

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 14-2009

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, October 22, 2009 commencing at 6:38 p.m.

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

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Baty; Bentley; Burroughs; Bylsma, Casselman; Cordiner; D'Angela; Gabriel; Garcia; Goulbourne; Greenwood; Heit, Henderson; Hodgson; Martin; Puttick; Rigby; Salci; Smeaton; Timms..

Staff: Messrs. Trojan, Chief Administrative Officer; Diakow, Acting Commissioner, Corporate Services; Robson, Commissioner, Integrated Community Planning; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Weir, Director, Administration; Roberts, Executive Officer to the Regional Chair; Ms. Elliott, Director, Human Resources Services.

CALL TO ORDER

405. Regional Chair Partington called the meeting to order at 6:38 p.m.

CLOSED SESSION

406. Moved by Councillor Rigby
Seconded by Councillor Puttick

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to a Matter of Litigation or Potential Litigation Before the Ontario Municipal Board Appeal of Decision to Change a Condition of Draft Plan of Approval for The Neighbourhood of Rolling Meadows Subdivision City of Thorold; Proposed Acquisition of Land by the Municipality and Potential Litigation Affecting the Municipality Reconstruction of Regional Road No. 89 (Glendale Avenue) City of St. Catharines, Proposed Acquisition of Land by the Municipality Reconstruction of Regional Road 87 (Lakeshore Road) City of St. Catharines and Matters Concerning Identifiable Individuals And Employee Negotiations; A Matter Concerning the Security of the Property of the Municipality – Insurance Program Renewal, A Matter of Labour Relations – Niagara Region “A Learning Organization” Supports to Learning, Education and Training; and Matters Concerning the Security of the Property of the Municipality and in respect of which a Closed meeting may be held under another Act, namely the Police Services Act (Budget Approval, Initiation and Transfers for ZPO0913 Interim 911 Backup).

Carried.

CLOSED SESSION, RISE AND REPORT

407. Moved by Councillor Rigby
Seconded by Councillor Casselman

That this Committee do now rise without report.

Carried.

Council met in regular session, commencing at 7:00 p.m. with an Invocation by Councillor Martin 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; Gabriel; Garcia; Goulbourne; Greenwood; Heit, Henderson; Hodgson; Martin; Puttick; Rigby; Salci; Smeaton; Timms, Zimmerman.

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

Staff
(Other): Messrs. Weir, Director, Administration; Roberts, Executive Officer to the Regional Chair; Steele, Associate Director, Strategic Business Management.

ADOPTION OF THE AGENDA

408. Moved by Councillor Augustyn
Seconded by Councillor Bentley

That the Council Agenda CL 14-2009, be approved and adopted as presented.

Carried.

CONFLICTS OF INTEREST

409. 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.

PRESENTATIONS

410. Border Travel Remedial Action Plan

Ms. Arlene White, Executive Director, Binational Tourism Alliance provided Regional Council with a presentation on the Border Travel Remedial Action Plan – Niagara Pilot. The presentation encompassed the current situation, the proposed solutions and a request for support and assistance.

The proposed solutions will consist of a Niagara Border Travel ID Pilot Program (\$650,000): Research & communications to visitors no longer traveling across our Niagara borders to determine all reasons for change; Get the right ID into the hands of cross-border residents and key markets with the help of other partners & Ontario Rebate Program*; Marketing & incentive programs to bring visitors back to our cross-border region; Continued lobbying for improvements to border-crossing processes by U.S. and Canadian Customs; Roll-out of successful programs to other cross-border regions along the northern border.

Regional Council was asked for assistance and support in implementing necessary remedial action steps to deal with the current border challenges and resulting impact on tourism and other industries in our community, as follows:

Letters of Support for this \$650,000 request to the Ontario Ministry of Tourism and Canadian Federal Government (\$300,000 each) from Region, Municipalities and Niagara 10

Funding Contribution towards the \$50,000 community/industry commitment to show support for this initiative – to be used for preliminary research and initial remedial action plan. Commitments required by October 30, 2009

Designated staff members to work with BTA on the initiative

Letters of Support for the Ontario Travel Rebate Program, based upon the results of the detailed research

Moved by Councillor Zimmerman
Seconded by Councillor Martin

That Ms. Arlene White's presentation respecting the Border Travel Remedial Action Plan, be received and referred to Niagara Economic Development Corporation for their tourism experience and to Community Services for impact assessment.

Carried.

(Refer to Councillor Information Requests)

REGIONAL CHAIR'S REMARKS

411. Regional Chair Partington was pleased to be back in Niagara after his brief mission to Europe with Patrick Gedge from NEDC and Mayor Brian McMullan, promoting the Niagara Region and working to cultivate new investment within our region.

The Regional Chair's office had the honour and privilege of hosting two delegations from China this week. The Regional Chair expressed his appreciation to Acting Regional Chair, Councillor Bill Smeaton for filling in for the delegation that visited the Region on Tuesday. The delegation that visited today was from the Great Wall Region who continue to demonstrate a great interest in continuing their partnership with our region. Regional Chair Partington believes that Niagara should continue to explore opportunities for partnerships at all levels with many areas/countries.

On October 9th, the Regional Chair had the pleasure of participating in the Niagara College Groundbreaking ceremony for their new 40 million dollar Health Care Institute.

Another example of the great things that are happening in Niagara as we continue to retool our economy and prepare for future needs of health care in Ontario and Canada. The Regional Chair was pleased to welcome Prime Minister Stephen Harper back to Niagara and to see that Prime Minister Harper was the first Canadian Prime Minister to visit Niagara College. Niagara College along with Brock University are opening up new doors to investment, opportunities for professional growth and breaking barriers to improve the lives of Canadians on a daily basis.

The Regional Chair noted that earlier today, Ontario Finance Minister Dwight Duncan tabled the Financial Statement for Ontario. This financial statement indicates that Ontario is still working through our economic recovery and will eventually emerge from this recovery with a larger than expected deficit. As Council and staff work toward our 2010 budget the Regional Chair would ask everyone to be mindful of our current economy and the taxpayers that we represent as we continue to deliberate.

APPROVAL OF MINUTES

412. CL 13-2009

Moved by Councillor Heit
Seconded by Councillor Burroughs

That Report CL 13-2009, being the minutes of the Proceedings of Council of Thursday, October 1, 2009, be approved and adopted.

CORRESPONDENCE

413. Moved by Councillor Hodgson
Seconded by Councillor Greenwood

That Communications C7343, C7345 to C7347 and C7349 to C7351 be dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7343 A letter from Doug Martin, Mayor, Town of Fort Erie (September 21, 2009) to Peter Van Loan, Minister of Public Safety respecting the Peace Bridge Border Crossing.

Received.

C7345 Card of thanks from Barry Robbins an employee of the Public Works Department for the kind donation to the Salvation Army Food Bank in memory of his mother Dorothy Evelyn Rorison.

Received.

C7346 A letter from Dean Iorfida, City Clerk, City of Niagara Falls (October 9, 2009) respecting the City's motion requested that the Region withhold \$21 million in funding to the Niagara Health System.

Received.

C7347 Councillor Saracino's note of thanks from the 'HEART'

Received.

C7349 A memorandum from Brian Hutchings, Commissioner, Community Services (October 20, 2009) respecting Report COM 55-2009 / CSD 140-2009, Housing Properties Purchased by the Niagara Region.

Received and referred to the consideration of Report COM 55-2009 / CSD 140-2009 – Joint Reports

C7350 A letter from Allison J. Stuart, Assistant Deputy Minister (October 7, 2009) respecting one-time funding of \$9,982 for costs incurred for IT upgrades related to tracking H1N1 immunization in your health unit during 2009.

Received.

C7351 A letter from Minister Jim Watson, Ministry of Municipal Affairs and Housing to Bill Hodgson, Mayor, Town of Lincoln (October 14, 2009) respecting Removal of Social Program Upload Costs from Municipal Budgets.

Received.

Carried.

414. Moved by Councillor Martin
Seconded by Councillor Smeaton

That Communication C7342, A letter from Doug Martin, Mayor, Town of Fort Erie (September 1, 2009) to Dwight Duncan, Minister of Finance respecting Fort Erie Thoroughbred Race Track Proposal, be received and the efforts of the Town of Fort Erie be supported; and

That the Town of Fort Erie be assisted with the arranging of a meeting with Minister Duncan respecting the Town of Fort Erie Racetrack.

Carried.

415. Moved by Councillor Zimmerman
Seconded by Councillor Puttick

That Communication C7344, A memorandum from Kevin Bain, Regional Clerk (October 22, 2009) requesting support for leaves of absence for Councillor Saracino, be received and supported.

Carried.

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

That Communication C7348, An e-mail from Josie Faccini, Family Physician Recruiter, Niagara Region (October 1, 2009) respecting the Under Services Area Program (UAP) and requesting a letter of support in the Regional Recruitment Task Force Committee's efforts to retain the incentives, be received; and

That the Regional Chair be authorized to submit a letter of support on behalf of the Regional Municipality of Niagara.

Carried.

417. Moved by Councillor Bentley
Seconded by Councillor Augustyn

That Communication C7352, A memorandum from Kevin Bain, Regional Clerk (October 22, 2009) respecting the Designation of the Council Business Planning Session on October 29, 2009 as a Committee of the Whole Meeting, be received; and

That a Committee of the Whole meeting be held on Thursday, October 29, 2009 commencing at 4:00 p.m. at the Quality Hotel Parkway Convention Centre, 327 Ontario Street, St. Catharines with respect to Inter-Municipal Transit.

Carried.

AGENCIES, BOARDS AND COMMISSIONS

418. Moved by Councillor Gabriel
Seconded by Councillor Zimmerman

That Report NRH 6-2009, respecting the Niagara Regional Housing Quarterly Report, April 1 – June 30, 2009, be received for information.

Carried.

COMMITTEE REPORTS

JOINT REPORTS

419. Housing Properties Purchased by the Niagara Region
COM 55-2009 / CSD 140-2009

Moved by Councillor Cordiner
Seconded by Councillor Baty

That Report COM 55-2009 / CSD 140-2009, October 14, 2009, respecting Housing Properties Purchased by the Niagara Region, be received; and

That this Committee recommends to Regional Council that Niagara Region Community Services, through third party agencies, utilize housing acquired by the Region for Public Works capital and other projects, to support homelessness in Niagara until such time as the property is required for the intended use.

Carried.

INTEGRATED COMMUNITY PLANNING AND PUBLIC WORKS COMMITTEE

420. Report 13-2009

Moved by Councillor Smeaton
Seconded by Councillor Henderson

That Report 13-2009, being the minutes of the Integrated Community Planning and Public Works Committee meeting of Wednesday, October 14, 2009, be approved and adopted.

Carried.

421. Reconsideration of Report PWA 79-2009, The Next Collection Contract – Opportunities to Increase Waste Diversion and Improve Efficiencies

Moved by Councillor Baty
Seconded by Councillor Augustyn

That the reconsideration of the matter approved at the July 22, 2009 Integrated Community Planning and Public Works Committee meeting, and ratified by Council on July 30, 2009 respecting Report PWA 79-2009, The Next Collection Contract - Opportunities to Increase Waste Diversion and Improve Efficiencies, be deferred to the November 12, 2009 Regional Council meeting.

Carried.

CORPORATE SERVICES COMMITTEE

422. Report 13-2009

Moved by Councillor Augustyn
Seconded by Councillor Garcia

That Report 13-2009, being the minutes of the Corporate Services Committee meeting of Wednesday, October 14, 2009, be approved and adopted.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

423. Report 13-2009

Moved by Councillor Casselman
Seconded by Councillor Bentley

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

Carried.

COUNCIL ORGANIZATION REVIEW COMMITTEE

424. Report 3-2009

Moved by Councillor Baty
Seconded by Councillor Timms

That Report 3-2009, being the minutes of the Council Organization Review Committee meeting of Monday, October 5, 2009, be approved and adopted.

Carried.

BUDGET REVIEW COMMITTEE OF THE WHOLE

425. Report 3-2010 Budget

Moved by Councillor Martin
Seconded by Councillor Rigby

That Report 3-2010 Budget, being the minutes of the Budget Review Committee of the Whole meeting of Thursday, October 15, 2009, be approved and adopted ***as amended by noting that the St. Catharines-Thorold Chamber of Commerce had made a request to speak at the meeting.***

Carried.

OTHER BUSINESS

426. People Mover Funding

Councillor Puttick advised Regional Council that the \$25M in funding for the people mover was acquired approximately nine years ago, not within the last week.

427. Kudos to Ken Brothers, Commissioner, Public Works

Councillor Badawey extended his appreciation to Mr. Brothers for his letter of October 20, 2009, which addressed the concerns of the City of Port Colborne with respect to the Seaway WasteWater Treatment Plant; the Main Street Gateway Improvement Plan and the Killaly Street West Reconstruction to Urban Arterial Road Design.

Councillor Badawey thanked Mr. Brothers for his response and his sincerity.

428. H1N1 Virus - Update

Dr. Williams provided Regional Council with an update on the H1N1 Virus, which is currently passing through our community.

Dr. Williams encouraged individuals in the Priority groups, which are individuals under the age of 65 with chronic medical conditions; pregnant women greater than twenty weeks or pregnant women at any stage with other medical conditions; children six months to five years of age; health care workers involved in pandemic response or delivery of essential health care services; first responders; poultry and swine workers; and household contacts and care providers of persons of high risk who cannot be immunized or may not respond to vaccines such as infants less than six months of age and persons who are immunocompromised, to be immunized as soon as possible.

Regional Council was provided with the H1N1 Flu Immunization Clinics that are being offered through Niagara Region Public Health.

Individuals were also encouraged to visit www.niagararegion.ca or call the H1N1 Flu Virus Information Line at 904-688-8248 ext. 7950 or 1-888-505-6074 for further information.

429. 'Stop Family Violence'

Councillor Baty informed Regional Council that the Task Force members met with Minister Fonseca and they were informed that there was no need to wait for the requirements for what employers are required to do, as those requirements are embedded in the legislation itself.

430. Niagara Economic Development Corporation

Councillor Puttick provided Regional Council with the details of some of the dealings he and others have had with the Niagara Economic Development Corporation, noting that its time for Niagara Region to look at the way we are doing economic development.

Council members noted that it may be time to look at the way we are doing economic development in Niagara Region and that it may be the governance structure that needs to be reviewed, as a new model may need to be put in place.

431. 8th Annual Canal Bank Shuffle, Thorold

Councillor D'Angela invited everyone to attend the 8th Annual Canal Bank Shuffle taking place from October 22-24, 2009, downtown Thorold. Please visit www.canalbankshuffle.com for further information.

BY-LAWS

432. Moved by Councillor Bylsma
Seconded by Councillor Goulbourne

That the following Bills be now read and do pass:

Bill 85

A By-Law to Authorize Long-Term Financing (1-25 Years) in the Amount of \$69,700,000 for Project ZPO0509, Long Term Accommodations.

Bill 86

A By-Law to Provide for the Closing and Stopping Up of Part of Regional Road No. 70 (Taylor Road), Niagara Falls and to Authorize the Sale Thereof.

Bill 87

Being a By-Law to Amend By-Law No. 3521-84 Being a By-Law Concerning Health Services in the Regional Municipality of Niagara

Carried.

433. Moved by Councillor Henderson
Seconded by Councillor Smeaton

That the following Bills be now read and do pass:

Bill 89

A By-Law to Authorize the Execution of a Memorandum of Understanding (MOU) for a Feasibility Study Entitled "Common Rate Structure for Niagara's Water and Wastewater Systems" (Review) with the Area Municipalities with the exception of the Township of Wainfleet

Bill 90

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

Carried.

CONFIRMING BY-LAW

434. Moved by Councillor Garcia
Seconded by Councillor Augustyn

That the following Bill be now read and do pass:

Bill 88

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

Carried.

COUNCILLOR INFORMATION REQUESTS

Regional Council requested that the members of the Niagara Economic Development Corporation Board of Directors, take into consideration the creation of an institutional framework that would benefit both sides, and ensure that we are not duplicating efforts but that we have a concerted effort and a framework going forward. (Refers to Minute Item 410) Zimmerman

ADJOURNMENT

The Council meeting adjourned at 8:47 p.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk