.

C7324 A thank you note from Jenny-Lind Poulin, a Regional Chair's Bursary finalist.

Received.

C7325 A thank you note from Lucille Coleman, a recent Niagara Region retiree.

Received.

C7329 A card of thanks from Doris Raby an employee of the Integrated Community Planning Department for the kind donation to the Canadian Cancer Society in memory of her brother Jean Guy Raby.

Received.

C7331 Card of thanks from the Agnew family for the kind donation to Juravinski Cancer Centre in memory of Barry Agnew, an employee of the Public Works Department.

Received.

C7331 Card of thanks from the Agnew family for the kind donation to Juravinski Cancer Centre in memory of Barry Agnew, an employee of the Public Works Department.

Received.

C7332 A thank you letter from Minister Madeleine Meilleur, Ministry of Community and Social Services (September 2, 2009) for informing her of the wonderful initiatives that Niagara has established to increase prosperity for families.

Received.

C7333 A letter from Minister Jim Watson, MPP, Ministry of Municipal Affairs and Housing (August 25, 2009) respecting the 2009 reporting requirements for the Municipal Performance Measurement Program (MPMP)

Received.

C7334 A letter from Minister Jim Watson, Ministry of Municipal Affairs and Housing; Christine Norris, President, Association of Municipal Managers, Clerks and Treasurers of Ontario; Peter Hum, President, Association of Municipalities of Ontario (August 26, 2009) respecting Local Government Week, October 18-24, 2009.

Received.

Carried.

363. Moved by Councillor Heit
Seconded by Councillor McMullan

That Correspondence Item C7322, Memorandum from Kevin Bain, Regional Clerk (September 4, 2009) respecting the motions regarding the vacant seat on Regional Council, be received and the following motions be adopted:

a) Whereas Regional Councillor Michael Collins passed away on July 24, 2009;

Whereas Regional Council must declare his seat vacant no later than the Regional Council on September 10, 2009;

Therefore be it resolved that the seat held by Michael Collins, Regional Councillor for the City of St. Catharines, be declared vacant.

b) Whereas Regional Council has declared the seat of Michael Collins, Regional Councillor for the City of St. Catharines, to be vacant; and

Whereas Regional Council must fill the vacant seat by either appointing a person who has consented to accept the office if appointed or, require a by-election to be held to fill the vacancy; and

Whereas in the spirit of collegiality, Regional Council seeks the advice of the Council of the City of St. Catharines as to their preferred method of filling the vacancy, before it makes a decision.

Therefore be it resolved that the Council of the City of St. Catharines be requested to advise this Council of its preferred method of filling the vacancy on Regional Council by September 30, 2009.

Carried.

Conflicts of Interest

Councillor Gabriel declared an indirect pecuniary interest with respect to Communication C7326, a letter from Doug Reycraft, Chair, Community Schools Alliance/Mayor, Municipality of Southwest Middlesex (August 27, 2009) requesting Niagara Regional Council's support the Community Schools Alliance resolution, as he is employed by Niagara District Catholic School Board, and he therefore took no part in the discussion of or voting on these matters.

Councillor Katzman declared an indirect pecuniary interest with respect to Communication C7326, a letter from Doug Reycraft, Chair, Community Schools Alliance/Mayor, Municipality of Southwest Middlesex (August 27, 2009) requesting Niagara Regional Council's support the Community Schools Alliance resolution, as she is employed by the District School Board of Niagara, and she therefore took no part in the discussion of or voting on these matters.

364. Moved by Councillor Burroughs
Seconded by Councillor Henderson

That Correspondence Item C7326, a letter from Doug Reycraft, Chair, Community Schools Alliance/Mayor, Municipality of Southwest Middlesex (August 27, 2009) requesting Niagara Regional Council's support the Community Schools Alliance resolution, be received and supported.

Carried.

365. Moved by Councillor McMullan
Seconded by Councillor Heit

That Correspondence Item C7327, a letter from Susan Dods, Acting Deputy Clerk (August 5, 2009) respecting the City of St. Catharines' Council resolution with respect to the Regional 2010 Water and Wastewater Budget, be received and referred to staff for consideration and report back to the Integrated Community Planning and Public Works Committee.

Carried.

366. Moved by Councillor Badawey
Seconded by Councillor Burroughs

That Correspondence Item C7330, a memorandum from Kevin Bain, Regional Clerk (September 4, 2009) respecting the appointment to the Niagara Escarpment Commission, be received; and

That the Council of The Regional Municipality of Niagara submit the names of Councillors Baty, D'Angela and Hodgson to the Minister of Natural Resources as candidates for consideration for the one available position for appointment to the Niagara Escarpment Commission.

Carried.

COMMITTEE REPORTS

INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

367. Report 11-2009

Moved by Councillor Rigby
Seconded by Councillor Smeaton

That Report 11-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, September 2, 2009, be approved and adopted.

368. Moved by Councillor Hodgson
Seconded by Councillor Bentley

That Report PWA 89-2009 (CSD 121-2009), September 2, 2009, respecting Niagara Airport Study, be lifted and dealt with separately at this time.

Carried.

369. Niagara Airport Study
PWA 89-2009 (CSD 121-2009)

Moved by Councillor Hodgson
Seconded by Councillor Heit

That Report PWA 89-2009 (CSD 121-2009), September 2, 2009, respecting Niagara Airport Study, be deferred to the October 1, 2009 Regional Council meeting.

Defeated.

Upon a vote being taken, the original motion respecting Report PWA 89-2009 (CSD 121-2009), was carried.

Upon a vote being taken the original motion respecting Report 11-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, September 2, 2009, was carried.

(Refer to the Councillor Information Requests)

CORPORATE SERVICES COMMITTEE

370. Report 11-2009

Moved by Councillor Augustyn
Seconded by Councillor Badawey

That Report 11-2009, being the minutes of the Corporate Services Committee meeting of Wednesday, September 2, 2009, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

371. Report 11-2009

Moved by Councillor Casselman
Seconded by Councillor Katzman

That Report 11-2009, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, September 1, 2009, be approved and adopted.

Carried.

COMMITTEE OF THE WHOLE

372. Moved by Councillor Zimmerman
Seconded by Councillor Gabriel

That the decisions made at the Committee of the Whole meeting of September 10, 2009, be approved and adopted.

Carried.

Councillors McMullan, Heit, Timms and Rigby requested that they be recorded as opposed to the Long-Term Accommodations.

OTHER BUSINESS

373. Councillor Rigby Elected as a Member of the AMO Board of Directors

Regional Chair Partington extended his sincerest congratulations to Councillor Rigby who was elected as one of the newest members of the AMO Board of Directors.

374. "Niagara Original" Brand

Councillor Lepp in celebration of locally grown product, which produces jobs for our region and leverages the climate and agricultural way of life that is so important to our history and continued sustainability offered members of Regional Council and staff a basket of peaches.

Regional Chair Partington thanked Vineland Growers Co-operative for these peaches and specifically Councillor Lepp for his leadership in making this happen. You will also notice that the boxes, of which more than 3 million are distributed right across Canada, have made great use of our "Niagara Original" brand. This is just one example of how we are getting the word out to the world through Niagara Economic Development Corporation that Niagara is a unique and special place to live in, visit and make investments.

BY-LAWS

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

That the following Bills be now read and do pass:

Bill 69

A By-Law to Accept, Assume and Dedicate Part Lot 8, Concession 6, in the Township of Wainfleet as Part of Regional Road No. 627 (O'Reilly's Road).

Bill 70

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

Bill 71

A By-Law to Accept, Assume and Dedicate Part of Township Lot 89, Town of Niagara-on-the-Lake, as Part of Regional Road No. 81 (York Road).

Bill 72

A By-Law to Accept, Assume and Dedicate Part of Township Lot 141, in the City of Niagara Falls as Part of Regional Road No. 98 (Montrose Road).

Bill 73

A By-Law to Provide for the Adoption of Amendment 3-2008 to the Official Plan for the Niagara Planning Area to Provide Wine Country Policies.

Bill 74

A By-Law to Expropriate Lands Required for Municipal Purposes.

Bill 75

A By-Law to Appoint an Acting Deputy Clerk for the Regional Municipality of Niagara.

Bill 76

A By-Law to Establish Standing Committees.

Bill 77

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

Carried.

- 376 Moved by Councillor Cordiner
Seconded by Councillor Baty

That the following Bill be now read and do pass:

Bill 79

A By-Law to Appoint an Associate Medical Officer of Health for the Regional Corporation.

Carried.

CONFIRMING BY-LAW

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

That the following Bill be now read and do pass:

Bill 78

A By-law to Adopt, Ratify and Confirm the Actions of the Committee of the Whole at its Meeting held on the 10th of September, 2009.

Carried.

COUNCILLOR INFORMATION REQUESTS

Staff were requested to:

- request that the Airport funding flow through the Niagara Region.(Minute Item 368) Councillor Casselman
- report back on whether or not an Environmental Assessment is required for the Airport project. (Minute Item 368) Councillor Badawey

ADJOURNMENT

The Council meeting adjourned at 12:49 a.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk